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SENATE—*Wednesday, November 6, 1991*

(Legislative day of Tuesday, October 29, 1991)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. AKAKA].

PRAYER

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

Let us pray:

The eternal God is thy refuge, and underneath are the everlasting arms.—Isaiah 33:27.

Eternal God, infinite in nature and attributes, the wise words of the prophet Isaiah speak to the need of each of us. Great as the conflicts which surround us, far greater the conflict which rages within us. We handle external battles with some effectiveness, but the inward struggle refuses to yield to our most noble efforts. We are like prisoners bound by the limited, finite walls of the temporal and the material. With no light from the outside we struggle in darkness within.

Gracious Father, help us to see the need of our inner selves—our spirits. Forgive us when we satiate our bodies and starve our souls. Like blind people in a tunnel closed at both ends, we grope and stumble for inner direction, yet we will not open our hearts to eternity. Deliver us, God of light and life, from the terrible bondage of pride which will not acknowledge need, and guilt which, when suppressed, festers and weakens resolve and action. Help us to understand Isaiah and turn to the One who is our refuge, whose everlasting arms sustain us inwardly.

In the name of Jesus who loved us and gave Himself for us. Amen.

RESERVATION OF LEADERSHIP TIME

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, under the previous order, there is now to be a period for morning business with the first hour under my control, or that of my designee. I now designate Senator FORD to control the time during that first hour.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein, with the time until 11:30 a.m. to be controlled by the designee, Senator FORD. The Chair recognizes the Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, I yield 10 minutes to the distinguished Senator from Massachusetts [Mr. KENNEDY].

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

COMPREHENSIVE HEALTH CARE

THE PENNSYLVANIA ELECTION

Mr. KENNEDY. I thank the Senator. Mr. President, HARRIS WOFFORD'S dramatic win in the Pennsylvania Senate campaign makes clear that the American people want comprehensive health care reform, and they want it now. As Muhammed Ali used to say, his opponents can run but they cannot hide. George Bush may still prefer to run from the issue of health care, but the American people will no longer let him hide.

We face a crisis in health care, and the country needs a solution. Too many Americans are uninsured or underinsured. Thirty-four million fellow citizens have no health insurance whatever. Sixty million more have insurance that even the Reagan administration admitted was inadequate.

Too many Americans do not get the health care they need, when they need it. Too many more do not even seek health care, because they know they cannot afford it. Too many others live only one serious illness away from financial ruin, because of the high cost of health care.

Even the majority of insured Americans fear that the coverage they have today will not protect them tomorrow. And with good reason. Businesses are cutting back on coverage, as the economy declines. Insurance companies are becoming more insistent on insuring only the best risks. No family is safe from rising prices and the loss of coverage. More and more Americans are one job loss, one job change, one management decision, or one serious illness away from the ranks of the uninsured.

Soaring costs are pricing health care out of reach of average families, and imposing excessive burdens on American businesses struggling to compete in world markets.

In the past 10 years, the amount that average Americans pay for health care has almost tripled. No wonder a quarter of our fellow citizens now say they have put off seeking medical care because of high costs.

We spend more than any other country in the world on health care, far more than our major competitors. We spend 40 percent more than Canada, twice as much as Germany, and more than twice as much as Japan. Yet, the American people are more dissatisfied with their health care system than those of any other developed country.

These concerns have been boiling for many years, and they finally boiled over in Pennsylvania. One of the central issues in Senator WOFFORD'S campaign was the need for comprehensive national health insurance to guarantee coverage for every American, and bring health costs under control.

The people of Pennsylvania responded overwhelmingly to that mes-

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

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sage—and the people of other States will, too. Band-Aids and delay are no longer acceptable. The voters of Pennsylvania have spoken, and they have spoken for the Nation. The Keystone State has become the cornerstone for action on health care at last.

The Pennsylvania election was also a referendum on one other major issue—the economy. The people of that State, like citizens across the country, know that the Bush administration had led the Nation into a dead end of no growth and alarming decline.

The recession that the administration said would be short and shallow drags on—long and deep. Although GNP may have risen slightly in the last quarter, many economists now feel that we are slipping back into recession. New homes sales are down. Consumer confidence has plummeted to levels not seen since the 1982 recession, reflecting what the American people know—the economy in is deep trouble.

The Bush administration has compiled the worst record on economic growth of any administration since World War II. And what do they offer as their prescription for recovery? Trickle-down economics; capital gains tax cuts that benefit the rich.

We have tried that remedy before. It was called supply-side economics under Ronald Reagan. It did not work then, and it will not work now. It gave the most to the wealthy. It shifted more of the tax burden onto middle-class and working families. It sent the Federal deficit into orbit—to the highest levels in history.

This administration does not care about domestic policy. They have neglected the economy, and the whole country is paying the price.

After months of ignoring economic data, the President finally saw a number that concerns him—his collapsing rating in the polls. Unfortunately, the American people are now being subjected to a public relations campaign to improve the image of the administration, rather than a substantial effort to improve the economy.

Nowhere is their lipservice more evident than in the administration's treatment of unemployment benefits. After two successive vetoes of bills to provide help, the President started to issue sound bites expressing concern for the unemployed about how he wanted extended benefits. Those benefits would have been extended last August, if the President had approved the legislation Congress passed.

Unemployed workers cannot use sound bites and public relations to feed their families and pay their mortgages. They need jobs. They need unemployment benefits to tide them over now. Most of all, they need leadership in Washington to end this recession and get this country back on the right track.

That was the message to Washington from the voters of Pennsylvania. It is time for national health insurance. It is time for a new economic policy that is fair to the vast majority of Americans, that rebuilds our economy for the future, that does not bankrupt the middle class so that the rich can become richer, and that extends a helping hand to the unemployed and others in need.

Mr. WOFFORD is coming to Washington, and he is bringing an urgent message with him.

Democrats in Congress heard that message, and we intend to act. The real questions are: Is anyone listening in the Republican Party? Is anyone home at the White House?

Mr. FORD. Mr. President, I yield up to 5 minutes to my distinguished colleague from South Dakota.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. DASCHLE. I thank the distinguished Democratic whip.

FAIRNESS FOR MIDDLE-CLASS TAXPAYERS

Mr. DASCHLE. Mr. President, as the distinguished Senator from Massachusetts has just indicated, many Americans throughout the country awoke to a new message this morning, a new realization that there are middle-class people who very deeply need to be heard in Washington, who no doubt awoke also asking themselves, "Who is HARRIS WOFFORD?"

Middle-class Americans in California, in Colorado, Kentucky, and Massachusetts, and my State of South Dakota, probably wondered why an election in Pennsylvania should have any bearing on their daily lives. But the reason is simple. Even though he was running for the Senate in Pennsylvania, HARRIS WOFFORD spoke for fairness for the middle-class taxpayers all across America. Fairness for those Americans seeking to control runaway health care costs, because they are concerned about meeting their basic health care needs. Fairness for Americans concerned about educational excellence available to their children, too.

HARRIS WOFFORD will be sworn in for a full term as Pennsylvania's Senator because he stood for what is important to those Americans who have been ignored by the Reagan and the Bush administrations. He successfully made the case that this administration's domestic agenda is lagging behind and that it is time for the President to begin to focus on the needs of Americans rather than those of the nations across the globe, especially now as he travels once again this morning to Rome.

The people of Pennsylvania sent the White House a wake-up call last night. They said they wanted middle-class tax fairness. They said they had enough of the 1980's style handouts to the rich. They said their standard of living has decreased, that it is becoming more and more difficult to pay for the education of their children.

They told the White House that health care problems have invaded the middle class and they expect leadership from Washington to solve this crisis. And while the administration is telling Americans to hold on, that they may come up with a health care program "at some time in the future," Pennsylvanians told the White House what South Dakotans tell me every day: We want national health care policy and we want it now.

Senator WOFFORD clearly laid out the problem for Pennsylvanians when he told them that our health care system simply does not work for the majority of our citizens. And the solution is clear as well: We need fundamental health care reform in the form of a national health care plan.

Instead of being scared off by his calls for a national health care plan, as many inside the Beltway observers had warned, the citizens of Pennsylvania flocked to support Senator WOFFORD's call for an overhaul of the entire system. To those who asserted that incremental reform was more than adequate, they said, "Steps are not enough. Comprehensive reform is what we have to have."

For all Americans, regardless of location, this is an important day. And today HARRIS WOFFORD is more than just one Senator among 100. He has helped to focus the national attention on the agenda that Senate Democrats have been talking about here for a long period of time: for middle-class tax fairness; for comprehensive health care reform aimed at controlling costs; for a program to ensure that all Americans, regardless of income class, receive the most comprehensive educational program possible.

I truly hope the White House will begin to heed the wake-up call of the people of Pennsylvania and, for that matter, the people all across this Nation. It is time to put away the luggage and the veto pen and get to work addressing the problems facing the people of America.

I yield the floor.

Mr. FORD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Democratic whip, the Senator from Kentucky.

Mr. FORD. I yield myself as much time as I might use.

WEARINESS OF FAILED POLICIES

Mr. FORD. Mr. President, I have heard a lot in the last few hours from about 11 o'clock last night and at breakfast this morning and in meetings I have attended that yesterday was an unusual day, an unusual day.

Well, there is nothing unusual about yesterday. The people of America began to speak, and they spoke under the Constitution of this great Nation that the people shall govern and the

people's voice shall be heard. I believe it was Hamilton who said that in these Halls, referring to Congress, the people's voice shall be heard by their immediate representative. So yesterday, in my opinion, was not an unusual day. It was just the American people exercising their God-given right.

Mr. President, Americans are weary of the failed policies of this and the past administration. They are weary of waiting for action on the issues closest to their needs—better health care, reduced unemployment, unemployment benefits, job security, education. These are the things the American people want.

Mr. President, yesterday the people of Pennsylvania spoke. Oh, we are going to hear a spin on it today: New Jersey, there is an antitax revolt in New Jersey. Democrats have been in, Republicans are going to win. There was no question about what was going to happen yesterday. They are going to talk about a congressional seat. Well, that congressional seat is going to be redistricted out. It will not be here next year. There is going to be a spin put on yesterday, but the people spoke.

A cross section of this great land of ours came together in overwhelming numbers, a large percentage, and said we want a change. They rejected the policies of this administration. They rejected the priorities of this administration, the priorities of giving billions in handouts to foreign governments but not seeing to the needs of our own unemployed right here in America.

The people of Pennsylvania rejected the hand-picked candidate of the administration and instead returned HARRIS WOFFORD to the Senate.

Let us go back a minute to the first political poll that was taken in Pennsylvania. There were 44 points between former Governor and former Attorney General Richard Thornburgh and HARRIS WOFFORD—44 points HARRIS WOFFORD was down.

But in that poll there was a question. It said: HARRIS WOFFORD stands for this, which he enunciated in his campaign. It said: Richard Thornburgh stands for this, which is the administration's program. If the vote was today, for whom would you vote?

Well, lo and behold, the 44 points were wiped out—37 points for HARRIS WOFFORD, 37 points for Richard Thornburgh, 8 leaning to WOFFORD and 5 leaning to Thornburgh. The message was there then, Mr. President.

I am sure others were taking polls similar to that. But the Pennsylvania Senate race can only be viewed as a direct rejection of the policies of this administration. Senator HARRIS WOFFORD came from 44 points behind to win an election in less than 3 months. Believe you me, this is the beginning of a ground swell of resentment, of anger and weariness with the Republican policies of the last 11 years.

I will mention a name that is not mentioned around here very much. I am going to mention Jimmy Carter. When Jimmy Carter left office, the Federal budget deficit was $73.8 billion, and the total national debt at that time was $908.5 billion. After 11 years of a Republican White House, the Federal budget deficit is nearing $300 billion a year and going up, and the national debt has swelled to nearly $4 trillion.

Let us think about Jimmy Carter one more time. Say what you may about Jimmy Carter, but in the first 8 months of this year, January through August of 1991, the Bush budget deficit exceeded the cumulative budget deficit for Carter's entire 4 years. It is significant, is not it? I think so. I believe the people of this country believe it.

Let us think about another fact. It takes 40 percent of our income tax revenues, almost half of our income tax revenues, just to pay the interest on the national debt. It takes all of the taxes paid by people west of the Mississippi, if you want to put it in another direction, just to pay the interest on the debt. During the Reagan-Bush years, this Nation went from the largest creditor nation in the world to the largest debtor nation. How long did it take? Seven short years.

Where did this Republican philosophy take the American people? In the past year more than 2 million jobs have been lost. Unemployment is the highest it has been in 5 years. Over 8.6 million Americans are out of work through no fault of their own and 400,000 Americans applied for unemployment benefits just this last month.

We are sending almost $17 billion to 47 foreign countries. And we will not even help Americans. The majority leader stood right here and said let us just freeze foreign aid. Do not cut them any. Just do not give them any more. And we can by that savings pay the extended unemployment benefits to Americans. Think about that a little bit.

This year, 3 million jobless Americans will lose every source of income. They will be forced to dip into their savings, if they have any left. They are going to risk losing their homes, losing their cars, risk losing everything they worked so long for.

Here is an intolerable number, a number that should never happen: 37 million Americans have no health insurance. And 54 percent of the 37 million Americans are working full time. And all the jobs that have been created are so-called service jobs; fast foods and minimum wage.

During these 11 years, Mr. President, the rich have gotten richer while the poor and middle class get poorer. The top fifth—think about this now—the top one-fifth of working Americans took home more money, more pay, than the other four-fifths put together. So the top 20 percent took home more money than the other 80 percent of Americans.

The American people in my opinion are saddlesore. And the people of Pennsylvania just happened to have the ability to be the first to say something about it. The people of Pennsylvania had a clear choice: to affirm the failed policies of the last 11 years, or to embark on a new era of Democratic leadership and commitment to taking care of the needs of American families. The people of Pennsylvania spoke loud and clear for the man and for the party who is committed to putting the needs of American families first; for the man and the party that has a plan for restoring economic growth and prosperity for this Nation.

Just last week the distinguished majority leader of this Senate, Senator MITCHELL of Maine, outlined the economic growth plan for putting America first. We Democrats know what this Nation needs for growth.

I will tell you. If you have a wet pen, that is a veto, and 34 Republicans that will stand fast, the President of the United States runs Congress. That is where the problems have been; no cooperation, no one to work together.

Well, maybe, just maybe, last night got through that shield of Sununu and Darman and others at the White House because the President has canceled his next foreign trip. It is about time he stayed home and started working with his people, working with us to try to get us back in economic stability and on the right track.

One hundred percent of the American people, almost, understand we are off the right track.

What did Senator MITCHELL say about the program to get America back on a right track? He said a cut for middle-income families. Boy, do they need it. And we are trying. We have started.

Somebody said the other day, you all cannot get together. You have two or three programs. That is more than they have. When has the White House sent a program down here to get us back on the economic path?

We have three to choose from. We will put it together. We are going to help the American people.

We need incentives, the majority leader said, to help first-time home buyers reach the American dream of owning their own home. If you can buy a home how many people do you help? Start ticking them off: the carpenter, the electrician, the plumber, the concrete man, the appliance dealer, the rugs. You just name them. If you buy a new home you help a lot of people, and you give a stability to that new family.

The majority leader said an interest rate and credit policy that gives business the capital it needs to expand, create jobs, and stimulate the economy—not send another $10 billion or $20 billion to some country overseas because

they stopped fighting and we want to rebuild them. Let us start rebuilding America.

The majority leader said we need a transportation bill that will restore our transportation infrastructure. We have a $7 billion surplus. Let us start spending some of it in a prudent way. Let us start spending some of it.

And by the way, we have an $8 billion surplus in the airport improvement trust fund. Why not start building some additional runways, make it safer in the sky, so we can have good air transportation? Help these small communities so they can have corporate jets come in and have an opportunity to get new industry into their communities.

The majority leader talked about an unemployment insurance system that keeps its promise to American workers who lost their jobs through no fault of their own and who have exhausted the unemployment benefits.

The American people want results, not campaign rhetoric and slogans. We Democrats stand ready to work with this administration to solve the pressing needs of the people. I just cannot believe that those on that side have gone home and listened to their people and do not feel strongly about wanting to help, but are restrained because they are good soldiers. They are good Republicans.

Well, that is fine. But at some point we have to push aside party labels, and we have to start working for the American people. We need to sit down and find out what we can do first, what we can do second, and move forward to help the people we represent.

I repeat, the Democrats stand ready to work with this administration to solve the pressing needs of our people. But as long as the President puts foreign policy ahead of domestic policy for Americans, the cries of Americans will go unheeded.

As long as this President is more interested in being a world President than being President of the United States of America, the needs of our people will go unanswered. As long as the President has a wet pen, which is a veto, and 34 Republican votes in the Senate, the basic necessities of jobs, affordable housing, access to health care, quality education, economic security will go unmet.

These are the issues, Mr. President, issues that American families want us to address. They are tired of empty promises and hollow assurances. President Bush promised to create—think about this now—he promised, in running for President, to create 30 million jobs, 30 million jobs in 8 years. To date, only 260,000 have been created, and they are minimum wage. This is an average of 86,000 jobs a year. At that rate, it will take 348 years to reach President Bush's 30 million jobs mark—348 years. Take away the 3 years he has been in office already, and you have 345 years to go.

Mr. President, the American people do not have 345 years to wait. We are here being pushed to support a free trade agreement with Mexico, when they are paying people down there 57 cents an hour, and our industry moves to Mexico, Mexico City, the most polluted city in the world. Our small businessmen stay here. They have to comply with the EPA and OSHA and all of the standards. Yet, we are saying, let our factories go down there, pay 57 cents an hour, ship the products back up here, and let us buy them. With what? We do not have the jobs and the economy.

So there is a message; yesterday, the American people began to speak, and it is time that we put aside party labels and start working to solve the problems of Americans.

You know, you travel around a lot in your own State, and I do in mine, and during the August recess I was in a small community in west Kentucky, sitting on a front porch, eating a candy bar, and drinking a Coca-Cola and talking to the farmers there.

I turned around and looked at one farmer and I said, "Do you have any suggestions for a fellow like me that is up there trying to do a job and having a hard time?"

He looked at me and he said, "Wendell, I do not mind you all sending these ships up into space, getting all of that information, but I want to tell you, you better get your launching pad in order. You better get your launching pad repaired."

What he is telling me is that we ought to get our economy in this country in order while other industrial countries of the world are moving ahead.

Mr. President, I yield the floor, and I yield to the distinguished Senator from Illinois 5 minutes.

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

HEALTH CARE

Mr. SIMON. Mr. President, I thank my colleague, the majority whip. I do not have his eloquence, but his blunt talk about where we are and the need to face our problems, I think, was underscored by what happened in Pennsylvania last night. The election in Pennsylvania was a tribute to a good, decent, progressive human being, HARRIS WOFFORD. But it was also more than that.

And if there was one issue that came through strong and clear in that election, it was the issue of health care. We have problems in our country. I am going to be introducing a bill next week that covers one part of the problem, and that is long-term care. I recognize that we are not going to get the kind of total package that the Nation needs at this point, but I hope we can at least do something there.

Only two industrial nations do not take care of their parents and their grandparents if they need long-term care, and they are South Africa and the United States of America. The bill I am going to propose is a self-financing, pay-as-you-go way, a half-percent increase in Social Security to pay for it, plus take the cap off of the Medicare. The cap is now at $125,000. But that is just part of the problem.

These charts right here—and I am just going to show two—show what has happened to the cost of health care for the average American. In 1960, it was below $150; in 1990, above $2,400; and in many cases, that is absorbed by businesses, businesses that are having a very, very tough time to get by. And as a result, some businesses are dropping, or dramatically curtailing, the health care coverage that people have. But that chart is illustrative of the problem that we have in this Nation, and it is a problem that we have been ducking and we cannot continue to duck.

The second chart, Mr. President, deals with a problem of people who are losing their health insurance, 36 million Americans without health insurance, an additional 1.3 million Americans last year lost their health insurance. Percentage without health care coverage, fully employed workers: 12 percent of workers who work full-time have no health insurance coverage whatsoever. Among those who are unemployed or working part time, 30 percent have no health insurance coverage.

When people worry about their jobs, it is not simply their immediate job that they are worrying about, their immediate income; they are worrying what is going to happen to my family in terms of health insurance coverage if I lose my job. That fear hangs like a dark cloud over a great many Americans. We have to work out something.

I join Senator FORD in hoping that we can do it in a bipartisan way. The need is just overwhelming.

I see my friend, Senator JOE LIEBERMAN from Connecticut, on the floor here. I know that when he holds town meetings in Connecticut, the same thing happens there that happens in Illinois: People get up and say, "We are facing overwhelming problems."

Two or three weeks ago, I had a town meeting in a little county, Putnam County, IL. A woman came up holding an obviously disabled child, and she said, "We are covered by insurance, but our problems have greatly exceeded our insurance coverage."

People are underinsured is a major problem.

She said, "We have lost our home; we now have $27,000 in hospital and medical bills." And she asked, "What can you do to help us?" I had to tell her, "Right now, there is nothing I can do."

But that woman is asking the U.S. Senate, and that woman is asking the

President of the United States: What can you do to help us? These people who have no health insurance at all are asking us that question.

And I think the message from Pennsylvania yesterday—where the question of health care was the No. 1 issue—to this Senate, to the President, to the House, is let us pay attention to the health care issue.

I yield the floor.

Mr. FORD. Mr. President, I yield up to 10 minutes to the distinguished Senator from Connecticut [Mr. LIEBERMAN].

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Connecticut [Mr. LIEBERMAN] is recognized for up to 10 minutes.

ECONOMIC STATISTICS

Mr. LIEBERMAN. I thank the Chair and I thank my distinguished colleague from Kentucky.

Mr. President, today is the day after election day, and in this Chamber there is a natural focus on the Pennsylvania returns, and I say certainly from those of us on this side of the aisle a tremendous sense of excitement and gratitude about the great personal victory that our friend and colleague HARRIS WOFFORD won in that State. All of us, because we admire him so much, but also because we like a good battle and saw a longshot come from behind and win, are celebrating with him. And there will be a lot of analyses today about those election statistics from Pennsylvania.

But, Mr. President, as we analyze those statistics, I think we have to understand that behind the election statistics from Pennsylvania there are some very powerful economic statistics that explain that election. We see them in Connecticut. Here is a headline from one of the leading newspapers in my State, the Bridgeport Post, just a few days ago, "Current Downturn Tops Great Depression." Economic statistics behind the election statistics, unemployment statistics, business failures statistics, bankruptcy statistics, food stamps statistics; real people are out there and they are really suffering.

Mr. President, 8.5 million Americans are out of work today. Just take a look at this chart. It begins here in February of 1990: Up, up, up, and away. October of 1991, 8.5 million real people out there really suffering because they are out of work.

Beyond the numbers—and I will tell you this, in two decades now, a little bit more, that I have been involved in public life in Connecticut, I have seen some unemployment statistics that are a little bit higher than they are now, but I have never seen the public mood so desperate. I have never seen people so fearful about not the macroeconomic future, yes, but more about their personal economic futures. Confidence is low.

The President of the United States has said that this is not going to be a double-dip recession; we seem to be pulling out of it, and he says we are on our way up. Take a look at this chart which reflects the index of consumer confidence. Way up here, 1989; begins to drop dramatically, January of 1991; after the war picks up again; and right back down again in October of 1991. If that is not a double-dip recession, I do not know what is.

Real people are really suffering out in America, and what have they received from Washington, from the White House? Just about nothing. They have received denial. They have received delay. They have received disparaging comments from the White House about this problem.

I can tell you, Mr. President, that without leadership from the President of the United States, without the kind of help that people are crying out for from this Government, we are never going to pull out of this recession. And what do we hear from the White House? Let me go back a couple weeks.

I think a really significant act of leadership was performed just about 2 weeks ago by the Senator from Texas, chairman of the Finance Committee, Mr. BENTSEN, who came forward with a reasonable, strong economic stimulus program, doing what we have always done before in a recession to get us out of it, and that is to cut taxes. And there were some positive responses from the other side, from the Republicans in this Chamber. I remember particularly Senator BENTSEN's colleague from Texas, Senator GRAMM. It looked to me like we were finally having a break in this wall of indifference from Washington.

While real people out there in the real America were suffering from a real recession, some of the Republicans went up to the White House, argued the case for a tax cut program, for some kind of leadership. And what happened? They were stifled.

Last week Budget Director Darman says we decided to reject this tax cut economic stimulus program now because we were concerned about the effect it might have on the financial markets.

What about the job markets? What about the supermarkets where more people are bringing in food stamps than ever before in our history?

This wall of indifference continues right to this very morning from the White House. The President, prior to departing for Rome, when asked about why have an economic stimulus program to help get us out of recession, said that he was concerned about the effect of an economic stimulus program now on long-term interest rates.

What about short-term unemployment rates? What about the real people who have lost jobs, cannot afford to send their kids to the schools they want to go to, cannot afford health care, cannot afford the little extras that they have worked hard for that make life a little bit better in this country? Real people are really suffering. And from the White House and from the President we have received nothing, nothing but words.

Mr. President, it is time to stop the posturing and start producing, it is time to put the partisanship aside and start delivering for the American people.

The President can easily try to make this into an "us or them" contest, saying that we need a capital gains cut or else there will not be any program. But I will tell you this, Mr. President, I have seen a willingness on this side to consider a capital gains cut so long as we get the President to agree to do something to help America out of the recession.

The fact is that even on the Democratic side there are at least three of us who have our own capital gains cut programs in there: Senator BUMPERS, Senator BREAUX, and I. But we know, Mr. President, and I hope the President of the United States knows, that while a capital gains tax cut might help, that is not an economic growth program. We need to combine it with leadership from Washington that helps the real people who are suffering. We need middle-class tax cuts to get some more money churning in the economy to help the middle class that is squeezed so much it does not know where to turn. And we need to recognize that this recession is not just another recession.

I think this is the first revelation of some profound underlying weaknesses in our economy. Look here at the statistics again. Cost of capital twice as high in the United States as in Japan. In 1988, while Americans invested $20 billion in new equities, the Japanese invested five times that amount. Venture capital investments, which are the primer of the pump for emerging businesses, are at their lowest point in the decade. New startup businesses are receiving less of the overall venture capital funds available; whereas those firms once accounted for 20 percent of total venture capital, they now make up only 10 percent.

The drop in research and development spending in this country is almost as dramatic as the falloff in capital availability. In 1990, American companies increased R&D investment at the lowest rate, 2.2 percent, since 1976. And predictions are that this year will even be worse. Without sufficient research and development, new products and technologies will not come into the market and our ability to compete globally and create new jobs and protect old jobs will be seriously impaired.

The credit crunch; we felt it in New England first; we feel it across America now.

There are all of these problems. There is the lack of support from the American Government for American businesses that are trying to develop new products alone while their competitors in Asia and Europe have a partnership with their governments which helps them win so many of these new fields of economic opportunity. We are doing nothing for our businesses in that regard. And there are plenty of ideas here in this Congress how we might.

Our colleagues, Senators BINGAMAN, HOLLINGS, GORE, NUNN, and ROCKEFELLER have each had substantial constructive proposals for building strong public-private partnerships which will get use out of the recession and on the road to long-term economic recovery.

Mr. President, I made a proposal of my own which I will mention briefly here which builds on the idea of the personal IRA. But in this case I have legislation in that would create a business IRA. Let us encourage American businesses to take some of the money that they earn, put it into a savings account, and then be able to take that money out of the savings accont tax free so long as they invest it in new plant and equipment.

Mr. President, there is no shortage of ideas out there for how to give a helping hand to the people of America. Middle-class working people who believe in this country as a land of economic opportunity are now losing that faith.

There is one thing that is so clear. It is clear in Government, as it is clear in family and business and personal life: Without the person at the top showing some leadership, nothing will happen; without the captain of the ship directing the ship, the ship will flounder.

So I say to the President of the United States: Come home from Rome and lead us. Extend your hand to the Congress, and we will extend ours back to you. Let us work together to recognize that we are in one of the most serious economic downturns we have been in in a long time, and it is not going to fix itself. It is going to take leadership, Mr. President, in Washington. We in Congress are ready to join.

Now is the time for the President to exert the authority that the American people gave him when they elected him in 1988, and which, on these important domestic matters, he has done nothing to use for our benefit.

I thank the Chair and I yield the floor.

Mr. FORD. Mr. President, I ask unanimous consent that the previous order be extended by 30 minutes.

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

Mr. FORD. Mr. President, I now yield 6 minutes to the distinguished Senator from Virginia [Mr. ROBB].

The PRESIDING OFFICER. The Senator from Virginia [Mr. ROBB] is recognized.

Mr. ROBB. Thank you, Mr. President, and I thank the Senator from Kentucky.

THE 1991 AND 1992 ELECTIONS

Mr. ROBB. Mr. President, I rise to congratulate our colleague, Senator HARRIS WOFFORD, on a great victory. He ran a spirited campaign, and he won the old-fashioned way; he earned it. His campaign was much more than a simple political exercise; it became a debate on the purpose of government, in the nineties and beyond.

In his campaign, HARRIS WOFFORD argued with passion that constituents aren't just a mass of voters to be placated but are real people with real problems, and they need to be addressed. And that message resonates across the country. People from every walk of life are sending us a message.

Their voices were heard in this campaign, daring to bring up questions which were taboo in the materialistic eighties. Does government have an interest in healthy children? The people answered "yes." Should government ensure that every American has access to basic health care? The people answered "yes." Does the economy go beyond charts and graphs, to touch real lives and hurt real people? The people answered "yes." Those questions, Mr. President, are the basis for the debate which we'll hear in next year's elections. Candidates for President, candidates for the Senate, and candidates for the House are on notice that they'll be judged on the sensitivity and compassion of their answers.

It has been a long time since America had such basic issues with which to redefine the role of government. This Nation was shaped by debate. The Federalists argued over the form of the Nation's laws, its economics, and what constituted the basic rights of individuals. The Union and the Confederacy came to mortal blows over where Federal Government authority ends, and States rights begin. Abolitionist versus slaveowner; monetarists versus champions of the gold standard; isolationists versus internationalists, and so many more; these debates and their aftermaths have forged a democratic nation in which ideals are not frozen, but regularly reconsidered. They're the wellspring of our national vigor.

Yet, after the great social upheaval of the sixties, government and the polity became, in too many instances, complacent. And for the last 10 years, the discussion of how a democratic society and its government interact has been replaced by sharp exchanges on single issues, as if the sum of the answers to these issues could somehow form a coherent grander pattern.

The question asked of government went from, "What can I do for my country?" in 1960 to "How much can I make off my countrymen?" in 1990. Government came to be an accomplice in avarice, not an institution to serve everyone, even those left behind by runaway greed.

That is, until this year. This year, voices are again asking, "What about the rest? What about the people who are not born of privilege, and who don't share in the prosperity? What about most of America? What has Washington done for them?"

Those, Mr. President, are the questions which government and those who would serve in it simply cannot duck. We in the Senate, and our colleagues in every level and branch of government, have got to answer them. We owe it to the people who have invested their trust in us. And we owe it to the office we hold and the institution in which we serve. And make no mistake, the President is going to have to answer these questions, too. If all was indeed well in America, the people wouldn't be asking why they can't afford health care, why they can't afford a quality education for their children, and why—in too many cases—they cannot afford a home.

The agenda for 1992 is clear. The illusion of prosperity has vanished, and the bills of the eighties have come due. Americans are demanding security not from external threats, but from the threats to their jobs, to their health, and to their future. Americans demand what Washington simply hasn't been willing to give: attention, care, and compassion.

Mr. President, government is a great enterprise, and it cannot be turned rapidly. But turn it will, and turn it must. With people of conscience asking the right questions and supplying thoughtful answers, we can bring government back to the role in which it belongs: Of the people, by the people, and especially for the people.

Mr. President, I thank you. I thank the Senator from Kentucky, and I yield back any remaining time I may have.

Mr. FORD. Mr. President, I now yield up to 15 minutes to the distinguished Senator from West Virginia [Mr. ROCKEFELLER].

The PRESIDING OFFICER. The Senator from West Virginia [Mr. ROCKEFELLER] is recognized.

SENATOR HARRIS WOFFORD'S WIN

Mr. ROCKEFELLER. Mr. President, yesterday the people of Pennsylvania made a choice for leadership, for bold action, and for an agenda that addresses their day-to-day problems and concerns. From a State that gave birth to our Nation over 200 years ago, the people spoke up yesterday on behalf of Americans throughout our country. From a State that is home to the Liberty Bell, the people sent a ringing message that it's time for the President and Congress to solve the problems that are hurting families in Pennsylvania and across America.

HARRIS WOFFORD is somebody who was absolutely unknown in the State of Pennsylvania, insofar as I am able to see, virtually unknown, running against somebody who had been Attorney General known across the entire United States, a two-term Governor known across Pennsylvania, known by everybody.

And he was the incumbent because he was representing so clearly the Bush administration, and the people of Pennsylvania have evidently decided—like the people of my own State, West Virginia decided—that they do not like the status quo and they particularly do not like the status quo when it comes to health care.

It has been my privilege to know HARRIS WOFFORD for many years—all the way back to the time we worked in the Peace Corps during the Kennedy administration. And, I am very proud of him. I said in Pittsburgh, when I was campaigning for him a few weeks ago, that the moment he stepped on the floor of this body, he was one of the five best people in the U.S. Senate by virtue of his background, his education, his intellect, his character, and his value system. I join all of my colleagues in congratulating him for his victory. And it is a tribute to HARRIS WOFFORD that he returns to the Senate with a resounding mandate to focus on real issues and real solutions—a mandate to deal with the economy, to toughen our trade policies, to help families afford homes and send their kids to college, and to reform our health-care system.

For 3 years, the Bush administration has said the problems in our health care system are too complicated to solve. That we need to study the problem more, that another task force has been charged to look at the options. That we should wait until the next election before tackling the problem. That they're not sure the American people really want comprehensive reform or a national solution.

Yesterday, the people spoke. They voted for the candidate who pledged to fight for a national solution. Who said Americans shouldn't fear losing their health insurance when they change jobs, or get sick, or work for a small business. Who laid out a plan that will ensure all Americans good, reliable health care at an affordable price.

Maybe this election will clear away the rhetoric and the distractions that have held us back from being able to get to work on the health-care needs of Americans. Maybe instead of waiting for the next election to propose a solution to our health care crisis, the President will decide that this election in Pennsylvania sent a message to go to work.

The crisis worsens each day the President holds back. The country's health care costs are mounting, to the tune of $660 billion this year alone. Rising costs are crushing State governments, small businesses, and hard-working families in every corner of this land. In these hard economic times, when workers by the thousands are losing their jobs each month, they then face the cruelty of losing their health insurance, too. If they're pregnant, they may no longer get prenatal care. If they have children, they fear the day when a child gets an earache or a high temperature.

Health insurance isn't working the way it used to. When I chaired the Pepper Commission, we heard from a couple in Ohio with three children who, despite desperate efforts, can't get health insurance. They both work, but private insurance won't offer either employer an affordable plan. And because one of their children had a serious illness, the couple can't get any coverage on their own.

A member of my own staff just told me about his mother who runs a small business in Connecticut. She has struggled courageously with throat cancer and had successful surgery. But that was followed by a call from the insurance company, which informed her that their rates were going up by almost 60 percent—in a country called America.

Mr. President, we can't let this continue. We can't sustain these exploding costs. We can't have a country where pregnant women don't get prenatal care; children can't see a doctor when they are sick; and hard-working families are being shut out from insurance for no fault of their own.

I hope the people of Pennsylvania will be heard throughout the Halls of Congress and in every corner of the White House. They have asked us to focus on the economy. It's a message that I welcome. In my State of West Virginia, the latest Federal count of unemployed is 74,000—and I would bet the number is much higher. My State's unemployment rate of 10.5 percent is the highest of any State in the Nation. My people need help, just like the people of Pennsylvania, Michigan, Maine, and every other State. And yet our President called the bill we sent to him to extend unemployment benefits, "garbage," and went on to veto the bill.

Last week, we saw the result of Presidential leadership, determination, and around the clock hard work. But it was in a distant land, far off in Madrid, Spain, where a historic summit on the problems of the Middle East were finally put on the table.

Americans should be proud of our role in that summit, and I share the hope that it will succeed in achieving a lasting peace in that troubled region.

But the same leadership and the same dedication are needed to the crises facing our people here in America. We need a summit on health care, where all the parties are brought to the table and urged to forge a consensus. Where differences are also put aside, and we hammer out a solution for the sake of our future and all Americans.

Mr. President, the people of Pennsylvania have sent a message that we all should heed. It's one spoken from the heart, and speaks about the pocketbook. I sincerely hope the President will take it to heart as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD].

Mr. FORD. I now yield up to 7 minutes to the distinguished Senator from Minnesota [Mr. WELLSTONE].

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized for up to 7 minutes.

MAKING NATIONAL HEALTH INSURANCE A REALITY

Mr. WELLSTONE. Mr. President, last night, about 7:15, I jumped on a train to go up to Philadelphia just to be there for a little while, hoping that it would be a big victory for HARRIS WOFFORD, and I think for all of us. And I could tell, once I got up there, from talking to cab drivers and telephone operators and what not, that HARRIS was going to win. And I think there is one reason that he won that race. HARRIS WOFFORD understood that it is not a question of left or right or center. It is a question of a politics that speaks to people's lives.

I believed that the people in Pennsylvania believed in him at a personal level and they believed that he believed what he was saying and that he was saying what he believed.

Mr. President, when I was at the Minnesota State Fair earlier this year, late August, beginning of September, I tried to make sure that was my focus group. I do not have the money to hire focus groups. Half the State's population comes to the Minnesota State Fair, and what were people saying at the Minnesota State Fair?

It was: "Senator, health care; we cannot afford the doctor's bill." Or, from a small town, "We cannot find a doctor."

It was, "Senator"—I see the Senator from Texas who has done so much work on this, Senator BENTSEN—"Senator, what about jobs?" Or, "Senator, we are out of work and we do not have any unemployment insurance."

It was: "Senator, how can we afford to send our kids to college or vo-tech school?" It was: "Senator, our kids cannot find work anywhere."

It was: "Senator, we cannot keep going with our small business." "Senator, how do we hold on to our small farms?"

In other words, Mr. President, what people were saying in Minnesota—I think this is what people said in Pennsylvania—was, look, the real national security of our country has to be the

security of our local communities where there are jobs, where there is a commitment to education, where there is health care available for citizens, where there is affordable child care, where we get serious about economic investment. I think those will be the issues that will matter as we move further into the decade of the 1990's. I think the election yesterday in Pennsylvania was a wake-up call.

Mr. President, the most central issue that I can think of—I look in the Chamber and I wish I could talk to people right now up there to see what they would say—is health care. You hear it in cafes, you hear it in small towns, you hear it in large cities, you hear it in schools, you hear it in farms, people talk about health care and they want us to talk to them about health care. It is a central issue in people's lives; absolutely critical issue in people's lives.

Mr. President, I would join other Senators today here on the floor in saying in a very unequivocal, loud and bold way that every citizen in the United States of America deserves affordable, humane, high-quality health care regardless of employment status, regardless of income, regardless of age and regardless of prior or current health care status.

But we have been told for too long that you cannot make some kind of national health insurance program a reality here in Washington. That is what we have been told. It is time, and this campaign in Pennsylvania showed that it is time, that we listen to the voices and stories of people from all across this country. It is time that we do that.

Can we make universal health care coverage a reality here in Washington, DC, in the U.S. Senate? Let us look at some other realities. Thirty-four, thirty-six million people without any health insurance at all. That is a reality. Double that number underinsured. That is a reality. Almost every American just one major illness or one job away from not having any health insurance, a reality. The United States, the only advanced economy in the world without some kind of national health insurance program, a reality; I think a disgraceful reality. There are older Americans who live in fear of catastrophic expenses, small businesses that cannot afford the premiums.

The reality is that we have to make a national health insurance program a reality. There has to be effective cost control and it has to be care that is available to all citizens in this country. I believe, Mr. President, that health care policy will be at the top of the agenda of the U.S. Senate. I look so forward to being a part of helping to develop that legislation and a part of the discussion and debate that we will have. I believe that if we take action on this central issue in peoples' lives, then we will be sending a message that people really want to hear, which is public policy can make a difference in the lives of people.

The reason we are here in the U.S. Senate is to try to develop that kind of public policy, and I think health care will be the litmus test as to whether or not we are really listening to people across this country.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I yield up to 15 minutes to the distinguished Senator from Texas [Mr. BENTSEN].

The PRESIDING OFFICER. The Senator from Texas [Mr. BENTSEN] is recognized for 15 minutes.

THE PROBLEMS OF THE UNINSURED

Mr. BENTSEN. Mr. President, I appreciate the time yielded to me by senior Senator from the State of Kentucky, who has been long concerned with this issue, and to my friend Senator WELLSTONE, for his very compassionate concern for the problems of the uninsured.

There is no question that we have the best health care in the world, best hospitals, best doctors for those who can afford it. The problem is the accessibility. The problem is the cost of health insurance. It went up 24 percent in the premiums last year. It is predicted to go up another 24 percent this year. Almost 50 percent in 2 years.

How do you think they can keep health insurance policies that way? How can you afford to do it? There is no question that we need a major, major reform and change in health care systems in this country.

We need to take care of problems created when a person has a preexisting condition, a back problem, a heart condition, or one of their children has such a condition, and they cannot change jobs.

Some companies come in and cherrypick and say we will take this set of employees because they are young with few health problems, but we are not going to take those employees who are greater risks. Employees see the increase in costs and respond by raising the deductible, increasing the coinsurance, dropping the dependents and, finally, dropping the whole policy.

Of course we need changes. Senator WOFFORD's election in Pennsylvania highlights that because he delivered the message over and over again: People need health insurance and access to affordable health care.

I listened to Senator ROCKEFELLER, Chairman of the Children's Commission. He did an extraordinary job as Chairman and the Commission issued a detailed substantial report on the problems facing families and children in this country and what should be done about it. He is one of the leading advocates in trying to resolve this problem. Senator DURENBERGER and I, will be introducing legislation addressing some of the problems confronting small businesses who are trying desperately to insure their employees.

There was another message, however, delivered by Senator WOFFORD in Pennsylvania: Middle-income taxpayers need a tax cut. And today I am introducing the Bentsen-Roth-Mikulski middle-income tax cut bill to address this issue.

(The remarks of Mr. BENTSEN pertaining to the introduction of S. 1921 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions")

Mr. LOTT. Mr. President, could I inquire about the time remaining and how that time will be allocated?

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky controls now 1 minute 50 seconds.

Mr. FORD. I yield the remainder of my time then to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana [Mr. BAUCUS] is recognized.

Mr. BAUCUS. I thank the Chair.

BAKER TRIP TO CHINA

Mr. BAUCUS. Mr. President, in the upcoming weeks Secretary of State Baker will travel to Asia.

Among other stops, Secretary Baker plans to visit the People's Republic of China on November 15. This will be the first high level visit to China since the Tiananmen Square massacre.

I support Secretary Baker's planned visit to China. Clearly, we have problems with China. But ignoring China will not address our concerns.

But instead of putting diplomatic pomp-and-circumstance at the top of the agenda Secretary Baker must make this a meaningful visit that advances United States economic, diplomatic, and security objectives with regard to China.

CHINA

As was made clear in the recent debate over extension of most-favored-nation trading status to China, we have many concerns with the PRC.

China's record on respect for human rights is simply disgraceful.

Its trade policy is blatantly protectionist.

And China's policy on sales of weapons and nuclear materials is grossly irresponsible.

No doubt Chinese leaders are hopeful that Secretary Baker's visit will be a sign to the world that United States-Chinese ties are improving. This gives the United States leverage to press for progress on all major bilateral issues.

HUMAN RIGHTS

Since the Tiananmen Square massacre, China has grossly violated the basic human rights of its citizens.

On his visit, Secretary Baker should press for progress on human rights in three specific areas.

First, Secretary Baker should press to conclude an agreement with the Chinese to stop the export of goods made with prison labor. These exports violate United States law and put United States consumers in the position of supporting Chinese prison labor camps.

In addition to stopping prison labor exports, the agreement should include meaningful enforcement provisions that allow the United States Customs Service to inspect cities in China to ensure that prison labor goods are not being exported to the United States.

Second, Secretary Baker should make a point of visiting prominent released Chinese dissidents while in China. This would underline United States concern for human rights and political reform in China.

Finally, Secretary Baker should press to improve the plight of Chinese political prisoners by requesting an accounting of the hundreds of political prisoners in China. Secretary Baker should also seek to secure International Red Cross access to Chinese prisoners.

INTERNATIONAL TRADE

In the last 4 years, China has excluded United States exports by imposing new trade barriers and allowing piracy of United States intellectual property exports. As a result, the bilateral deficit with China threatens to reach $15 billion this year.

The United States has already initiated two unfair trade actions against China under the section 301 provisions of the 1988 Trade Act.

But Secretary Baker should seek meaningful commitments from the Chinese to open their market to United States exports. In particular, Secretary Baker should seek commitments to end Chinese piracy of United States intellectual property. If such commitments are not made by November 26, the United States will be obligated under United States law to retaliate against Chinese exports to the United States.

WEAPONS AND NUCLEAR PROLIFERATION

Moreover, disturbing reports have recently come to light of China aiding Iran in its efforts to develop nuclear weapons. China has also shown a willingness to sell dangerous missile technologies into the Middle East.

If these reports are true, China has become a major threat to peace in the Middle East.

China has already promised to sign the Nuclear Proliferation Treaty and indicated a willingness to abide by the Missile Technology Control Regime. But Secretary Baker should seek to firm up these commitments and win specific commitments not to sell nuclear material or missile technology into unstable regions.

CONCLUSION

Admittedly, this is an ambitious agenda for Secretary Baker's trip. But our problems with China are both serious and numerous. He must make it clear to China that the price of continued strong diplomatic and economic ties with the United States is China becoming a responsible world citizen.

If Secretary Baker uses his visit to China to press for progress, the visit could advance United States interests.

However, if the issues are ignored and the visit becomes nothing more than a photo opportunity, U.S. interests will be set back. It is up to Secretary Baker to make sure that does not happen.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. GORE). Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein.

Mr. LOTT. Mr. President, I ask unanimous consent to speak for 15 minutes in the morning business period.

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

A NEW DAY IN MISSISSIPPI

Mr. LOTT. Mr. President, there is a new day in Mississippi this morning. When the sun came up, we had a completely new political landscape that is going to have a dramatic impact on the aggressive, progressive development of my home State of Mississippi.

For the first time in 120 years, the State of Mississippi elected a Republican to lead our State as Governor for the next 4 years. And, Mr. President, we elected a Republican to lead our state senate as Lieutenant Governor; and Mr. President, we elected a Republican to serve as public service commissioner for the central district of the State. I might add that that particular public servant is Nielson Cochran, the brother of our distinguished colleague, the senior Senator from Mississippi.

Elected Governor yesterday in Mississippi was Kirk Fordice. Elected Lieutenant Governor was State Senator Eddie Briggs. In addition to these distinguished men who I have just mentioned, Mississippians elected new Republican officeholders throughout the State—from the county courthouses to the city halls to the State Capitol.

There are some truly dramatic developments happening in our State of Mississippi.

This morning I have heard much about what happened in Pennsylvania yesterday, so I thought it was time we tell the other side of the story, that we shift our attention from the Rust Belt to the Snow Belt down to the Sun Belt, and tell the people of America a little bit about what has been happening there.

The reason why we saw such historical changes in Mississippi is that the Republican candidates were offering real alternatives for Mississippians. They talked about issues. They said Government is not the solution, that Government is the problem. They said we have to find ways to get the tax burden off of the people's backs and get Government out of business.

We have to learn that Government controls and intimidates and holds back business in its effort to create jobs and to prosper. We have to create jobs so our people can live decently; so that we will have more revenue to put into our schools and to provide for our children.

Yes, Kirk Fordice talked about cutting the capital gains tax rate in what is generally considered to be the poorest State in the Nation. He figured it out—the more you raise taxes, the less you get. We need to unleash incentives for people to go out and create jobs and to have jobs.

As I listened here this morning, I agreed with much of what the distinguished Senator from Texas had to say about the IRA's and as well as capital gains changes. I think we should definitely do that.

I also agree with him that we should quit playing political football with unemployment compensation benefits. As soon as the Congress gets tired of playing politics with it and gets serious about it, we can pass additional unemployment compensation benefits. But more importantly, we can do something about helping the economy so the people can have a job.

But I must say that the candidate in Mississippi who was elected Governor, Kirk Fordice, is a shining example of how the American political system can work for anyone. One year ago he was a general contractor—a small businessman in Vicksburg, MS. He had never run for office. He had never held office. In fact, the closest he had ever come to holding political office was when he served as president of the Associated General Contractors, a national organization. That had been his only political experience.

But he was a fresh face. He came in and said "Look, I am a businessman. I think it is time we run this State like a business. Let's get government out of people's lives, and out of their pockets. Let's see what we can do to create a better business atmosphere in our State of Mississippi, and, yes, work on having a better educational system that will compliment growth, not just more money for education but reform in education."

He said, "let's see what we can do in the State of Mississippi to foster innovative ideas that will help our children get a better education." Here he is, this businessman from Vicksburg, MS, who ran against the establishment, who ran against the incumbents. There are no Republican Party operatives in Mississippi today that can take a deep

bow and say: We did it, this is a party victory.

No, this is really a victory for a man with principles and the issues that he believed in. He took his message to the people. He didn't back off. He faced the issues straight on. He was under vicious attack from the negative campaign of his opponent.

There is a message in that for us on both sides of the aisle, Republican and Democrat alike. Negative campaigning hurts you; it does not help. Kirk Fordice kept to the high road, and he told his story. He defeated the establishment candidate in the Republican primary, and he took on the whole State. He took on 120 years of tradition which has hurt our State, and he said: "Let's throw the rascals out and give a new man with some new ideas a chance."

The people agreed with him and gave this Vicksburg businessman who had never been in politics before this year a historic victory.

I believe that what the people of Mississippi said Tuesday is that we want some fresh faces. We don't think Government has all the answers. We do want capital gains tax rate cuts. We do want a favorable business climate. We do want better education, not just more expensive education. We said what we do not want is tax increases of any kind. We don't want more irresponsible spending.

I think that what we have heard this morning about the campaign in Pennsylvania has missed the whole point. Almost all of what was being said was, well, this shows proof once again that we need more Federal Government, more State government, more spending, more programs for this and that. Do not worry about how to pay for it. Let's just do it.

I know that wasn't the message we heard from Mississippi and I do not think that was the message from Pennsylvania. I watched that campaign closely.

What happened in Pennsylvania really was that the candidate talked about issues, and the candidate who was perceived as being part of the establishment was kicked out. In the current political climate, Republican or Democrat, if you say, "I am the establishment, stick with me," the people are going to boot you out, I think.

The American people want action on energy, education, crime, transportation, and tax cuts to spur the economy. That is what was talked about in Mississippi. That is why Kirk Fordice will be the next Governor of our great State.

I think it is a monumental accomplishment, and one that will lead our State in a new, different, positive, aggressive direction. It is long overdue. The pendulum will swing back and forth, but at least it has begun to swing. Unfortunately for more than 100 years we were locked into a one-party system in Mississippi, but the people of my State are not going to do that anymore. They are going to vote for men and women who have some ideas that they believe in and for which they will stand up and fight.

This morning I want to extend congratulations to Kirk Fordice, the new Governor of Mississippi, and to Eddie Briggs, the new Lieutenant Governor. I wish them the very best as they begin to lead our State into greater participation on the national level, with more opportunity and hope for our people.

I yield the remainder of my time, Mr. President.

Mr. SEYMOUR. Mr. President, I ask unanimous consent to address the Senate for a period of time not to exceed 12 minutes.

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

AMERICA'S ENERGY FUTURE

Mr. SEYMOUR. Mr. President, on Friday of last week, the Senate had an opportunity to proceed to the consideration of the National Energy Security Act. Unfortunately, 44 Members of this body decided that they did not want to vote on, they did not want to amend, and they did not even want to debate S. 1220.

I believe that Congress must develop a comprehensive framework for America's energy future. I also believe that it needs to be done soon—today. Clearly, 44 Members of this body felt no such urging, no imperative.

I was not surprised by the Senate's lack of action last Friday. It is always easier to avoid politically difficult decisions than to address them straight on. I was, however, surprised by the euphoric response of those who chose not to debate, amend, or vote on our Nation's energy future. I was particularly taken aback by the statement submitted for the RECORD, following the cloture vote, by the distinguished senior Senator from Massachusetts.

The Senator stated, and I quote:

> We have taken a giant step toward the creation of a sensible and balanced energy future that respects the environment and pays more than lip service to essential goals, such as energy conservation, the development of promising alternative energy sources, and the preservation of the environment.

Senator KENNEDY must have thought the Senate had just passed an energy bill, not scuttled debate on one. I think we owe it to the taxpayers to make it clear what the Senate accomplished last Friday.

On the 1st of November 1991, the U.S. Senate did not decide to reduce our Nation's dependence on foreign oil. It did not decide to improve energy efficiency. It did not decide to promote renewable sources of energy. It did not decide to increase production of alternative fuels or the vehicles that run on them. It did not decide to raise fuel efficiency standards for automobiles. It did not decide to protect the California coastline from Outer Continental Shelf oil and gas leasing. It did not even decide to protect one single acre of wilderness in Alaska. Last Friday, the U.S. Senate decided to do nothing.

Equally as disturbing as the Senate's lack of action were the tactics of special interest groups intent on generating the required political climate to prevent consideration of S. 1220. Since the Energy and Natural Resources Committee began consideration of a national energy strategy, single interest groups have been carrying out a negative campaign of unequaled proportions. For months my constituents have been receiving propaganda on the horrors of S. 1220.

Unfortunately, much of this information has been wrong. Let me read to you from a letter I received in a package of correspondence from the environmental community. The letter is from the National Outer Continental Shelf [OCS] Coalition.

The letter requested that I vote against the motion to proceed. It gives as justification for this request the fact that S. 1220 will, and now I am quoting, "Undermine the offshore drilling deferrals granted by President Bush in June of 1990 * * * for areas offshore California. * * *"

This statement is simply not true.

Well, the answer is simple. Most of the critics of this bill never have read S. 1220, and therefore will never know what really is in the National Energy Security Act.

In February, at the opening of committee debate on the energy bill, I stated that the country "must commit itself to developing those untapped treasures of the laboratory, the air, the Sun, and our Earth that can bring affordable, home-grown supplies of energy to all Americans. The National Energy Security Act represents a start in the right direction * * *," and I still believe that to be the case.

The Energy and Natural Resources Committee, in a month-long markup, made substantial improvements to the original national energy bill. Along with my amendment that would prohibit offshore exploration and drilling from the coast of California, the committee additionally approved another provision I offered to speed up the purchase by State governments of alternative-fueled vehicles. The committee, with my strong support, also added amendments to establish electric and electric-hybrid vehicle research and development programs, to enact strict showerhead efficiency standards, and grant the Secretary of Energy the authority to buy down or subsidize interest rates on bank loans to finance renewable energy projects.

That is all in S. 1220. Now, there is some provisions of S. 1220 that I do not

support. And I can understand how other Members of this body do not support various provisions of the bill.

For example, I am opposed to the increased regulation of natural gas imports from Canada in title XI. In my opinion, transferring that primary regulatory authority over natural gas imports from the Department of Energy to the Federal Energy Regulatory Commission would only serve to slow the flow of natural gas from Canada, and ultimately increase the price of energy to consumers in my State of California.

Therefore, maybe every Senator, no doubt, would disagree with some provisions within this bill, S. 1220. That is the nature of a comprehensive bill. The Senate, though, should have the capacity to debate and to decide each of these issues on their respective merits, and vote on them up or down. That, theoretically anyhow, is the nature of this Nation's greatest deliberative body, the U.S. Senate.

Why, Mr. President, is this body so afraid to debate and vote on a national energy strategy? Why is it willing to do nothing to address our energy dependence on the Middle East, even in the aftermath of war?

Why are these Senators, who are opposing taking up this bill the very same ones that said it was a blood-for-oil fight in Iraq, but they do not want to take up the debate on this bill that, in fact, could put in place a national energy strategy?

Why does this body refuse to consider a major international competitive issue, even as our Nation's balance of trade continues to fall? Why, above all, does this body insist on stalemating every important domestic policy initiative to the appeasement of special-interest lobbies?

Mr. President, I am not sure I know all those answers. I do know this, though, and that is, it must end. No more politics as usual. It is time for the U.S. Senate to stand for something, something other than the status quo.

There is no easy way out of our Nation's dependence on foreign oil. The Senate cannot pass a national energy policy unless it is willing to debate it, amend it, and vote for it up or down.

I have heard a lot of speeches this morning and in previous days pointing the finger this way, pointing the finger that way. There is no domestic policy; there is no domestic agenda.

I suggest, Mr. President, that it should all start right here, right here in this House, because we have no domestic agenda. Whether, in fact, it is going to be an agreement on unemployment benefits for the unemployed, whether it is a matter of health policy for this Nation, whether it is education, whether it is energy, whether it is economic growth, and those benefits, none of it is moving.

The last time I counted in this House, the majority party was the Democratic Party, and it has the ability to move anything.

On the other hand, I do not see——

Mr. FORD. Mr. President, will the Senator yield for a question on that?

Mr. SEYMOUR. As soon as I finish my statement, I will be happy to yield.

Mr. FORD. Mr. President, I thought it took 60 votes to move anything.

Mr. SEYMOUR. Mr. President, it seems to me what we have to do is to throw down the partisan war clubs, to work together in the interest of all Americans. I suggest a good place to start would be the unemployment insurance benefits bill. And then let us bring along these other agenda that we are all so eager to address.

Mr. President, we all agree this Nation needs a comprehensive energy strategy, and I challenge the Senate to begin to act now.

SOVIET AID PROVISION OF THE FISCAL YEAR 1992 DEFENSE AUTHORIZATION BILL

Mr. SEYMOUR. Mr. President, I had one other brief item I wanted to discuss, and that was the defense authorization bill as it has been reported out of the conference committee.

We know that the Senate and House Armed Services Committee conferees have tentatively agreed on an amendment to the defense authorization bill for fiscal year 1992 that would give the President authority to transfer $1 billion out of our defense budget, the military budget, for various programs of economic assistance and job retraining in the Soviet Union.

Mr. President, I find this amendment totally ill-conceived, premature, and inappropriate in light of the conditions of both the Soviet and American economies.

The Soviet leaders of today have yet to end their open dispute on the need to scrap their command system of production and move clearly toward a market economy. Only 2 days ago, President Mikhail Gorbachev criticized the bold reform plans of Boris Yeltsin, and there is no constituent republic of the Soviet Union that has passed any law guaranteeing the right to private property, codifying foreign investment procedures, or even beginning to establish guidelines for the creation of independent businesses.

So this amendment proposed by the Armed Services conferees, which neither the House nor the Senate passed on its own, would have Congress approving the diversion of $1 billion from the defense budget for programs to include the training of Soviet military officers in civilian skills, the conversion of military facilities into commercial ones, and the cleanup of environmental pollution generated by weapons production.

Mr. President, in California I know we have over 90,000 people who have lost their jobs as a result of cuts from the Department of Defense and the aerospace industry. How about retraining them? Do you not think we ought to address the needs of our own citizens first? How about the military bases that we all took hits on in all our States, and closed them, and now we have toxics to clean up from the weapons development that took place on those military bases? Why, at a time when we are faced with that, are we cutting a check for $1 billion to the Soviet Union so that they can do those things?

I find it totally unbelievable. I cannot believe that Representative ASPIN even suggested that we would spend $1 billion in such a fashion, when we are faced with all these problems at home. To take our taxpayers' dollars and dump them down a deep and a dark hole in the Soviet Union that has not made its mind up yet which way it is going, I think, is next to criminal.

Mr. President, when that bill comes before us, I would implore my colleagues that we need to reconsider our priorities. Just what is important to us: $1 billion to retrain Soviet military leaders and to convert their military establishment from military facilities into commercial facilities; or is it our greater need right here at home—in my State, the retraining and repositioning in employment of over 90,000 aerospace workers who have lost their jobs in the last 2 years.

Finally, let me say on that particular authorization bill and that $1 billion, we come up and we say: Here is $1 billion that the President can spend in the Soviet Union for economic aid. At the same time, in that bill, we do not have the courage of our convictions to say: Go ahead; build another B-2 bomber. What we say on that one is: Well, we will put the money there, but he will talk about it and we will decide the issue next year.

I suggest, Mr. President, clearly our priorities are out of order. I hope that when that bill comes before this body we will take a second look.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I ask unanimous consent, if necessary, that I may be able to proceed for 10 minutes as in morning business.

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

HEALTH CARE

Mr. DURENBERGER. Mr. President, I rise this early afternoon to congratulate our new colleague, Senator WOFFORD, on his election in Pennsylvania yesterday. There are few of us who came to this body by special election. It was somewhat more dramatic than mine. Mine was a special election in 1978. I was one of two Republicans that

year elected in a Democratic State, the first Democratic State in America, as a matter of fact.

At that time, people were sending messages to Washington for Members of the Senate. It appears—something that I will talk about today—people of Pennsylvania are sending a message to us as well.

I thank my friend, Dick Thornburgh, for being willing to run for the U.S. Senate. We all know it is not what it used to be around this place, and that certainly was reflected in that election. Dick Thornburgh did not have to run for the U.S. Senate. He did not have to offer himself to the people of Pennsylvania for another 2 to 6 years, and he did, and I congratulate him and his family for doing it.

Reading the instant analysis of what it all means and listening to my colleagues here on the floor this morning, it appears that national health reform has arrived on America's political agenda, and to that I say "hallelujah."

Some of us have been crying in this wilderness for long before we came to the U.S. Senate. I think I began in the mid-1970's and have been doing it ever since I got here in 1978. It is an issue that has been a prominent issue for every American family, every business, every unit of government, and every budget of America for that long. And it sounds, from what I can hear this morning, like we are now pledged to do something about it.

It is also appropriate that the people of Pennsylvania have a role to play in this. Because it was the Pennsylvanian John Heinz, whose seat HARRIS WOFFORD takes, who was one of the first national politicians to recognize the pain and the uncertainty caused by the increase in costs and decline in quality of our health system. If we can all now tackle this issue with the same intensity and the same compassion and the same intellectual integrity that John Heinz brought to his work here, then the people of Pennsylvania and the people of America will be well served.

The message from the voters of Pennsylvania is an amplified version of what we heard around the country in Senate races for the last several cycles. In 1988, we heard about long-term care. In 1990, we first heard about universal access. Our colleague, BILL COHEN, heard it up in Maine. Our colleague, MITCH MCCONNELL, heard it in Kentucky. Most of the people who were out and about having their seats contested in 1990 heard about the universal access issue.

Most Americans today are watching their personal bottom line shrinking because their health costs are climbing. And they know that health care, or access to it, is not like eating out or even like buying a new car. Health care is a necessity. So when the price goes up, something else is cut back, like savings, like a college fund for their kids. And projecting just a few years down the road, Americans cannot see how they are going to make ends meet.

I notice on a recent ABC News/Washington Post poll that the third thing, after crimes and drugs in America, most fear having to live with is the cost of educating their kids; not health care, the cost of educating their children. That is ahead of four or five of the issues out there. So if the same Americans who voted in Pennsylvania yesterday and vote in my State and vote around this country are worried about health care, think of what their concerns are about college education and think how combining all of these concerns make them fearful that they are not going to be able to make ends meet.

The bad news—that is the good news. The bad news is there are 37 million Americans who envy them, who would like to have that kind of a worry, because these people do not have any insurance at all, any sense of security. These are the people that live the fearful existence of gambling financial survival on not getting sick. In the meantime, they do not get preventive care and early detection services that could help them avoid that very catastrophe.

So the message Mr. President, is "the system is sick." Not everyone has heard that message. Hopefully, today they have.

I think it would be just as wrong to overinterpret yesterday's results as it would be to ignore them. The message was fix the system—not fix the system with national health insurance or a Canadian-model system or any other specific proposals.

It is appropriate for the American people to be skeptical of anybody who says, "I care deeply about your problem," but then does not propose anything to fix it. Senator WOFFORD put a proposal on the table in Pennsylvania, and that proves that he cares.

But it would be wrong to call this election a referendum on a specific solution to the health crisis. Yesterday was a rejection of the status quo, which I have already said I applaud.

But the other part of the Pennsylvania message was also clear. "We don't trust you folks in Washington, DC." And, to me, that is hardly a mandate for transforming health care into a huge new Federal program, especially when the reform options are presented without price tags, as the Wofford bill was.

Everybody loves a solution that appears to be a free good. But, as we learned with the catastrophic bill right here in two successive sessions, the American people like benefits, but they also eventually check the sticker price.

I have a cartoon here that I think I have used before from Jerry Fearing, who is a very talented cartoonist for the St. Paul Pioneer Press, which communicated that point very well.

Up here is the doctor checking out the uninsured in America and everybody else in the family saying. "Help them. Do something." And here is the doctor looking over here to the folks in the family asking them to help the uninsured, and everybody is bugging out of the room.

Do not forget, Mr. President, the same ABC/Washington Post poll that found that 77 percent of the American people want us to spend more on domestic programs found that 62 percent want us to cut their taxes and 100 percent want us to stop deficit spending.

Yes, yesterday confirmed the diagnosis we have expected for years. The health system is sick. But what it did not do is prescribe the cure. And that is what we have to get busy doing right now.

Let me go to the foot of the bed and take a look at the patient's chart, which is a quick summary of the problems that we have and that we will face.

We have somewhere between 31 million and 37 million Americans without health insurance. We have unmanageable medical costs which spiral for individuals, government, businesses, becoming a national budget buster. We have unequal access to medical services in rural areas and inner cities. We have a very high level of dissatisfaction across the board. What is the diagnosis? To use the big words of the economists, a dysfunctional health marketplace: inflation, complexity and misplaced values, all creating very unequal access for Americans.

And what is the prognoses for the patient? Continued rapid deterioration unless bold action is taken.

We could walk through this, and I hope we do in the next 12 months, because we have another big election coming up in 12 months. We should walk through this during this campaign in our town halls, in our union halls, wherever we go, and talk about what is causing this problem before we start talking about having magic, comprehensive solutions.

What are the causes of this problem? Insurance, which has insulated every American from taking responsibility for their actions for 30 years, is now punishing us when we are unhealthy by not insuring us. That is one big cause.

What you get by way of health insurance depends on where you work. The same product is going to cost somebody in a small business twice as much as in a big business. What sense does that make?

What care you get depends on what doctor you go to, and you do not know whether you are getting good quality care or not. But you know that if you go see a doctor in Miami, it is going to cost you three times as much in Minneapolis for the same procedure.

My colleague from Arkansas is on the floor. He is champion about doing

something about the drug prices. Is there any American who can predict the cost of a new drug or why it has to cost so much?

Is there any American who can tell us why each new medical technology that comes on the marketplace has to cost more than the one before it? Prices never go down. And old technology is never rejected. Why?

Does Medicare make any sense to elderly Americans? You have one policy for hospital care, a second policy for the doctor, and then a Medigap policy sold to you by some retired movie actor. What sense does it make?

Does Medicaid make any sense—the national system for the poor—covers only 42 percent of the people below 10 percent of poverty. Does that make any sense?

We could go on and on debating the causes. I just want to share with my colleagues, until we have defined the causes we are not going to come up with the solution. I think that is the wonderful thing about an election. It allows us to debate the causes, the nature of the problem and then it makes us listen to the solutions that come out of Pennsylvania and Minnesota and Tennessee and Arkansas, Wyoming and places like that.

Let me take a couple of minutes to talk about some of the treatment options for this patient.

The first one, I heard some of its proponents on the floor this morning—the first course of treatment has been to ignore the problem. We cannot do that anymore. The first one is ignore the problem, study it, talk about it, consider it, study it some more.

Health care is on the way to being the acid rain of the 1990's. Hopefully that course has now been rejected.

Here are two other approaches. The first is Canada. This describes what you get in Canada. The basic approach is to abandon the free market in favor of a Government program. Here are the side effects from doing that.

At a time when everybody is looking to America to find out how it makes a market work, we want to go to Canada to figure out how to operate a system without a market. It shuts down most efficient access to the provider, depends on the least efficient. You cannot tell a good one from a bad one.

Government will have to control cost by either rationing services as they currently do in Canada, reducing innovation—you do not know when you are going to get sick in Canada because they have no diagnostic equipment up there to determine whether you are sick or not—by compromising quality. Then there is the huge startup and disruption cost.

I do not think anybody in Pennsylvania believes that a Federal Government which is raising the ire of the American people for its inability to solve problems while we spend $1 billion a day more than we take in, is going to succeed at national health care—no way.

I believe that if we try a health system transplant from Canada to the United States the patient is going to reject the foreign tissue. We may share North America with Canada but that does not mean we do not have striking cultural differences which make this transfer inadvisable.

The next idea I participated in. I did not vote for it, but I participated in it. The next idea by my colleagues from the House and Senate, particularly its wonderful chairman JAY ROCKEFELLER who spoke here this morning as well—we identify that as the Pepper Commission—is called pay or play, and it is a redesign of the current system.

This says that the villain in the system is not health care costs, it is employers who will not insure their people so we have to force them to do that. Employers would be mandated to either pay—that is have a new tax put on them like 8, 9 percent of payroll costs in order to fund a Government insurance system; or to play—that is to insure their workers.

From what I know of Minnesota's small businesses and others, that is an easy choice: Pay. Get rid of the whole insurance headache. What you have over time is Canada's system. It just takes you a little longer to get there.

By the way, this is the system that had its clinical trials in Massachusetts and was repealed.

The status quo is unacceptable. The longer we wait to treat the patient, the sicker it becomes. But neither of the alternatives proposed to date is likely to leave the patient better off in the long run.

So what some of us have proposed is a third course. If you will, it is the middle ground between the "just say no" approach and the congressional majority, which has a "just do it" approach.

Here, Mr. President, are five principles which I suggest would constitute a practical, attainable approach to comprehensive health reform.

Genuine reform must control costs. You cannot guarantee universal access in America unless you do something about the costs, and you cannot control costs by appointing a committee to control costs.

Second, repairing the system is more practical and realistic than replacing it. This is a $1 trillion system. In just 4 years you are not going to replace this system.

Government should only promise what it can pay for. We talk about it, we do not practice it. Pennsylvania, Minnesota, Arkansas, Tennessee, Wyoming, Kentucky—wherever you go, this is what the people believe. Government should only promise what it can pay for. So if you are not going to put up a proposal that you are willing to pay for, forget the proposal.

We can get to universal access by helping the working insured get coverage at the workplace and expanding Government programs for the rest. That is an area in which I agree with my colleagues from the Pepper Commission.

The fifth principle, through insurance reform, Tax Code changes, Medicaid/Medicare restructuring we must reallocate resources, change behavior, and clarify relationships to create a new national medical plan system.

We are accustomed in America to think that big problems have to be solved by big solutions. In this issue particularly, there is the hope that there is a big idea, a miracle cure that will fix the system. And I think we are thinking the wrong way. And we are looking for the wrong thing.

We have a big problem all right, but it comes from the interconnection of many, many smaller problems. You cannot solve it all at once because the resources—financial, political, intellectual—are not there.

As the Senator from Texas, chairman of the Finance Committee, has so wisely stated already, what this system needs is what they do in an emergency rooms across the country. It is called triage. Take the most serious problems first, decide which problems to take when those are done, and decide which ones can wait until the end. And that is what I am proposing in this third-course agenda, a series of steps over the next few years to remake this system from the bottom up by fixing the broken parts one by one in order of the severity of their impact on the system.

Small business insurance reform, in the Bentsen-Durenberger bill, offered in the House by Chairman ROSTENKOWSKI. Health insurance tax reform to pay for it. Malpractice reform, medical liability reform. These are the short term things we can do easily. We ought to do them before the next election.

Mid-term: Medicare/Medicaid restructuring, medical technology reform, do something about long-term care, chronic care, and the medical technology arms race. Out comes quality measurements—know what we are paying for when they put these huge prices on them.

Finally, long term, a national medplan system.

Mr. President, in conclusion, the American people have spoken. The system is not working and they want us to fix it. They want us to fix it in a way that they can live with and they can afford to pay for.

Senator BENTSEN and I have made a first step and I hope that others will join us in that step. We proposed other steps and I hope we can all come together between the parties, between the branches of Government, on an agenda for American health care reform which answers the call of the American people for a system which

controls cost, provides better access, greater quality, and makes us a healthier, more secure people.

The time for scapegoating and finger pointing has to come to an end. This is the time for all of us to join hands.

The PRESIDING OFFICER. The acting Republican leader.

GOOD NEWS FOR REPUBLICANS

Mr. SIMPSON. Mr. President, let me commend my friend from Minnesota. We need to listen to Senator DAVE DURENBERGER when he speaks on the issue of health care. He also mentioned the Senator from Arkansas. We also need to listen to the Senator from Arkansas when we debate health care issues. He chairs the Senate Select Committee on Aging. Even though it has no legislative jurisdiction, it certainly is an important forum in discussing health care, pharmaceutical problems, and other matters which are so critical to senior citizens.

I have been listening to the fascinating array of material coming to the floor today. It is fascinating stuff. Essentially, I gather, it has to do with the demise of George Bush and the demise of the Republican Party. There is almost an audible humming and harmonic accompaniment to "Happy Days Are Here Again," I heard it lilting through the Chamber.

This is the kind of stuff we've been hearing: "We are in a deep depression and there is a Republican in the White House. We can all dong on him for all the problems of the Nation because, of course, George Bush must have caused them all."

That is an interesting accumulation of old leaves, rubbish, and compost, all in one giant stack.

I do want to commend Senator HARRIS WOFFORD. He ran an excellent campaign. He should be congratulated. I have come to know him since he joined us, and he is a very civil and able gentleman.

I want to congratulate Dick Thornburgh who became Governor when I came to the U.S. Senate in 1979. He and his wife, Ginny, conducted a very vigorous and excellent campaign. He, too, should be commended. However, it was a great Democrat, a friend of mine who helped me more ways than one can imagine on tough legislation, the former Speaker of the House, who is fond of saying "All politics is local." Those were the words of Tip O'Neill. That is exactly what we learned once again from yesterday's results.

Not once have any of my Democratic colleagues this morning mentioned the State of New Jersey, where Republicans for the first time in 20 years gained control of both Houses of the New Jersey legislature. A Democrat spokesman in New Jersey, Dennis Culnan, was quoted in USA Today this morning saying "There was a major Republican blowout. Obviously, the Republican message—you can't have it all and not pay for it—has carried the day." That will be the message that the Republican Party will carry into 1992.

The Democratic Governor, Jim Florio, had urged voters to blame the State's economic woes on George Bush. It did not quite work that way, at least in New Jersey.

Not one of my Democrat colleagues has mentioned Virginia. There were 10 Republicans in the 40-seat state senate unitl yesterday. In January, there will be 18, almost doubling the total.

Not one of my Democrat colleagues had mentioned Mississippi today. In that State, we will have the first Republican Governor since 1874. I think that is largely a tribute to our Senate friend, Senator THAD COCHRAN. He has set the tone there in Mississippi with a thoughtful and caring image as a Republican. And Senator TRENT LOTT, another bright and able man, is also a fine Republican influence in Mississippi. Good Republican country down there in the South. We will have a lot more of that, I feel.

I also note some local headlines in the Post this morning concerning this region, which is heavily Democratic. "In Loudoun County GOP Takes Board majority." "Republican Allen Trounces Slaughter To Win House Seat." In Fairfax County, "Republicans Gain Control of the Board."

So with the exception of the Wofford-Thornburgh race, there is a lot of good news, I think, for the Republican Party today.

I find it interesting that the Democrat speakers today emphasized the health care issue. In 1989 and 1990, the Democratic chorus was for a national energy bill. Last week we tried to bring up a very good bipartisan energy issue. I want to commend Senator BENNETT JOHNSTON and my senior colleague, MALCOLM WALLOP for that. That was rejected by the body.

Now the chorus is for health care reform. We want to pass a good bipartisan health care bill. What will they do when we get a good bipartisan health care bill?

Senator JOHN CHAFEE has worked doggedly on that issue. He leads a Republican health care task force that has been working diligently on this project.

But I think that the Democrats should be aware of what the Democrat spokesman from New Jersey said, and that is, sooner or later we have to pay our bills. I have seen many health care proposals come into this Chamber, and I have seen nothing move because no one is telling us how to pay for it. Not one of the fine proposals presented by Democrats or Republicans has any possible way to pay the bill. The interesting thing is what you are supposed to do is just say it, and drop it in, and hope no one will ask how to pay for it. Just say it and drop it in.

So at some point in time, we must pass a health care bill that is financially sound. I am going to join with Senator CHAFEE and cosponsor his measure, and I am also going to present my own way to pay for it. It will be controversial. I suppose the unions and the Chamber of Commerce people will march arm in arm upon the Chamber if we do embrace my proposal. It would simply require that, yes, the employer can still deduct the premiums and the employee need not report it as income. However, it will be a basic package, no frills. Just a basic package and let's stick with that. You get the deduction as an employer, no reporting of as income as an employee, and that is that. It will not include all the other extra things that we have come to enjoy in the luxury of extraordinary health care, where you get the kind of care you want at the moment you want it as long as someone else is paying for it.

So that is what I will be suggesting. I hope that others who bring health care issues to the floor will try to tell us how we are supposed to pay for it. I think it should not escape the attention of the American public.

I also point out that with just a very small 6-year hiatus, the Democrat Party has conducted the business of Congress for the past 50 years.

We all know how it works. It is not a Reagan budget or a Bush budget or a Carter budget. Although, the budget is sent from the President—it is often announced as "dead on arrival." It goes down here to the other end of the Capitol where they add 10 or 20 percent to it, just to make sure everybody gets stung when it comes over here. That was particularly true when the Republicans had control of this Chamber. It was set up for us to do the cutting and for them to get the credit as doing something for Americans.

Revenue bills originate in the U.S. House of Representatives and there is not enough of a corporal's guard, the Republicans, over there to do a thing about it. That is why the deficit goes up, and up, and up, and that is why the debt limit is $4,145 billion. That is how it works.

I have been here 13 years. I have watched those bills roll out of the House. I have watched them go up 10, 15, 20 percent on each individual appropriations bill. And then our job when we were in the majority here was to look bad and try to cut it back.

The job now is to try to look good, and that is just let everybody vote for it, ship it out, and hope for a veto. And that is designed to make the President look bad. So it is well to remember that both Houses are run by the tax and spenders. On many economic issues, Republicans in the House of Representatives are unable to put up a forceful front. Here we have 43, and because of the rules of the Senate and ap-

propriate filibuster protection, we are able to at least legislate in some way.

So I want to conclude and comment on the remarks of the majority leader. He stated very succinctly that it was George Bush's fault that the unemployed did not get a legislative extension of their benefits. That is not so. The President has always been very willing to sign a bill that was paid for. Others on the majority leader's side wanted a political issue, not a beneficial result for the unemployed. The issue never even came before us until July. If it had been that burning of an issue, we should have heard about it in February, or March, or April. We did not, until it became a political issue.

So let us sort out the doom and gloom rhetoric about George Bush. The Democrats do not have a candidate yet. Even with a hypothetical perfect—perfect, now mind you—Democratic candidate, George Bush does substantially better, according to most recent polls, on almost every issue. What will happen, heaven forbid, when they nominate someone with human flaws that will be picked through in royal fashion? That will be an interesting test.

So to Senator WOFFORD, I congratulate him. Congratulations to Dick and Ginny Thornburgh. They showed great grace and strength. Senator WOFFORD ran a tremendous campaign.

But I can assure you and all the others waiting around to attend the political funeral of George Bush and the Republican Party, you will be waiting a very long time. As Mark Twain would say, the reports of his demise are greatly exaggerated. So, too, is it with the Republican Party. Yesterday's results, with the exception of the race in Pennsylvania, are throughout the country positive news for the Republican Party. I thank the Chair.

EXTENSION OF MORNING BUSINESS

Mr. FORD. Mr. President,, I ask unanimous consent that morning business be extended for 45 minutes, until 1:45 p.m., with the same rules applying.

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

Mr. FORD. Mr. President, I ask unanimous consent that Senator PRYOR be recognized for 5 minutes; Senator D'AMATO be recognized for 5 minutes; Senator LIEBERMAN be recognized for 5 minutes; and that Senator ROTH be recognized for 15 minutes, and the remainder of time will be under the control of the Senator from Kentucky.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Arkansas is recognized for 5 minutes.

Mr. PRYOR. Mr. President, I thank the distinguished Democratic whip for arranging for me to speak this afternoon.

I thank you, Mr. President, for recognizing me.

TAXPAYER BILL OF RIGHTS

Mr. PRYOR. Mr. President, as the debate is now beginning to heat up on how to achieve tax fairness for middle-income Americans, I believe that the debate must now also focus on whether middle-income Americans are treated fairly by the tax collector, the Internal Revenue Service.

The Internal Revenue Service, Mr. President, is composed of over 120,000 employees who process over 100 million tax returns and collect over a trillion dollars each year.

Let us be very honest about it. The Internal Revenue Service is going to make some mistakes, and if some IRS employees are going to overstep their bounds, I think we should be very careful that the rights of the individual taxpayers are protected. Even when the Internal Revenue Service makes honest mistakes on only 1 percent of the tax returns that are filed, that it processes, it would mean that the Internal Revenue Service makes over 1 million mistakes a year.

The Internal Revenue Service is faced with a truly awesome task which it cannot fulfill without some error. We should know. Our tax laws should also reflect it.

Mr. President, the American taxpayer should not be required to pay the price for IRS mistakes and improper actions. Safeguards must be built into the law to protect that taxpayer against a potentially devastating effect of such mistakes now.

My colleagues in the Senate led the way recently in recognizing taxpayers' rights. Almost 5 years ago, in early 1987, I introduced the taxpayer bill of rights, S. 604. After hearings held by the Finance Subcommittee on Private Retirement Plans and Oversight of the Internal Revenue Service, I introduced a modified proposal, S. 1774, which reflected many concerns identified in those several hearings. Ultimately, S. 1774 was used as the basis for the omnibus taxpayer bill of rights enacted in 1988.

Mr. President, in 1988 when the taxpayer bill of rights was finally enacted and signed into law by the President of the United States, this was the first time in the history of the American Republic that the taxpayers' rights were looked after in a piece of legislation and were given the benefit of the doubt in case they had disputes with the Internal Revenue Service.

Many times throughout the almost 2-year process of enacting the taxpayer bill of rights, I referred to this legislation as a "good first step." Upon its passage, I promised then that I would be back. Well, Mr. President, now I am back.

In the coming month, I plan to introduce taxpayer bill of rights 2, which will reflect our growing understanding of taxpayers' needs and use as its foundation the taxpayer bill of rights enacted in 1988.

Today, I offer for consideration of my colleagues a list of proposals that will form the nucleus of the taxpayer bill of rights 2. These proposals will help the IRS achieve higher standards of accuracy, timeliness, and fair play in providing taxpayer service. At the same time, these proposals will not diminish or increase the power of the IRS—it simply makes the IRS more accountable for its actions.

Taxpayer bill of rights 2 will, among other concerns, address:

First, the creation of an independent administrative appeals process outside the Internal Revenue Service for taxpayer disputes related solely to taxpayer rights.

Second, increased authority vested in the ombudsman to prevent hardships to taxpayers.

Third, a requirement that the ombudsman provide Congress with quarterly reports related to its activities.

Fourth, elimination of the differential between interest the taxpayer pays to the Internal Revenue Service and the interest the IRS pays to the taxpayer.

Fifth, the strengthening of section 7430 of the code so a taxpayer may recover out-of-pocket costs incurred in a case in which he or she has substantially prevailed and the IRS' position was not substantially justified.

Sixth, a requirement that the IRS must abate interest for unreasonable IRS delays.

Seventh, procedural safeguards in cases where the IRS determines a tax deficiency based on a computer crosscheck.

Eighth, a requirement that all regulations issued by the Treasury Department be prospective unless expressly provided otherwise by Congress.

In addition, Mr. President, there are a number of other proposals designed to safeguard taxpayers rights which are explained in the summary description I will provide for the record. It is my hope this list of proposals will be studied and discussed by the many interested parties in this administration who administer our tax laws and by our colleagues in the Senate.

I look forward to meeting with all individuals involved, all of the groups that might be a part of developing sound and constructive taxpayer bill of rights 2. I plan to hold hearings in the IRS Oversight Subcommittee to debate the merits of these proposals and any others that might come to the subcommittee's attention.

Mr. President, I ask unanimous consent that a summary description of the proposals for the taxpayer bill of rights 2 be printed in the RECORD.

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

TAXPAYER BILL OF RIGHTS 2 (T2)

1. Taxpayer Rights Review. T2 will create an independent administrative appeal, out-

side the IRS, but within the Treasury Department. Once a taxpayer has exhausted administrative remedies, he/she may elect to go to Review for a binding determination on certain issues unrelated to the determination of tax liability.

Review Officers will, for example, have specific authority to review taxpayer disputes in the following matters:

a. Recovery of out of pocket costs.

b. Release of erroneous, premature or incorrectly filed liens.

c. Recovery of civil damages for certain unauthorized collection actions.

d. Abatement of interest for unreasonable IRS delay.

e. Recovery of damages due to failure to release liens.

f. Review of installment agreement disputes.

g. Taxpayer Assistance Orders (with expanded authority to cause the IRS to act).

2. The Ombudsman. The Ombudsman presently reports to the IRS Commissioner. T2 will provide that the Ombudsman be appointed by the President and confirmed by the Senate, but left within the IRS. Included in the Ombudsman's scope of power will be the authority to (1) abate assessments, (2) grant refund requests, and (3) stay collection activity. The Ombudsman will have the power to grant authority to his/her designees (i.e., the Problems Resolution officers). Action taken by the Ombudsman will be reported to the Senate Finance Subcommittee on Private Retirement Plans and Oversight of the Internal Revenue Service and the House Ways and Means Committee on Oversight.

The Problems Resolution Office [PRO] presently reports to the local District Director. T2 will provide that PRO report directly to the Ombudsman. The PRO will be hired, supervised reviewed, and promoted or demoted by the Ombudsman.

The visibility of the PRO must be improved. This may be achieved by requiring the IRS to provide PRO officers names and telephone numbers in IRS tax instructions.

In addition, T2 will require the Ombudsman to provide Congress the following quarterly reports:

a. Initiatives the Ombudsman's office has taken on improving taxpayer services and IRS responsiveness.

b. PRO recommendations flowing from the field.

c. A summary of problems encountered (nature of problems) and their resolution.

d. The inventory of open items (initiatives, recommendations, and problems above) on which no action has been taken along with an aging report.

e. Items on which changes have been made and whether or not those changes resolved the underlying problem.

f. Recommended changes that have not been implemented with an aging report and the reasons for not implementing the changes, and the IRS official who made the final decision on each recommended change.

g. If there is a perceived need for legislation to correct a problem or inequity, the report should contain such recommendations.

In addition, the Ombudsman should furnish to Congress it's objectives on an annual basis. These objections should be furnished well in advance of the beginning of the calendar year.

All reports should contain full and substantive analysis, in addition to statistical information.

3. Elimination of Interest Differential. T2 will eliminate the current interest differential (See IRC section 6621) between interest the taxpayer pays the IRS on underpayments and interest the IRS pays the taxpayer on overpayments.

4. Recovery of Administrative Costs. IRC section 7430 presently provides for the recovery of administrative costs incurred on or after the earlier of the receipt of the final decisions of Appeals or the statutory notice of deficiency. Because, generally, no administrative costs are incurred after this period (except where the taxpayer pays the full amount of tax and files a claim for refund), the statutory provision is ineffective. In addition, the burden is on the taxpayer to show that the position of the IRS was not "substantially justified".

T2 will amend section 7430 to provide that any person who substantially prevails in an administrative proceeding can recover reasonable administrative costs, but only if such costs were incurred after the earlier of: (1) the date of the first notice of proposed deficiency that allows the taxpayer an opportunity for administrative review in the IRS Office of Appeals, or (2) the date of the statutory notice of deficiency. In addition, if the notices above are not applicable (i.e., a nondeficiency proceeding-trust fund taxes, etc.), then costs run from the first notice that notified the taxpayer of the assessment or the proposed assessment. No such costs will be recoverable if the Government can show that it's position was substantially justified.

T2 will also amend section 7430 to provide that reasonable fees incurred for the services of qualified taxpayer representatives shall not be in excess of $150 (currently $75) and the amount shall be indexed to inflation.

5. Expansion of Secretary's Authority to Issue Certificate of Release Liens. IRC section 6326(b) requires the Secretary to issue a Certificate of Release for "erroneous" liens only. This extremely narrow language prevents the IRS from issuing the Release on premature or incorrectly filed liens. T2 will grant the Secretary the authority to issue a certificate of release for premature or incorrectly filed liens.

6. Removal of Limits on Recovery of Civil Damages. IRC section 7433 (Civil damages for certain unauthorized collection actions) caps damage awards against the IRS at $100,000. Section 7433 also limits recovery to "reckless and intentional" actions of the IRS. T2 will remove the $100,000 cap and include recovery for "negligent" action by the IRS.

7. Content of Notices. IRC section 7522 (Content of tax due, deficiency, and other notices) requires the IRS to clarify certain notices by January 1, 1990, by identifying and describing the basis for any tax due, as well as any interest and penalties assessed. A year later many IRS notices have not been improved. T2 will provide that notices with inadequate descriptions will be invalid.

8. Abatement of Interest for Unreasonable IRS Delays. IRC section 6404(e)(1) (Assessment of interest attributable to errors and delays by the IRS) provides "the Secretary may abate" interest on "any deficiency in whole or in part to any error or delay by an officer or employee of the IRS (acting in his official capacity) in performing a ministerial act".

The ministerial act requirement too narrowly limits the possibility of relief to the taxpayer. Also, IRS rejection of a taxpayer request to abate interest cannot be reviewed because section 6404(e)(1) provides no guidance for courts as to the appropriate judicial review standard.

T2 will provide that the Secretary must abate interest for unreasonable IRS errors and delays. The ministerial act limitation will be deleted from the statute, and courts will use "unreasonable" as the appropriate standard of review.

9. Secretary's Power to Suspend Rules. T2 will grant the Secretary broad powers to suspend rules which, because of changed circumstances since the enactment of a provision, would cause a hardship on a group of taxpayers.

10. Taxpayer Assistance Orders (TAOs). T2 will expand TAOs to force action by the IRS (e.g. force the IRS to issue a refund), and T2 will provide a judicial remedy for failure to honor TAOs.

11. Damages for Wrongful Liens. Section 7432 provides for a cause of action against the IRS for damages sustained due to failure to release liens. T2 will provide a similar cause of action for wrongful liens, including liens issued after a petition is filed in U.S. Tax Court.

12. Attorney-Client Privilege. T2 will amend the Federal Rules of Evidence to provide that disclosure of information to outside independent auditors will not destroy the attorney-client privilege.

13. Notice of Deficiency. IRC section 6212(a) authorizes the IRS to determine tax deficiencies. The term "determine" is not defined in the Code, and until recently, courts have declined to inquire whether or not, and how, the IRS made its determination. The courts are now beginning to review the IRS process of making a determination and chip away at the long-standing presumption of correctness afforded deficiency notices.

T2 will provide that, in order for an IRS notice of deficiency to be entitled to the presumption of correctness, the IRS will be required to have physically examined the underlying tax return, where such return has been filed. Additionally, T2 will amend section 6212(a) to provide that a "determination" must be "a thoughtful and considered determination that the United States is entitled to an amount not yet paid." *Portillo v. Commissioner*, 832 F.2d 1128 (5th Circuit 1991). If the IRS fails to make a thoughtful and considered determination, then the notice of deficiency will be invalid.

14. Procedural Safeguard Where IRS Determines a Tax Deficiency Based on Information Return Reporting. T2 will provide that where the taxpayer asserts a non-frivolous dispute with respect to any item of income reported to the IRS on an information return, the IRS, not the taxpayer, will bear the burden of proof in any deficiency or refund proceeding absent a showing that the IRS conducted a reasonable investigation of the facts and physically examined the taxpayer's return.

15. Tax Preparation Fees. T2 will provide that fees incurred with respect to the preparation of "Schedule C" (Unincorporated Trade or Business), or "Schedule F" (Farm Income and Expenses) will be allowed as an ordinary and necessary business expense. Thus, such fees will not be subject to the two-percent floor of applicable to miscellaneous itemized deductions. As a result, unincorporated taxpayers or farmers will not be at a disadvantage compared to incorporated businesses that incur tax preparation fees. The IRS has taken the position that such expenses are subject to the two-percent floor.

16. Designated Summons. IRC section 6503(k) permits the IRS to issue a "designated summons" directing the production of documents or other information in connection with the audit of a corporate taxpayer. There is no requirement that the IRS

notify the taxpayer that a designated summons is about to be issued. Under present law, the IRS may issue a designated summons with just 60 days remaining on the statute of limitations, and if the taxpayer does not comply fully with the summons in a relatively short period of time, then the IRS can suspend the statute of limitations by seeking judicial enforcement of that summons. While there may be situations where the use of a designated summons late in the audit process may be appropriate, nonetheless the IRS should not be allowed to surprise taxpayers who reasonably and in good faith believed that the statute of limitations was soon going to expire.

T2 will require the IRS to first seek the requested documents or other information informally. Additionally, IRS will be required to provide written notice that a designated summons is going to be issued and provide an explanation as to why the response, if any, to the prior informal request was not sufficient. Finally, the taxpayer would have the right to a conference with IRS within 15 business days of such written notice. Section 6503(k) provides the IRS with an extraordinary compliance tool, and taxpayers should fairly be warned when IRS intends to utilize it.

17. Increase Levy Exemption Amount. T2 will raise the levy exemption amounts of $1500 for personal property and of $1100 for equipment and property for a trade, business, or profession to the present indexed amounts.

18. Taxpayer's Right to an Installment Agreement. T2 will provide that an individual taxpayer has an automatic right to an installment agreement if the taxpayer has not been delinquent in the previous 3 years and the liability was under $10,000. This provision will be limited to individual Form 1040 taxes.

19. Prospective Effective Dates for Treasury Regulations. T2 will generally require that all regulations issued by the Treasury Department to implement broad legislative guidelines be effective prospectively from the date of issuance in final, temporary, or proposed form. To keep such a presumption from providing shelter for abusive transactions, and to provide for administration of tax laws in the interim between the effective date of a statute and the effective date of the associated regulations, taxpayers would be deemed to have satisfied the necessary requirements if they made a good-faith effort to utilize a reasonable interpretation of the statute that resulted in substantial compliance. This general rule requiring that regulations be prospective could be superseded by a specific legislative grant authorizing the Treasury Department to prescribe the effective date of regulations with respect to statutory provision.

20. Trust Fund Taxes. Section 6672 imposes personal liability on those persons who are required to collect employment taxes and who willfully fail to pay over these taxes to the IRS. Currently, taxpayers who may be responsible persons are assessed the taxes owed without the right to an administrative review. T2 would require the IRS to issue a preliminary notice which will give the taxpayer the right to an administrative appeals hearing. In addition, T2 would provide taxpayers the right to go to Tax Court prior to assessment (via a declaratory judgment procedure similar to section 7476). Steps will also be taken to prevent the IRS from collecting more than 100 percent of the taxes owed (which can happen since each responsible person is jointly and severally liable).

21. Safeguard for Divorced or Separated Spouses. In the case of divorced or separated spouses, procedures will be instituted to require the absent spouse's signature to acknowledge whether the other spouse, may or may not, represent the absent spouse in an audit situation.

22. Notice of Examination by Written Notice. T2 will require that the initial notice of an examination must be made by written notice, not by telephone.

23. Hardship. In the Code, regulations, and other administrative guidance, there exists a standard of "hardship". In many areas the standard has been modified to require that the basis for seeking relief is "undue" hardship or "significant" hardship. For example, IRC section 7811 provides that the Ombudsman may issue a TAO if a determination has been made that the taxpayer is suffering or about to suffer a "significant" hardship.

Such standards presuppose that a taxpayer must bear some degree of hardship before any relief can be afforded. Relief must be available before the hardship occurs.

T2 will eliminate qualifiers such as "undue", "significant", etc. from the Code, regulations, or in any other administrative pronouncement as they relate to the standard of hardship.

24. Notice of Proposed Deficiency. T2 will require that the IRS issue a notice of proposed deficiency (30-day letter), thereby permitting administrative appeal rights. If there are less than six months left on the statute of limitations, then the taxpayer shall have the option to extend the statute of limitations so that the IRS can issue a notice of proposed deficiency. The notice requirement will not apply in jeopardy assessment situations.

Mr. PRYOR. Mr. President, once again I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New York is recognized for 5 minutes.

GENERIC DRUG APPROVAL PROCESS

Mr. D'AMATO. Mr. President, for several years I have been deeply concerned about the notorious lack of integrity and efficiency in the generic drug approval process at the Food and Drug Administration.

My concerns date back to August 1988, when I wrote to former FDA Commissioner Frank Young demanding an accounting of FDA's procedures to protect the integrity of the application process.

As recently as September 11, I came to the floor of the Senate to publicly urge FDA Commissioner Kessler to make needed changes in the Agency's Generic Drug Division, including taking steps to prevent bias against companies which have criticized the agency.

I regret to say that the agency does not seem to be taking my suggestion seriously. FDA has threatened to obtain an injunction that would totally shut down Barr Laboratories Inc., based in Pomona, NY. Barr is one of America's largest generic drug manufacturers—and, coincidentally, a company that has cooperated extensively in Chairman DINGELL's investigation into the generic drug scandal at FDA.

I certainly have no objections to the agency taking enforcement actions that are justified. In fact, I strongly urge the agency to aggressively pursue those companies which violate the law. However, in this situation, there is a clear appearance that Barr has been singled out for retribution by the bureaucrats in FDA's Generic Drug Division and elsewhere.

Over the course of Chairman DINGELL's investigation into the generic drug scandal, 12 to 13 companies have been found to have filed false and fraudulent drug applications, falsified batch records, misappropriated trade secret data from other companies' applications, manufactured products in filthy conditions and, in one case, substituted a brand name product for its own for testing purposes. Not one of these companies has been singled out by FDA for any injunction—much less one that would shut down the companies' operations.

At the same time, the FDA's own inspectors have conceded that they have found no fraud, no misrepresentations, no false statements, no deception or any other criminal activity at Barr Labs. Moreover, Barr has agreed to cooperate fully with the FDA to resolve any concerns the agency may have.

In view of these facts, I think the FDA must account for why it is trying to shut this company down—putting several hundred New Jersey workers and over 200 New Yorkers out of work, and denying millions of Americans access to low-cost generic drugs produced by Barr Laboratories. Is it because Barr blew the whistle on abuses in the FDA's generic drug approval process? Is it because they gave testimony critical of FDA before the House Oversight and Investigations Subcommittee? It is because they supplied damaging information under oath?

It certainly looks like retaliation to me. Why else would the FDA threaten to destroy a company with no record of fraud and abuse, while failing to go after any of the dozen or more companies that have committed the egregious acts I have just mentioned.

Mr. President, it would appear to me that the FDA is holding Barr Labs hostage as a warning to any company that dares to blow the whistle. That is wrong, and I think the public has a right to know about it.

Mr. President, today I have sent Commissioner Kessler a letter seeking a response as to why FDA is singling Barr out in this manner. I understand that Chairman DINGELL has sent a rather lengthy letter to Commissioner Kessler along these same lines. In addition, I intend to call Commissioner Kessler this afternoon to urge his personal investigation into this matter.

Mr. President, I truly believe that Commissioner Kessler is committed to

making the FDA a better agency. However, until he can ensure that his agency's actions are based on the merits—and not on political retaliation by bureaucrats—he will never achieve his goal.

Mr. President, I ask unanimous consent that my August 1988 letter to FDA Commissioner Young and my letter to Commissioner Kessler 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, August 23, 1988.

Dr. FRANK YOUNG,
Commissioner, Food and Drug Administration, Rockville, MD.

DEAR DR. YOUNG: Information has been provided to me which, if accurate, raises the most serious questions about your agency's conduct in generic drug applications.

Barr Laboratories of Pomona, New York, has applied for license to manufacture and market a generic form of conjugated estrogen to be used as a preventative in connection with female osteoporosis, affecting millions of Americans. Barr has been advised that its submissions meet all applicable published FDA protocols. Barr was twice informed in writing by your agency that its product was, under those tests, bioequivalent to the product already on the market.

However, Barr was then asked to submit data from an additional test ("serum absorption") which I am told had not previously existed for this substance. Having purchased and produced several million dollars' worth of the drug in reliance on FDA's earlier letters, Barr offered to accept a conditional license pending resolution of the new tests (and their clinical necessity). This was refused. Moreover, while Barr was verbally informed by one Dr. Rheinstein on July 1 that its application was denied, the FDA has thus far failed or refused to provide written confirmation of this decision, a failure impeding Barr's pursuant of appropriate remedies.

Whatever the merits of Barr's application, fairness—and the law—dictate that it be given timely written notice of final agency action. Failure to provide such notice would represent a very real abuse of administrative authority.

Inquiries to your agency from my staff have produced an even more disturbing impression. Officials of FDA's Office of Drug Standards, in discussing this case, commented that "Ayerst (current marketer of the non-generic drug) knows what's going on at critical times"; and further, "Ayerst says we should be insistent on the tougher standard".

This suggestion of improper involvement, and perhaps influence, in the application process of a potential competitor is deeply alarming. Together with the unexplained failure to provide a written determination to the applicant, it raises grave questions regarding the FDA's approval process which must be addressed.

I am therefore requesting your immediate written response regarding (1) the status of Barr's application, (2) the reasons for delay in providing written confirmation of FDA's determination, and (3) FDA's procedures to protect the integrity of the application process. Please contact my legislative director and counsel, James Wholey, with any questions you may have.

It is my intention to pursue the facts in this matter until they are satisfactorily resolved.

Sincerely,

ALFONSE M. D'AMATO,
U.S. Senator.

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

Re Barr Laboratories, Inc.

DAVID A. KESSLER, M.D.,
Commissioner, Food and Drug Administration, Rockville, MD.

DEAR COMMISSIONER KESSLER: Since 1989, I have been following with keen interest investigations of the Food and Drug Administration's generic drug approval process as well as FDA's response to those investigations, particularly with respect to evidence of improprieties within the Office of Generic Drugs and disparate treatment of various generic drug companies. I have been especially concerned with FDA's treatment of my constituent, Barr Laboratories since Barr testified before the House Oversight Subcommittee in May 1989 about what it perceived to be misconduct and inequities in FDA's treatment of its generic drug applications.

I am particularly concerned about a situation involving recently conducted FDA inspections of Barr's manufacturing facilities in Pomona, New York and Northvale, New Jersey. It is my understanding that FDA, as a result of its inspections, is contemplating an enforcement action requiring Barr to shut down its entire operation because of alleged violations of Good Manufacturing Practices in a handful of products. I understand that Rep. John Dingell, Chairman of the House Subcommittee on Oversight and Investigations, has also raised questions about the FDA's actions in this matter.

I want to make it clear that I do not desire to influence FDA's decision to take any enforcement actions that are justified. However, I do have two fundamental questions about the underlying reasons why FDA has apparently singled out Barr for such a comprehensive enforcement action.

First, during the course of the Oversight Subcommittee's investigations and pursuant to FDA inspections, several generic drug firms were found to have filed false and fraudulent drug applications, falsified batch records, misappropriated trade secret data from other companies' applications, manufactured products in filthy conditions and, in one case, substituted the innovator's product for its own for bioequivalence testing and then attempted to hide this fact from FDA inspectors. Some of these companies and their officials and employees have been convicted for some of these offenses. Yet, to my knowledge, in none of these cases did FDA request injunctive relief as to any of these egregious acts, much less comprehensive injunctive relief against any of these companies' overall operations. I would like to know, then, why the FDA is seeking to enjoin all of Barr's operations while FDA has failed to seek any form of injunctive relief against companies which have admitted fraud?

Second, with reference to FDA's inspectional observations, I am informed that Barr has sought to cooperate with FDA, has agreed to suspend manufacture of those products about which FDA raised concerns, and is willing to take all reasonable steps to alleviate FDA's concerns. Yet, it is my understanding that FDA has stated it will settle for nothing less than a total shutdown, and has refused even to discuss with Barr the company's response to FDA's inspectional observations prior to taking action. What are FDA's reasons for insisting on a total shutdown of all of Barr operations even though Barr has unilaterally suspended production and distribution of those few products about which FDA raised concern and, further, has taken significant additional actions to assure FDA that the remaining products provided by Barr are of the highest quality?

This is a very serious matter that warrants your immediate attention and I would appreciate your prompt response.

If this matter is subject to a formal agency proceeding, please make sure that this correspondence is made part of the applicable public record.

Sincerely,

ALFONSE M. D'AMATO,
U.S. Senator.

Mr. D'AMATO. Mr. President, let me conclude by simply saying this: This is outrageous. You have a problem in the generic drug industry and the one company that steps forward and sets forth reasons and facts as to what is going on is singled out for persecution. Yet, those companies that have committed the most egregious crimes have no action taken against them. That is wrong.

If Kessler is true to his commitment—and I hope he is—then he had better get down to business and see to it that people are not singled out for retribution because they have the courage to stand up and call to the attention of the American public and to the FDA the egregious conduct that is taking place within that agency.

Thank you, Mr. President.

I yield the floor.

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

STAFF FLOOR PRIVILEGES

Mr. LIEBERMAN. I thank the Chair. I ask unanimous consent that Michael Henderson, who is a congressional fellow serving in my office this year, be granted the privileges of the floor for this day.

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

THE KUWAITI OIL FIRES

Mr. LIEBERMAN. Mr. President, I rise to call the attention of my colleagues to a significant event that has happened today, half a world away; an event that has been long awaited by people around the world: the extinguishing of the last oil-well fire in Kuwait.

On August 2, 1990, the world was shocked to learn of Saddam Hussein's ruthless invasion of Kuwait. The brutal occupation of Kuwait by Iraqi forces continued until the American-led coalition liberated that nation in February of this year. It was then that the extent of severe damage to Kuwait's infrastructure and its environment became fully known.

One of the most disturbing consequences of Saddam Hussein's aggression against Kuwait was his environmental terrorism: the intentional spilling of millions of gallons of oil into the Persian Gulf, many times greater a spill than occurred after the *Exxon Valdez*, and the premeditated igniting of hundreds of Kuwaiti oil-well fires as acts of vengeance by a retreating army.

I have visited Kuwait, and I must tell my colleagues that there is nothing quite like the experience of seeing the oil-well fires set by Iraqi troops up close. No medieval artist's depiction of Hell—or Hollywood director's vision of war—ever captured the horrific desolation of the blazing oilfields of Kuwait. I was there in August, and I witnessed a dreadful scene of black, white, and gray, forming a backdrop for the roiling reds and yellows of the fires themselves. The heat from the flames makes the normal air temperature—which was 118 degrees the day I was there—seem like a cooling breeze as it assaults the skin. Any metal on one's body—a camera, a belt buckle—becomes as hot as a pan in a fire. And the sound is other worldly, a harsh, unending roar that fills the air and amplifies the impression of the ghostly scene. The tableau of devastation is reflected off the sheen of the lakes of oil that have accumulated from wellheads that blew, but do not flame.

And near one of those wellheads gathers a company of courageous firefighters, covered head to toe in oil, struggling to cut the flow of oil from a wellhead at which they have just extinguished a flame. The day I was there, the firefighters put out their 300th fire, and it was beginning to look like all the fires might be under control in time for the first anniversary of the war's end, next February. It would be, I said at the time, an amazing feat of heroism, skill, and determination if that were so.

Mr. President, even the most optimistic prophets were not optimistic enough. The fires are all out, less than 9 months since the end of the war.

A formal ceremony was actually held in the Burgan oilfield outside Kuwait City, which is the one I visited in August, at which the Emir of Kuwait extinguished that last fire.

I expect that this multinational effort—it was truly an international firefighting effort, led, however, by some great American teams—will go down as one of the most remarkable feats of human courage and skill in recent history.

I would like to take this time to commend the work of the American teams involved: the Red Adair Co., Boots and Coots, and Wild Well Control, all of Texas. These companies, plus a team from Canada, Safety Boss, Ltd., accomplished in about 9 months what some believed would take 4 or 5 years. The sheer number of blazing wells and the enormous amount of equipment needed to fight them were unparalleled in history. And, as a result of this remarkable accomplishment, people in that region can quite literally breathe easier today.

Mr. President, I am privileged to have been appointed by Senator QUENTIN BURDICK, chairman of the Environment and Public Works Committee, to head the Gulf Pollution Task Force of that committee. We have had four meetings where we heard testimony from a variety of witnesses concerning the environmental effects of these fires and the oilspills.

The Gulf Pollution Task Force, of the Senate Environment and Public Works Committee which I chair, has had four meetings where we heard testimony from a variety of witnesses—government, private industry, academia—concerning the environmental effects of the oil well fires and the oilspills on the air, water, and land of the gulf region. At one of our first meetings, the task force was informed that due to bureaucratic and administrative problems, equipment, and supplies needed for firefighting were being delayed days and even weeks at a time. Red Adair testified that lack of heavy equipment and supplies was slowing the progress of all the firefighting teams. He concluded by saying that unless additional support was made available, the firefighting effort might drag on for years.

I am proud to say that our task force was able to respond to Red Adair's plea, and cut through some of the red-tape to get vital equipment to the firefighters much quicker than originally planned. Through the cooperation of the Military Airlift Command, large bulldozers and other heavy machinery were delivered directly to the firefighters, helping them get the job done.

With the capping of the last oil well fire, the source for much of the atmospheric and respiratory-related problems will have been controlled. However, much remains to be done in the region in terms of monitoring long-term health effects, reclaiming damaged coastal ecosystems, and disposing of millions of barrels of contaminated oil contained in open pits near the shore. Kuwait's medical and scientific infrastructure remains fractured, hampering greatly needed environmental and health research. Valuable data that could have assisted doctors and scientists in tracking health effects and monitoring meteorological and oceanographic processes was lost because Iraqi forces had destroyed them during their occupation of and withdrawal from Kuwait. Numerous agencies of the American Government attempted to fill the void, including the EPA, the Public Health Service, NOAA, and NASA, which provided technical assistance to Kuwait, Saudi Arabia, and Bahrain, the countries most affected by the oil fires and oilspill. I think we can all be proud of this contribution that the American Government has made to this environmental response.

Mr. President, the final consequences of Saddam Hussein's enviromental aggression are yet to be known. But the most visible, and perhaps the most damaging, reminder—the oil fires of Kuwait—are no more. For that, we are all thankful.

EXTENSION OF MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the period for morning business be extended to the hour of 2 p.m. and that the distinguished Senator from Delaware [Mr. ROTH] be assigned the 15 minutes from 1:45 until 2 o'clock.

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

Mr. FORD. Mr. President, I yield whatever time necessary to the distinguished Republican leader that I have under my control.

PENNSYLVANIA SENATE RACE

Mr. DOLE. Mr. President, yesterday, men and women across this country exercised our precious right to vote. And today, politicians and pundits are exercising their right to put their spin on the results.

Some will say that the results of the Pennsylvania Senate race are a defeat for President Bush. Others will point to the Mississippi gubernatorial race, the congressional seat in Virginia, and dramatic turn-arounds in the State legislatures of Virginia and New Jersey as rejections of the Democrat philosophy of tax and spend.

I will leave it to others to read the tea leaves, Mr. President. This morning I just want to extend my congratulations to Senator WOFFORD.

The voters of Pennsylvania had a choice between two candidates who have devoted much of their lives to public service. It is no secret that I was rooting for the other candidate, and I know that Dick Thornburgh will continue to make many contributions to his country in the years to come.

But the people have spoken, and Senator WOFFORD will serve in this body for another 3 years.

And on behalf of all Members on this side of aisle, I extend our congratulations. We look forward to working with Senator WOFFORD as we seek to address the concerns of Pennsylvanians and all Americans.

THE CLARKE NOMINATION

Mr. DOLE. Mr. President, during the past few years, Presidential nominees

have painfully discovered that Capitol Hill is a dangerous place, bristling with politics and a committee review process that almost everyone now agrees is out of control.

Just ask Clarence Thomas or Robert Bork. Or remember the treatment our late friend John Tower received up here. This morning, we have the latest example of committee bullying: The Democrat majority of the Senate Banking Committee took their frustrations out on Robert Clarke, the President's nominee for Comptroller of the Currency.

By a vote of 12–9, the Democrat-controlled committee denied Mr. Clarke a second term as Comptroller of the Currency.

By a vote of 12–9, the Democrat-controlled committee apparently believes it can absolve itself of commercial bank failures, and the savings and loan mess.

By a vote of 12–9, the Democrat-controlled committee has tried to declare that Congress had no role in this mess, nor can it do anything about it.

It is always easier to point fingers, so by a vote of 12–9, the Democrat-controlled committee has now decreed that Mr. Clarke is the official scapegoat.

As was pointed out this morning in a Washington Post editorial, Mr. Clarke has admitted that this stewardship has not been faultless. "But," they said in endorsing his nomination, "he was on the right track last year when he began to tighten the standards for lending to protect the banking system. And * * * he was on target in 1988, when he sounded the alarm about the growing risks in real estate lending and the dangers in highly leveraged transactions."

It is very unfortunate, Mr. President, that the right track has now been abruptly cut short by Senators taking the easy road of pointing fingers and dodging accountability.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

THE KENTUCKY ELECTIONS

Mr. FORD. Mr. President, we have had a lot of good conversation here this morning, a lot of good thoughts. I go back to my earlier statement when I said to my Republican colleagues that it is time we put aside whatever political problems we might have and begin to work on what I believe is perceived out there that we should be doing.

It was mentioned this morning by my distinguished friend from Wyoming that no one had talked about New Jersey. I talked about New Jersey earlier on. And no one had talked about Virginia; I had talked about Virginia earlier on.

I now am going to say something about Kentucky. Kentucky had a Governor race yesterday. All of the statewide constitutional offices were up for approval, selection of the nominees of both parties, and the Democrats won 65 to 35 percent, against a well-known, and I would have thought a very popular Republican Congressman, who had served in the House for six or seven terms—I am not sure.

We had the President come and attempt to raise $1 million for his campaign. We had the Vice President in twice. We had practically every Secretary of the Cabinet in to campaign. And the people of Kentucky, somehow, just did not listen to those people, because if they had, the outcome would have been somewhat different.

Lo and behold, probably the largest majority given to a Democrat in the history of our State, for a statewide office, was given by the people of the Commonwealth yesterday. And the Democrats talked about some things that we have been attempting to bring about here in this Chamber. They talked about health care. The new Governor of Kentucky has had some interest, before he entered into politics, as it relates to health care. He made an extraordinary contribution to the health care of the people of my State. He talked about new jobs; he talked about being frugal; he talked about working together; he talked about bringing people to the table to find answers and solutions to the problems.

I read an article—I believe it was in the Post the day before yesterday—about the innovative ideas that are occurring all across this country as it relates to trying to find solutions that we here in Washington fail to accomplish. So I am very proud and pleased with my State. I think that the issues that were addressed were significant, that the candidates were responsive. There were no divisions in the Democratic platform. It was a well-coordinated campaign. I think the end result speaks for itself.

As we begin to look back and try to, as the Republican leader said, put whatever spin on yesterday's results we want to, I believe that Kentucky expressed itself as to what the people of this country would like to see.

So I am very proud and pleased with the outcome in my State, and I look forward to working very closely with the elected officials so that we might correct some of the problems. Sure, there are some things that are wrong, but you have to work to correct them. And I believe that it is time that we put the cap on the wet pen, the veto. I think it is time that you stop leaning on 34 Republicans to sustain that veto. It just says: If not my way, it will not be done.

We control this Senate. I have not found 60 Democrats over here yet. And we even have to file cloture on a motion to proceed to a bill. Then we have to file cloture to actually vote on that piece of legislation. And then it is vetoed, and it only takes 34.

That kind of cooperation has to stop, and we have to sit down and start working out the problems. I do not believe there is a Republican here that has not been home in the last 3 or 4 months that has not heard the same thing I hear.

Pennsylvania just happened to be the first State to have the ability to respond. They say, think about New Jersey, think about Mississippi. I think a little bit about Louisiana. The strongest denunciation of a candidate running for office was by the President of the United States of the Republican candidate in Louisiana.

But one thing you must say about Pennsylvania. Outside of the Vice President of the United States, the most visible individual in this administration was in Pennsylvania representing the administration. He was the selected candidate, and he was there representing. And to say that the issues were brought to bear there, I think is accurate because, in the last week of the campaign, the Republican candidate in Pennsylvania started talking about health care. He started talking about unemployment. He talked about health care without any increase in taxes. He was trying to one-upmanship everybody else, but it was too late. So now it is time that we understand what is going on. I hope that we will take heed of that.

I go back to my State and say how proud I am of the campaign, how proud I am of the people that led that ticket, and how pleased I will be to be working with them, as I have this past administration, in the years to come.

Mr. President, we have about 15 minutes that could be used by Senators if they wish to come to the floor, and then, at 1:45 p.m., the Senator from Delaware [Mr. ROTH] will have the last 15 minutes before we move to the legislation at hand.

I see no Senator wishing to seek the floor. So 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. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PREGNANCY COUNSELING IN TITLE X FUNDED CLINICS

Mr. CHAFEE. Mr. President, I was disappointed to learn last evening around 6 o'clock, just on the eve of the vote in the House on the Labor-HHS appropriations bill, that the administration released a letter from President Bush intended to clarify the 1988 regulations governing federally funded fam-

ily planning clinics. This action, timed and executed as it was, seems to me to be a test of how serious we are about halting implementation of these regulations. You may recall, Mr. President, that the regulations prohibit those family planning clinics, so-called title X clinics, from providing any information to poor pregnant women about pregnancy termination, even when the women asks for such information.

These regulations have been dubbed the "gag rule" because they prohibit health care professionals from answering legitimate questions a woman has about her legal and her medical options. The letter seems to indicate that a doctor could provide more complete information—note the word "doctor"—but still would have no discretion in responding to the question of where a woman could go for pregnancy termination.

Now, Mr. President, this is not an argument about abortion. The title X program does not and has never paid for abortions. Those of us who are in favor of getting rid of the gag rule are not suggesting that title X funds be used to pay for abortions. That has nothing to do with this particular discussion, namely, the gag rule. The disagreement, Mr. President, is over whether a poor woman is entitled to basic information that any other woman would rightly expect from health care professionals.

Since July, I have been negotiating in good faith with representatives of the administration to develop a compromise on this issue. We have been very close to a solution. This letter sent to the Secretary, however, lays out yet another gag which is unacceptable to those of us who want to ensure that poor people get full information without having to jump through hoops that a wealthier woman would never tolerate.

Simply put, this is an attempt to get rid of the problems of the gag rule without removing the gag.

In its clarifying letter, the administration says that only doctors may provide information to women, even though it is well known that, under the title X program, heavy reliance is placed on other health care professionals, such as nurses and physician's assistants. While there is always a medical director who oversees the program, a doctor is simply not available at all times to serve these patients.

This is by no means unusual in our health care system today, and certainly our Presiding Officer, who has had experience as a Governor, knows full well that we do not have doctors in many rural areas. We do not have doctors in many inner-city situations. They are not available to see low-income patients for any health care services, never mind pregnancy counseling.

Let me give you a good example of this. In northern Maine they have no established clinic because the area is too rural and too poor to sustain a doctor. So instead, they have a nurse practitioner who travels by bus or by van to all the towns in rural Maine to provide family planning and general health care services to low-income women in those towns. She is tied in by phone to a medical center in Portland, ME, for medical assistance. This van or bus is partially funded by title X funds. In many cases, this is the only access these women have to any medical care. There are no doctors in the area.

The administration's proposal, which is limited just to doctors, demonstrates a total lack of understanding of the real world and of our health care challenges. So to say that it is all right for a doctor to tell a woman when she asks, what are my options, for the doctor to give her answers, in many, many instances there is no doctor available.

But beyond the availability of doctors, there is another issue. That is the questioning the capability of nurses and physician assistants to provide health care services. Does the administration mean to tell us that nurses and other health care professionals are not capable of providing basic information to women about their health care options? Why this is an insult to nurses and flies in the face of everything we know about how health information and services are provided.

Mr. President, all along, going back some 3 years now, I have been fighting these regulations because they prohibit a poor woman from receiving information about her options. If a woman asks "What are my options?", she is entitled to an answer.

This new proposal says that a woman should receive "complete medical information about her condition." Now this is ambiguous, at least based on my discussions with the administration. Does this mean she will get an answer to her question? I think under this proposal it is quite likely the answer is "No." She probably would get information about prenatal care, but not about all her legal and her medical options.

This is unfair to a poor woman. It is the kind of restriction on information none of us would accept for ourselves. We are trapping these women simply because they are too poor to pay for private medical care. If they had money they could go to a private health provider and get all the information they want. But because they are poor, the Government is saying, "We, the Government, will control their access to information simply because we, the Government, have this power." This is wrong.

The proposal also says—I am talking about the proposal the administration submitted last evening; in other words changing the regulations—a woman may be referred to a full health service provider that also performs abortions. So one might say: "Well, what is the problem? She is referred to a full health care provider. That health care provider also performs abortions. So everything is fine. What is the complaint?"

I have been around and around on this issue with the administration time and time again. The facts are there are very few places which provide abortions and also provide prenatal care.

Let us take my home State of Rhode Island. In my State there is only one place, Women and Infants Hospital, that provides full service health care and also provides abortions. And you might think, all right, that is fine, the woman goes there. But what are the facts?

This hospital does not provide abortions for a woman in her first trimester that is perfectly healthy. They provide abortions only when there are serious complications involved. So under this proposal, a woman would be sent on to Women and Infants Hospital, for example, and find out there she could not, in her first trimester, in an uncomplicated case, receive an abortion. So they would send her to some other place. In other States, there are no providers who would meet this qualification, namely a full service health care provider that also performs abortions.

To me this is cruel. By sending a woman on to Women and Infants Hospital, in my situation at home, it sends a woman on a wild goose chase. When one of us are referred to a health care provider by a doctor or nurse, we expect to be able to get the service we need at that place. We do not expect to be told by a second stop, "Well, go to a third place."

These are poor women. We have to remember that. Many of them work two or three jobs. Many of them have children. They cannot be expected to traipse all over the State looking for services when the answer at the first stop is readily available. I think also we have to remember we are lucky to get many of these low-income women into the health care system to start with.

Finally, let me just say a word about the title X program. This program is intended to increase access for poor women to quality health care services. We get these women into the system. It has been highly successful. It brings women into the health care system who otherwise would have little or no access to such a system. It plays a critical role in screening for sexually transmitted diseases and preventing unwanted pregnancies. In many cases the title X programs serve as the entry point for poor women in the health care system.

We should be doing all we can to improve the program, not finding ways to make it more difficult for poor women to get basic information. These regulations do make matters more difficult and they should be overturned.

TRIBUTE TO GORDON ELIOT WHITE

Mr. GARN. Mr. President, today in Washington, DC, friends and colleagues of Gordon Eliot White will gather to bid farewell to the Deseret News reporter who has covered Washington for more than three decades. It is with great admiration and respect, and also sadness that we say good-bye to Gordon whose career represents the highest standards and achievements of the journalism profession.

I have known Gordon since I came to the Senate in 1975. More than almost any reporter who has covered the Utah delegation during my time in Washington, Gordon has had his finger on the pulse of the Congress. His reporting has always been thorough, fair, and most importantly, honest. Unlike many members of the media, Gordon does his homework. In fact, he has fostered such good sources at Government agencies, and is so well-informed, I have called him on occasion for information on certain issues.

From the Nation's Capital, Gordon has covered the exciting and tumultuous events of the past 34 years. From the beginning of the cold war, through the Vietnam war, the assassination of a President, the first lunar landing, Watergate, the energy crisis, the release of American hostages, to the crumbling of the Iron Curtain and the sweep of democracy across the globe, Gordon has provided Utahns with a grasp of how these critical events in our Nation's history impacted their own lives.

His expertise on energy and water issues has helped Utahns understand the progress of the complicated but critical Central Utah Project, and his proficiency with military and defense issues has given Utahns an understanding of the State's role in U.S. national security. Gordon's outstanding investigative reporting on victims of nuclear fallout from atomic testing in the western United States in the 1950's earned him national recognition and several prestigious awards in journalism.

Like the other citizens of Utah, I will miss the honest, fair, and prolific reporting of Gordon Eliot White. Like his colleagues, I will miss him as an example of the highest journalistic ethics. And as I prepare to leave Washington, I will miss him as a friend. I wish him every success.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,426th day that Terry Anderson has been held captive in Lebanon.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 1921 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANFORD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business, under the previous order, is closed.

INDOOR AIR QUALITY ACT OF 1991

The PRESIDING OFFICER. Under the previous order the Senate will proceed to the consideration of S. 455, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 455) to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. TITLE.—(a) This Act, together with the following table of contents, may be cited as the "Indoor Air Quality Act of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Definitions.
Sec. 5. Indoor air quality research.
Sec. 6. Management practices and ventilation standards.
Sec. 7. Indoor air contaminant health advisories.
Sec. 8. National indoor air quality response plan.
Sec. 9. Federal building response plan and demonstration program.
Sec. 10. State indoor air quality programs.
Sec. 11. Office of Indoor Air Quality.
Sec. 12. Council on Indoor Air Quality.
Sec. 13. Indoor air quality information clearinghouse.
Sec. 14. Building assessment demonstration.
Sec. 15. State and Federal authority.
Sec. 16. Authorizations.

FINDINGS

SEC. 2. The Congress finds that—

(1) Americans spend up to 90 per centum of a day indoors and, as a result, have a significant potential for exposure to contaminants in the air indoors;

(2) exposure to indoor air contamination occurs in workplaces, schools, public buildings, residences, and transportation vehicles;

(3) recent scientific studies indicate that pollutants in the indoor air include radon, asbestos, volatile organic chemicals (including, formaldehyde and benzene), combustion byproducts (including, carbon monoxide and nitrogen oxides), metals and gases (including, lead, chlorine, and ozone), respirable particles, biological contaminants, microorganisms, and other contaminants;

(4) a number of contaminants found in both ambient air and indoor air may occur at higher concentrations in indoor air than in outdoor air;

(5) indoor air pollutants pose serious threats to public health (including cancer, respiratory illness, multiple chemical sensitivities, skin and eye irritation, and related effects);

(6) up to 15 per centum of the United States population may have heightened sensitivity to chemicals and related substances found in the air indoors;

(7) radon is among the most harmful indoor air pollutants and is estimated to cause between five thousand and twenty thousand lung cancer deaths each year;

(8) other selected indoor air pollutants are estimated to cause between three thousand five hundred and six thousand five hundred additional cancer cases per year;

(9) indoor air contamination is estimated to cause significant increases in medical costs and declines in work productivity;

(10) as many as 20 per centum of office workers may be exposed to environmental conditions manifested as "sick building syndrome";

(11) sources of indoor air pollution include conventional ambient air pollution sources, building materials, consumer and commercial products, combustion appliances, indoor application of pesticides and other sources;

(12) there is not an adequate effort by Federal agencies to conduct research on the seriousness and extent of indoor air contamination, to identify the health effects of indoor air contamination, and to develop control technologies, education programs, and other methods of reducing human exposure to such contamination;

(13) there is not an adequate effort by Federal agencies to develop response plans to reduce human exposure to indoor air contaminants and there is a need for improved coordination of the activities of these agencies;

(14) there is not an adequate effort by Federal agencies to develop methods, techniques, and protocols for assessment of indoor air contamination in non-residential, non-industrial buildings and to provide guidance on measures to respond to contamination; and

(15) State governments can make significant contributions to the effective reduction of human exposure to indoor air contaminants and the Federal Government should assist States in development of programs to reduce exposures to these contaminants.

PURPOSE

SEC. 3. The purposes of this Act are to—

(1) develop and coordinate through the Environmental Protection Agency and at other departments and agencies of the United States a comprehensive program of research and development concerning the seriousness and extent of indoor air contamination, the human health effects of indoor air contaminants, and the technological and other methods of reducing human exposure to such contaminants;

(2) establish a process whereby the existing authorities of Federal statutes will be directed and focused to assure the full and effective application of these authorities to reduce human exposure to indoor air contaminants where appropriate;

(3) provide support to State governments to demonstrate and develop indoor air quality management strategies, assessments, and response programs; and

(4) to authorize activities to assure the general coordination of indoor air quality-related activity, to provide for reports on indoor air quality to Congress, to provide for assessments of indoor air contamination in specific buildings by the National Institute for Occupational Safety and Health, to assure that data and information on indoor air quality issues is available to interested parties, to provide training, education, information, and technical assistance to the public and private sector, and for other purposes.

DEFINITIONS

SEC. 4. For the purposes of this Act, the term—

(1) "Agency" means the United States Environmental Protection Agency;

(2) "indoor" refers to the enclosed portions of buildings including non-industrial workplaces, public buildings, Federal buildings, schools, commercial buildings, residences, and the occupied portions of vehicles;

(3) "indoor air contaminant" means any solid, liquid, semisolid, dissolved solid, biological organism, aerosol, or gaseous material, including combinations or mixtures of substances in indoor air which may reasonably be anticipated to have an adverse effect on human health;

(4) "Federal agency" or "agency of the United States" means any department, agency or other instrumentality of the Federal Government, including any independent agency or establishment of the Federal Government or government corporation;

(5) "Federal building" means any building which is used primarily as an office building, school, hospital, or residence that is owned, leased, or operated by any Federal agency and is over ten thousand square feet in area and any building occupied by the Library of Congress;

(6) "Administrator" means to the Administrator of the Environmental Protection Agency;

(7) "Administration" means the Occupational Safety and Health Administration;

(8) "Director" means the Director of the National Institute of Occupational Safety and Health;

(9) "local education agency" means any educational agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381); and

(10) "local air pollution control agency" means any city, county, or other local government authority charged with the responsibility for implementing programs or enforcing ordinances or laws relating to the prevention and control of air pollution including indoor air pollution.

INDOOR AIR QUALITY RESEARCH

SEC. 5. (a) AUTHORITY.—(1) The Administrator shall, in coordination with other appropriate Federal agencies, establish a national research, development, and demonstration program to assure the quality of air indoors and as part of such program shall promote the coordination and acceleration of research, investigations, experiments, demonstrations, surveys, and studies relating to the causes, sources, effects, extent, prevention, detection, and correction of contamination of indoor air.

(2) In carrying out the provisions of this section, the Administrator is authorized, subject to the availability of appropriation to—

(A) collect and make available to the public through publications and other appropriate means, the results of research, development and demonstration activities conducted pursuant to this section;

(B) conduct research, development and demonstration activities and cooperate with other Federal agencies, with State and local government entities, interstate and regional agencies, other public agencies and authorities, nonprofit institutions and organizations and other persons in the preparation and conduct of such research, development and demonstration activities;

(C) make grants to the States or to local government entities, to other public agencies and authorities, to nonprofit institutions and organizations, and to other persons;

(D) enter into contracts or cooperative agreements with public agencies and authorities, nonprofit institutions and organizations, and other persons;

(E) conduct studies, including epidemiological studies, of the effects of indoor air contaminants or potential contaminants on mortality and morbidity and clinical and laboratory studies on the immunologic, biochemical, physiological, and toxicological effects including the carcinogenic, teratogenic, mutagenic, cardiovascular, and neurotoxic effects of indoor air contaminants or potential contaminants;

(F) develop and disseminate informational documents on indoor air contaminants describing the nature and characteristics of such contaminants in various concentrations;

(G) develop effective and practical processes, protocols, methods, and techniques for the prevention, detection, and correction of indoor air contamination and work with the private sector, other governmental entities, and schools and universities to encourage the development of innovative techniques to improve indoor air quality;

(H) construct such facilities and staff and equip them as may be necessary to carry out the provisions of this section;

(I) call conferences concerning the potential or actual contamination of indoor air giving opportunity for interested persons to be heard and present papers at such conferences;

(J) utilize, on a reimbursable basis, facilities and personnel of existing Federal scientific laboratories and research centers; and

(K) acquire secret processes, technical data, inventions, patent applications, patents, licenses, and an interest in lands, plants, equipment and facilities and other property rights, by purchase, license, lease, or donation. If the Administrator expects or intends that research pursuant to this subsection will primarily affect worker safety and health, he shall consult with the Assistant Secretary of Occupational Safety and Health and the Director.

(L) conduct research, development and demonstration activities with nonprofit institutions on the use of indoor foliage as a method to reduce indoor air pollution.

(b) PROGRAM REQUIREMENTS.—The Administrator, in coordination with other appropriate Federal agencies, shall conduct, assist, or facilitate research, investigations, studies, surveys, or demonstrations with respect to, but not limited to, the following—

(1) the effects on human health of contaminants or combinations of contaminants at various levels whether natural or anthropogenic including additive, cumulative, and synergistic effects on populations both with and without heightened sensitivity that are found or are likely to be found in indoor air;

(2) the exposure of persons to contaminants that are found in indoor air (including exposure to such substances from sources other than indoor air contamination including drinking water, diet, or other exposures);

(3) the identification of populations at increased risk of illness from exposure to indoor air contaminants and assessment of the extent and characteristics of such exposure;

(4) the exposure of persons to contaminants in different building classes or types, and in vehicles, and assessment of the association of particular contaminants and particular building classes or types and vehicles;

(5) identification of building classes or types and design features or characteristics which increase the likelihood of exposure to indoor air contaminants;

(6) identification of the sources of indoor air contaminants including association of contaminants with outdoor sources, building or vehicle design, classes or types of products, building management practices, equipment operation practices, building materials, and related factors;

(7) assessment of relationships between contaminant concentration levels in ambient air and the contaminant concentration levels in the indoor air;

(8) development of methods and techniques for characterizing and modeling indoor air movement and flow within buildings or vehicles, including the transport and dispersion of contaminants in the indoor air;

(9) assessment of the fate, including degradation and transformation, of particular contaminants in indoor air;

(10) development of methods and techniques to characterize the association of contaminants, the levels of contaminants, and the potential for contamination of new construction with climate, building location, seasonal change, soil and geologic formations, and related factors;

(11) assessment of indoor air quality in facilities of local education agencies and buildings housing child care facilities and development of measures and techniques for control of indoor air contamination in such buildings;

(12) development of protocols, methods, techniques and instruments for sampling indoor air to determine the presence and level of contaminants including sample collection and the storage of samples before analysis and development of methods to improve the efficiency and reduce the cost of analysis;

(13) development of air quality sampling methods and instruments which are inexpensive and easy to use and may be used by the general public;

(14) development of control technologies, building design criteria, and management practices to prevent the entrance of contaminants into buildings or vehicles (for example, air intake protection, sealing, and related measures) and to reduce the concentrations of contaminants indoors (for example, control of emissions from internal sources of contamination, improved air exchange and ventilation, filtration, and related measures);

(15) development of materials and products which may be used as alternatives to materials or products which are now in use and which contribute to indoor air contamination;

(16) development of equipment and processes for removal of contaminants from the indoor air;

(17) research, to be carried out principally by the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health, for the purpose of assessing—

(A) the exposure of workers to indoor air contaminants including assessment of resulting health effects; and

(B) the costs of declines in productivity, sick time use, increased use of employer-paid health insurance, and worker compensation claims;

(18) research, to be carried out in conjunction with the Secretary of Housing and Urban Development, and the Secretary of the Department of Energy for the purpose of developing—

(A) methods for assessing the potential for radon contamination of new construction, including (but not limited to) consideration of the moisture content of soil, permeability of soil, and radon content of soil; and

(B) design measures to avoid indoor air pollution, and

(19) research, to be carried out in conjunction with the Secretary of Transportation, for the purposes of—

(A) assessing the potential for indoor air contamination in public and private transportation; and

(B) designing measures to avoid such indoor air contamination.

(20) research, to be carried out in consultation with the Administrator for the National Aeronautics and Space Administration, for the purpose of assessing the use of indoor foliage as a means to reduce indoor air contamination, including demonstration projects to determine the level of pollutants reduced by indoor plants in buildings.

(c) TECHNOLOGY DEMONSTRATION PROGRAM.—(1) The Administrator may enter into cooperative agreements or contracts, or provide financial assistance in the form of grants, to public agencies and authorities, nonprofit institutions and organizations, employee advocate organizations, local educational institutions, or other persons, to demonstrate practices, methods, technologies, or processes which may be effective in controlling sources or potential sources of indoor air contamination, preventing the occurrence of indoor air contamination, and reducing exposures to indoor air contamination.

(2) The Administrator may assist demonstration activities under paragraph (1) of this subsection only if—

(A) such demonstration activity will serve to demonstrate a new or significantly improved practice, method, technology or process or the feasibility and cost effectiveness of an existing, but unproven, practice, method, technology, or process and will not duplicate other Federal, State, local, or commercial efforts to demonstrate such practice, method, technology, or process;

(B) such demonstration activity meets the requirements of this section and serves the purposes of this Act;

(C) the demonstration of such practice, technology, or process will comply with all other laws and regulations for the protection of human health, welfare, and the environment; and

(D) in the case of a contract or cooperative agreement, such practice, method, technology, or process would not be adequately demonstrated by State, local, or private persons or in the case of an application for financial assistance by a grant, such practice, method, technology, or process is not likely to receive adequate financial assistance from other sources.

(3) The demonstration program established by this subsection shall include solicitations for demonstration projects, selection of suitable demonstration projects from among those proposed, supervision of such demonstration projects, evaluation and publication of the results of demonstration projects, and dissemination of information on the effectiveness and feasibility of the practices, methods, technologies and processes which are proven to be effective.

(4) Within one hundred and eighty days after the date of enactment of this Act, and no less often than every twelve months thereafter, the Administrator shall publish a solicitation for proposals to demonstrate, prototype or at full-scale, practices, methods, technologies, and processes which are (or may be) effective in controlling sources or potential sources of indoor air contaminants. The solicitation notice shall prescribe the information to be included in the proposal, including technical and economic information derived from the applicant's own research and development efforts, and other information sufficient to permit the Administrator to assess the potential effectiveness and feasibility of the practice, method, technology, or process proposed to be demonstrated.

(5) Any person and any public or private nonprofit entity may submit an application to the Administrator in response to the solicitations required by paragraph (4) of this section. The application shall contain a proposed demonstration plan setting forth how and when the project is to be carried out and such other information as the Administrator may require.

(6) In selecting practices, methods, technologies or processes to be demonstrated, the Administrator shall fully review the applications submitted and shall evaluate each project according to the following criteria—

(A) the potential for the proposed practice, method, technology, or process to effectively control sources or potential sources of contaminants which present risks to human health;

(B) the consistency of the proposal with the recommendations provided pursuant to paragraph (8) of section 8(d);

(C) the capability of the person or persons proposing the project to successfully complete the demonstration as described in the application;

(D) the likelihood that the demonstrated practice, method, technique, or process could be applied in other locations and circumstances to control sources or potential sources of contaminants, including considerations of cost, effectiveness, and technological feasibility;

(E) the extent of financial support from other persons to accomplish the demonstration as described in the application; and

(F) the capability of the person or persons proposing the project to disseminate the results of the demonstration or otherwise make the benefits of the practice, method, or technology widely available to the public in a timely manner.

(7) The Administrator shall select or refuse to select a project for demonstration under this subsection in an expeditious manner. In the case of a refusal to select a project, the Administrator shall notify the applicant of the reasons for the refusal.

(8) Each demonstration project under this section shall be performed by the applicant, or by a person satisfactory to the applicant, under the supervision of the Administrator. The Administrator shall enter into a written agreement with each applicant granting the Administrator the responsibility and authority for testing procedures, quality control, monitoring, and other measurements necessary to determine and evaluate the results of the demonstration project.

(9) The Administrator shall enter into arrangements, wherever practicable and desirable, to provide for monitoring testing procedures, quality control, and such other measurements necessary to evaluate the results of demonstration projects or facilities intended to control sources or potential sources of contaminants.

(10) Each demonstration project under this section shall be completed within such time as is established in the demonstration plan. The Administrator may extend any deadline established under this subsection by mutual agreement with the applicant concerned.

(11) Total Federal funds for any demonstration project under this section shall not exceed 75 per centum of the total cost of such project. In cases where the Administrator determines that research under this section is of a basic nature which would not otherwise be undertaken, or the applicant is a local educational agency, the Administrator may approve grants under this section with a matching requirement other than that specified in this subsection, including full Federal funding.

(12) The Administrator shall, from time to time, publish general reports describing the findings of demonstration projects conducted pursuant to this section. Such reports shall be provided to the Indoor Air Quality Information Clearinghouse provided for in section 13 of this Act.

(d) ASSESSMENT OF SCHOOLS AND CHILD CARE FACILITIES.—(1) The Administrator shall conduct a national assessment of the seriousness and extent of indoor air contamination in buildings owned by local educational agencies and child care facilities.

(2) The Administrator shall establish an advisory group made up of representatives of school administrators, teachers, child care organizations, parents and service employees and other interested parties, including scientific and technical experts familiar with indoor air pollution exposures, effects, and controls, to provide guidance and direction in the development of the national assessment.

(3) The Administrator shall provide a report to Congress of the results of the national assessment not later than two years after the date of enactment of this Act. The report required by this paragraph shall provide such recommendations for activities or programs to reduce and avoid indoor air contamination in buildings owned by local educational agencies and in child care facilities as the Administrator determines to be appropriate.

(e) [REPORT] *REPORTS* TO CONGRESS.—The Administrator shall, within twenty-four months of the date of enactment of this Act, prepare and submit to the Congress *(1)* a report reviewing and assessing issues related to chemical sensitivity disorders, including multiple chemical sensitivities. The Advisory Committee established pursuant to subsection 7(c) of this Act shall review and comment on the report prior to submittal to the Congress; *(2) The Administrator, in consultation with the Administrator for the National Aeronautics and Space Administration, shall submit to the Congress a report on the research program authorized under paragraph 20 of subsection (b) within 2 years of enactment of this Act.*

(f) CLARIFICATION OF AUTHORITY.—Title IV of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 7401 note) is repealed.

MANAGEMENT PRACTICES AND VENTILATION STANDARDS

SEC. 6. (a) TECHNOLOGY AND MANAGEMENT PRACTICE ASSESSMENT BULLETINS.—(1) The Administrator shall publish bulletins providing an assessment of technologies and management practices for the control and measurement of contaminants in the air indoors.

(2) Bulletins published pursuant to this subsection shall, at a minimum—

(A) describe the control or measurement technology or practice;

(B) describe the effectiveness of the technology or practice in control or measurement of indoor air contaminants and, to the extent feasible, the resulting reduction in risk to human health;

(C) assess the feasibility of application of the technology or practice in buildings of different types, sizes, ages, and designs;

(D) assess the cost of application of the technology or practice in buildings of different types, sizes, ages, and designs, including capital and operational costs; and

(E) assess any risks to human health that such technology or practice may create.

(3) The Administrator shall establish and utilize a standard format for presentation of the technology and management practice assessment bulletins. The format shall be designed to facilitate assessment of technologies or practices by interested parties, including homeowners and building owners and managers.

(4) The Administrator shall provide that bulletins published pursuant to this subsection shall be published on a schedule consistent with the publication of health advisories pursuant to subsection 7(b) of this Act to the extent practicable.

(5) In development of bulletins pursuant to this subsection, the Administrator shall provide for public review and shall consider public comment prior to publication of bulletins. Where the technology or management practice is expected to have significant implications for worker safety or health, the Administrator shall consult with the Director prior to seeking review and comment.

(6) Bulletins published pursuant to this subsection shall be provided to the Indoor Air Quality Information Clearinghouse provided for in section 13 of this Act and, to the extent practicable, shall be made available to architecture, design, and engineering firms and building owners and managers and to organizations representing such parties.

(b) MODEL BUILDING MANAGEMENT PRACTICES TRAINING.—(1) Within twelve months of the date of enactment of this Act, the Director of the National Institute of Occupational Safety and Health, in consultation with the Administrator of the General Services Administration and the Administrator, shall develop an indoor air training course providing training in—

(A) principles, methods, and techniques related to ventilation system operation and maintenance including applicable ventilation guidelines and standards;

(B) maintenance of records concerning indoor air quality, including maintenance of ventilation systems, complaints of indoor air quality, and actions taken to address indoor air quality problems;

(C) health threats posed by indoor air pollutants, including a knowledge of health advisories published pursuant to this Act and other information concerning contaminant levels;

(D) identification of potential indoor air pollutant sources and options for reducing exposures to contaminants;

(E) special measures which may be necessary to reduce indoor air contaminant exposures in new buildings and in portions of buildings which have been renovated or substantially refurbished within the past six months; and

(F) special measures which may be necessary to reduce exposures to contaminants associated with pesticide applications, installation of products, furnishings, or equipment, and cleaning operations.

(2) Within twenty-four months of the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health shall provide, or contract for the provision of, training courses pursuant to paragraph (1) of this subsection sufficient, at a minimum, to assure training on a schedule consistent with the requirements of paragraph 9(f)(2).

(3) The Director of the National Institute of Occupational Safety and Health, or firms or organizations operating under contract with such Administrator, are authorized to establish a fee for training pursuant to this subsection. Fees shall be in an amount not to exceed the amount necessary to defray the costs of the training program.

(4) The Director of the National Institute of Occupational Safety and Health, in consultation with the Administrator of the General Services Administration, and the Administrator, shall prepare a report to Congress within forty-eight months of the date of enactment of this subsection assessing the training program pursuant to this subsection and making recommendations concerning the application of training requirements to classes and types of buildings not covered by this subsection.

(c) VENTILATION PROGRAM.—(1) The Administrator, in coordination with other Federal agencies, shall conduct a progam to analyze the adequacy of existing ventilation standards and guidelines to protect the public and workers from indoor air contaminants.

(2) The Administrator shall—

(A) identify and describe ventilation standards adopted by State and local governments and professional organizations, including the American Society of Heating, Refrigerating and Air Conditioning Engineers;

(B) determine the adequacy of the standards for protecting public health and promoting worker productivity;

(C) assess the costs of compliance with such standards;

(D) determine the degree to which such standards are being adopted and enforced;

(E) identify the extent to which buildings are being operated in a manner which achieves the standard; and

(F) assess the potential for such standards to complement controls over specific sources of contaminants in reducing indoor air contamination.

(3) The Administrator shall submit to the Congress, within thirty-six months of the enactment of this Act a report which shall—

(A) describe the ventilation program carried out under this Act; and

(B) make recommendations concerning—

(i) the establishment of ventilation standards which protect public and worker health and take comfort and energy conservation goals into account; and

(ii) ensuring that adequate ventilation standards are being adopted and that buildings are being operated in a manner which achieves the standard.

INDOOR AIR CONTAMINANT HEALTH ADVISORIES

SEC. 7. (a) LIST OF CONTAMINANTS.—(1) Within two hundred and forty days after the date of enactment of this Act, the Administrator shall prepare and publish in the Federal Register a list of the contaminants (hereinafter referred to as listed contaminants) that may occur or are known to occur in indoor air at levels which may reasonably be expected to have an adverse impact on human health. The list may include combinations or mixtures of contaminants and may refer to such combinations or mixtures by a common name.

(2) The Administrator shall from time to time and as necessary to carry out the provisions of this Act, but not less often than biennially, review and revise such list adding other contaminants pursuant to the requirements of this Act.

(3) The list provided for in paragraph (1) of this subsection shall include, at a minimum: benzene, biological contaminants, carbon monoxide, formaldehyde, lead, methylene chloride, nitrogen oxide, particulate matter, asbestos, polycyclic aromatic hydrocarbons (PAHs), and radon.

(4) In development of the list provided for in paragraph (1) of this subsection or in revision of such list pursuant to paragraph (2), the Administrator shall consult with the advisory panel provided for in subsection (c) of this section and provide for public review and shall consider public comment prior to issuance of a final list.

(5) The listing of contaminants under this subsection is not an agency rulemaking. In considering objections raised in any judicial or related action, the Administrator's decision to list a particular contaminant shall be upheld unless the objecting party can demonstrate that the decision was arbitrary or capricious or otherwise not in accordance with the law. The list of contaminants prepared in accordance with this subsection shall not be construed to indicate that those contaminants not listed are safe for human exposure or without adverse health effect.

(6) Upon application of the Governor of a State showing that a contaminant or potential contaminant in the indoor air which is not listed pursuant to paragraph (1) of this subsection may reasonably be anticipated to have an adverse effect on human health as a result of its presence in the indoor air, the Administrator shall, within ninety days, revise the list established by paragraph (1) of this subsection to include such contaminant or publish in the Federal Register the reasons for not making such a revision.

(b) CONTAMINANT HEALTH ADVISORIES.—(1) The Administrator shall, in consultation with the advisory panel, provided for in subsection (c) of this section, and after providing for public review and comment pursuant to paragraph (6), publish advisory materials addressing the adverse human health effects of listed contaminants.

(2) Such advisory materials shall, at a minimum, describe—

(A) the physical, chemical, biological, and radiological properties of the contaminant;

(B) the adverse human health effects of the contaminant in various indoor environments and in various concentrations;

(C) an analysis of the risk posed by the contaminant to human health at the full range of concentration levels, including risk to subpopulations which may be especially sensitive to exposure to the contaminant;

(D) the extent to which the contaminant, or a mixture of contaminants, is associated with a particular substance or material and emissions rates which are expected to result

in varying levels of contaminant concentration in indoor air;

(E) any Technology and Management Practice Assessment Bulletin which is applicable to the contaminant and any actions which are identified for the contaminant in the National Indoor Air Quality Response Plan prepared pursuant to this Act; and

(F) any indoor air contaminant standards or related action levels which are in effect under any authority of a Federal statute or regulation, the authority of State statutes or regulations, the authority of any local government, or the authority of another country, including standards or action levels suggested by appropriate international organizations.

(2) Health advisories published pursuant to this section shall in no way limit or restrict the application of requirements or standards established under any other Federal statute.

(3) The Administrator shall establish and utilize a standard format of presentation of indoor air contaminant health advisories. The format shall be designed to facilitate public understanding of the range of risks of exposure to indoor air contaminants and shall include a summary of the research and information concerning the contaminant which is understandable to public health professionals and to those who lack training in toxicology.

(4) The Administrator shall publish health advisories for listed contaminants as expeditiously as possible. At a minimum, the Administrator shall publish not less than six advisories within eighteen months of the date of enactment of this Act and shall publish an additional six advisories within thirty-six months of the date of enactment of this Act.

(5) Health advisories shall be based on the most current available scientific and related findings or information and shall be reviewed, revised, and republished to reflect new scientific and related findings or information on a periodic basis but not less frequently than every five years.

(6) In development and revision of health advisories pursuant to this subsection, the Administrator shall provide for public review and comment, including provision of notice in the Federal Register of the intent to publish a health advisory not less than ninety days prior to publication, and shall consider public comment prior to issuance of an advisory.

(c) ADVISORY PANEL.—The Indoor Air Quality and Total Human Exposure Committee of the Environmental Protection Agency Science Advisory Board shall advise the Administrator with respect to the implementation of this section including, but not limited to, the listing of contaminants, the contaminants for which advisories should be published, the order in which advisories should be published, the content, quality, and format of advisory documents, and the revision of such documents. The Administrator shall provide that a representative of the Agency for Toxic Substances and Disease Registry, the Department of Energy Office of Health and Environmental Research, the National Institute for Occupational Safety and Health, and the National Institute for Environmental Health Sciences shall participate in the work of the Advisory Panel as ex officio members.

NATIONAL INDOOR AIR QUALITY RESPONSE PLAN

SEC. 8. (a) AUTHORITY.—(1) The Administrator shall, in coordination with other appropriate Federal agencies, develop and publish a national indoor air quality response plan.

(2) The response plan shall provide for implementation of a range of response actions identified in subsections (b) and (c) which will result in the reduction of human exposure to indoor air contaminants listed pursuant to section 7(a) of this Act and attainment, to the fullest extent practicable, of indoor air contaminant levels which are protective of human health.

(b) EXISTING AUTHORITY.—The Administrator, in coordination with other appropriate Federal agencies, shall include in the plans provided for in subsection (a) of this section a description of specific response actions to be implemented based on existing statutory authorities provided in—

(1) the Clean Air Act (42 U.S.C. 7401 et seq.);

(2) the Toxic Substances Control Act (15 U.S.C. 201 et seq.);

(3) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(4) the Safe Drinking Water Act (42 U.S.C. 300 et seq.);

(5) the authorities of the Consumer Product Safety Commission;

(6) the authorities of the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health; and

(7) other regulatory and related authorities provided under any other Federal statute. In implementation of response actions pursuant to paragraph (6) of this subsection the Assistant Secretary for Occupational Safety and Health shall consult with representatives of State and local governments and their employees with respect to States where the Occupational Safety and Health Administration lacks jurisdiction over State and local employees.

(c) SUPPORTING ACTIONS.—The Administrator, in coordination with other appropriate Federal agencies, shall include in the plans provided for in subsection (a) of this section a description of specific supporting actions including, but not limited to—

(1) programs to disseminate technical information to public health, design, and construction professionals concerning the risks of exposure to indoor air contaminants and methods and programs for reducing exposures to such contaminants;

(2) development of guidance documents addressing individual contaminants, groups of contaminants, sources of contaminants, or types of buildings or structures and providing information on measures to reduce exposure to contaminants including—

(A) the estimated cost of such measures;

(B) the technologic feasibility of such measures; and

(C) the effectiveness and efficiency of such measures.

(3) education programs for the general public concerning the health threats posed by indoor air contaminants and appropriate individual response actions;

(4) technical assistance including design and implementation of training seminars for State and local officials, private and professional firms, and labor organizations dealing with indoor air pollution and addressing topics such as monitoring, analysis, mitigation, building management practices, ventilation, health effects, public information and program design;

(5) development of model building codes, including ventilation rates, for various types of buildings designed to reduce levels of indoor air contaminants;

(6) identification of contaminants, or circumstances of contamination for which immediate action to protect public and worker health is necessary and appropriate and a description of the actions needed;

(7) identification of contaminants, or circumstances of contamination, where regulatory or statutory authority is not adequate to address an identified contaminant or circumstance of contamination and recommendation of legislation to provide needed authority;

(8) identification of contaminants, or circumstances of contamination, where continued reduction of contamination requires development of technology or technological mechanisms; and

(9) identification of remedies to "sick building syndrome", including proper design and maintenance of ventilation systems, building construction and remodeling practices, and safe practices for the application of pesticides, herbicides, and disinfectants, and a standardized protocol for investigating and solving indoor air quality problems in sick buildings.

(d) CONTENTS OF PLAN.—In describing specific actions to be taken under subsections (b) and (c) of this section, the Administrator, in coordination with other appropriate Federal agencies, shall—

(1) identify the health effects, and any contaminant or contaminants thought to cause health effects to be addressed by a particular action and to the fullest extent feasible, the relative contribution to indoor air contamination from all sources of contamination;

(2) identify the statutory basis for the action;

(3) identify the schedule and process for implementation of the action;

(4) identify the Federal agency with jurisdiction for the specific action which will implement the action; and

(5) identify the financial resources needed to implement the specific action and the source of these resources.

(e) SCHEDULE.—Response plans provided for in subsection (a) shall be submitted to Congress within twenty-four months of enactment of this Act and biennially thereafter.

(f) REVIEW.—(1) The Administrator shall provide for public review and comment on the response plan provided for in this section, including provision of notice in the Federal Register for public review and comment not less than three months prior to submission to the Congress. The Administrator shall include in the response plan a summary of public comments.

(2) The Administrator shall provide for the review and comment on the response plan by the Council on Indoor Air Quality provided for under section 12 of this Act.

(g) ASSESSMENT OF MONITORING AND MITIGATION SERVICES.—The Administrator shall include in the first plan published pursuant to this section an assessment of indoor air monitoring and mitigation services provided by private firms and other organizations, including the range of such services, the reliability and accuracy of such services, and the relative costs of such services. The assessment required by this subsection shall include a review and analysis of options for oversight of indoor air monitoring and mitigation firms and organizations, including registration, licensing, and certification of such firms and organizations and options for imposing a user fee on such firms and organizations.

FEDERAL BUILDING RESPONSE PLAN AND DEMONSTRATION PROGRAM

SEC. 9. (a) AUTHORITY.—The Administrator and the Administrator of the General Services Administration shall develop and implement a program to respond to and reduce in-

door air contamination in Federal buildings and to demonstrate methods of reducing indoor air contamination in new Federal buildings.

(b) FEDERAL BUILDING RESPONSE PLAN.—(1) The Administrator of the General Services Administration, in consultation with the Administrator, the Assistant Secretary for Occupational Safety and Health Administration, the Director, and affected Federal departments or agencies shall prepare response plans addressing indoor air quality in Federal buildings. The plans shall, to the fullest extent practicable, be developed in conjunction with response plans pursuant to section 8 of this Act.

(2) The response plan shall provide for implementation of a range of response actions which will result in the reduction of human exposure to indoor air contaminants listed pursuant to section 7(a) of this Act, and attainment, to the fullest extent practicable, of indoor air contaminant concentration levels which are protective of public and worker health.

(3) Federal building response plans provided for in paragraph (1) of this subsection shall include—

(A) a list of all Federal buildings;

(B) a description and schedule of general response actions including general building management practices, product purchase guidelines, air quality problem identification practices and methods, personnel training programs, and other actions to be implemented to reduce exposures to indoor air contaminants in those buildings listed in paragraph (A);

(C) a list of individual Federal buildings listed in paragraph (A) for which there is sufficient evidence of indoor air contamination or related employee health effects to warrant assessment of the building pursuant to section 14 of this Act and a schedule for development and submittal of building assessment proposals pursuant to subsection 14(d) of this Act;

(D) a description and schedule of specific response actions to be implemented in each specific building identified in paragraph (C) and assessed pursuant to section 14 of this Act;

(E) an identification of the Federal agency responsible for funding and implementation of each response action identified in paragraphs (B) and (D); and

(F) an identification of the estimated costs of each response action identified in paragraphs (B) and (D) and the source of these resources.

(4) The response plan provided for in this subsection shall address each Federal building identified in paragraph 3(A), except that specific buildings may be exempted from coverage under this subsection. Such buildings may be exempted on the grounds of—

(A) national security;

(B) anticipated demolition or termination of Federal ownership within three years; and

(C) specialized use of a building which precludes necessary actions to reduce indoor air contamination.

(5) The plan provided for in subsection (b) shall be submitted to Congress within twenty-four months of enactment of this Act and biennially thereafter.

(6) The Administrator of the General Services Administration shall provide for public review and comment on the response plan provided for in this section, including provision of notice in the Federal Register not less than three months prior to submission to the Congress.

(7) The response plan shall include a summary of public comments. The Council on Indoor Air Quality, provided for under section 12 of this Act, shall review and comment on the plan.

(c) INDOOR AIR QUALITY RESERVE.—(1) The Administrator of the General Services Administration shall reserve 0.5 per centum of any funds used for construction of new Federal buildings for design and construction of measures to reduce indoor air contaminant concentrations within such buildings.

(2) Measures which may be funded with the reserve provided for in this subsection may include, but are not limited to—

(A) development and implementation of general design principles intended to avoid or prevent contamination of indoor air;

(B) design and construction of improved ventilation techniques or equipment;

(C) development and implementation of product purchasing guidelines;

(D) design and construction of contaminant detection and response systems;

(E) development of building management guidelines and practices; and

(F) training in building and systems operations for building management and maintenance personnel.

(3) Upon completion of construction of each Federal building covered by this section, the Administrator of the General Services Administration shall file with the Administrator, with the Clearinghouse established under section 13 of this Act, and with the Council established under section 12 of this Act, a report describing the uses made of the reserve provided for in this subsection. Such report shall be in sufficient detail to provide design and construction professionals with models and general plans of various indoor air contaminant reduction measures adequate to assess the appropriateness of such measures for application in other buildings.

(4) The Administrator of the General Services Administration, with the concurrence of the Administrator, may exempt a planned Federal building from the requirements of this subsection if he finds that such exemption is required on the grounds of national security or that the intended use of the building is not compatible with the authority of this section.

(d) NEW EPA BUILDING.—Any new building constructed for use by the Environmental Protection Agency as headquarters shall be designed, constructed, maintained, and operated as a model to demonstrate principles and practices for protection of indoor air quality.

(e) BUILDING COMMENTS.—(1) The Administrator of the General Services Administration, in consultation with the Administrator, the Assistant Secretary for Occupational Safety and Health Administration, and the Director, shall provide, by regulation, a method and format for filing and responding to comments and complaints concerning indoor air quality in Federal buildings by workers in such buildings and by the public. The procedure for filing and responding to worker complaints shall supplement and not diminish or supplant existing practices or procedures established under the Occupational Safety and Health Act and executive orders pertaining to health and safety for Federal employees.

(2) A listing of each such filing and an analysis of such filings shall be included in each response plan prepared pursuant to this section. Such listing shall preserve the confidentiality of individuals making filings under this section. Such listing shall preserve the confidentiality of the individuals making filings under this section.

(3) Regulations implementing this subsection shall be promulgated at the earliest possible date, but not later than twenty-four months from the date of enactment of this Act.

(f) BUILDING VENTILATION AND MANAGEMENT TRAINING.—(1) Within six months of the date of enactment of this Act the Administrator of the General Services Administration shall designate, or require that a lessee designate, an Indoor Air Quality Coordinator for each Federal building which is owned or leased by the General Services Administration. An Indoor Air Quality Coordinator shall not serve more than one building.

(2) Within forty-eight months of the date of enactment of this Act, each Indoor Air Quality Coordinator shall complete the indoor air training course operated pursuant to section 6(b) of this Act. After thirty-six months from the date of enactment of this Act, each newly designated Indoor Air Quality Coordinator shall complete the indoor air training course within twelve months of designation.

(3) In any case where the Administrator of the General Services Administration finds that a lessee has failed to designate and train an Indoor Air Quality Coordinator pursuant to the requirements of this Act, the Administrator of the General Services Administration shall not reestablish a lease for such building.

STATE AND LOCAL INDOOR AIR QUALITY PROGRAMS

SEC. 10. (a) MANAGEMENT AND ASSESSMENT STRATEGY DEMONSTRATION.—(1) The Governor of a State may apply to the Administrator for a grant to support demonstration of the development and implementation of a management strategy and assessment with respect to indoor air quality within such State.

(2) State indoor air quality management strategies shall—

(A) identify a lead agency and provide an institutional framework for protection of indoor air quality;

(B) identify and describe existing programs, controls or related activities concerning indoor air quality within State agencies including regulations, educational programs, assessment programs, or other activities;

(C) identify and describe existing programs, controls, or related activities concerning indoor air quality of local and other sub-State agencies and assure coordination among local, State, and Federal agencies involved in indoor air quality activities in the State; and

(D) assure coordination of indoor air quality programs with ambient air quality programs and related activities.

(3) State indoor air quality assessment programs shall—

(A) identify indoor air contaminants of concern and, to the extent practicable, assess the seriousness and the extent of indoor air contamination by contaminants listed in section 7(a) of this Act;

(B) identify the classes or types of buildings or other indoor environments in which indoor air contaminants pose the most serious threat to human health;

(C) if applicable, identify geographic areas in the State where there is a reasonable likelihood of indoor air contamination as a result of the presence of contaminants in the ambient air or the existence of sources of a contaminant;

(D) identify methods and procedures for indoor air contaminant assessment and monitoring;

(E) provide for periodic assessments of indoor air quality and identification of indoor air quality changes and trends; and

(F) establish methods to provide information concerning indoor air contamination to the public and to educate the public and interested groups, including building owners and design and engineering professionals, about indoor air contamination.

(4) As part of a management strategy and assessment pursuant to this subsection, the applicant may develop contaminant action levels, guidance, or standards and may draw on health advisories developed pursuant to section 7 of this Act.

(5) States which are selected to demonstrate the development of management and assessment strategies shall provide a management strategy and assessment pursuant to subsections (2) and (3) to the Administrator within thirty-six months of selection and shall certify to the Administrator that the strategy and assessment meet the requirements of this Act.

(6) States shall provide for public review and comment on the management strategy and assessment prior to submission of such strategy and assessment to the Administrator.

(b) RESPONSE PROGRAMS.—(1) A Governor of a State or the executive officer of a local air pollution control agency may apply to the Administrator for grant assistance to develop a response program designed to reduce human exposure to an indoor air contaminant or contaminants in the State, or in a specific class or type of building in that State, or in a specific geographic area of that State.

(2) A response program shall—

(A) address a contaminant or contaminants listed pursuant to section 7(a) of this Act;

(B) identify existing data and information concerning the contaminant or contaminants to be addressed, the class or type of building to be addressed, and the specific geographic area to be addressed;

(C) describe and schedule the specific actions to be taken to reduce human exposure to the identified contaminant or contaminants including the adoption and enforcement of any ventilation standards;

(D) identify the State or local agency or public organization which will implement the response actions;

(E) identify the Federal, State, and local financial resources to be used to implement the response program; and

(F) provide for the assessment of the effectiveness of the response program.

(3) As part of a response program pursuant to this subsection, an applicant may develop contaminant action levels, guidance, or standards based on health advisories developed pursuant to section 7 of this Act.

(4) As part of a response program pursuant to this subsection, an applicant may develop a standard establishing a ventilation rate or rates for a class or classes of buildings including development assessment and compliance programs needed to implement the standard.

(5) As part of the response program pursuant to this subsection, an applicant may develop a response plan addressing indoor air quality in State and local government buildings. Such plans shall, to the fullest extent practicable, be consistent with response plans developed pursuant to section 9 of this Act.

(c) GRANT MANAGEMENT.—(1) Grants under subsection (a)(1) of this subsection shall not be less than $75,000 for each fiscal year.

(2) In selecting States for demonstration and implementation of management strategies and assessments under subsection (a)(1) the Administrator shall consider—

(A) the previous experience of the State in addressing indoor air quality issues;

(B) the seriousness of the indoor air quality issues identified by the State; and

(C) the potential for demonstration of innovative management or assessment measures which may be of use to other States.

(3) In selecting States for demonstration of management strategies and assessments under subsection (a)(1), the Administrator shall focus resources to assure that sufficient funds are available to selected States to provide for the development of comprehensive and thorough management strategies and assessments in each selected State and to adequately demonstrate implementation of such strategies and assessments.

(4) Grants under subsection (b)(1) of this section shall not exceed $250,000 per fiscal year and shall be available to the State for a period of not to exceed three years.

(5) In selecting response programs developed under subsection (b) for grant assistance, the Administrator shall consider—

(A) the potential for the response program to bring about reductions in indoor air contaminant levels;

(B) the contaminants to be addressed, giving priority to contaminants for which health advisories have been developed pursuant to section 7 of this Act;

(C) the type of building to be addressed, giving priority to building types in which substantial human exposures to indoor air contaminants occur;

(D) the potential for development of innovative response measures or methods which may be of use to other States or local air pollution control agencies; and

(E) the State indoor air quality management strategy and assessment, giving priority to States with complete indoor air management strategies and assessments.

(6) The Federal share of grants under subsections (a) and (b) of this section shall not exceed 75 per centum of the costs incurred in demonstration and implementation of such activities and shall be made on the condition that the non-Federal share is provided from non-Federal funds.

(7) Funds granted pursuant to subsections (a) and (b) of this section in a fiscal year shall remain available for obligation for the next fiscal year in which obligated and for the next following fiscal year.

(8) No grant shall be made under this section in any fiscal year to a State or local air pollution control agency which in the preceding year received a grant under this section unless the Administrator determines that such agency satisfactorily implemented such grant activities in such preceding fiscal year.

(9) States and air pollution control agencies shall provide such information in applications for grant assistance and pertaining to grant funded activities as the Administrator requires.

OFFICE OF INDOOR AIR QUALITY

SEC. 11. (a) ESTABLISHMENT.—The Administrator shall establish an Office of Indoor Air Quality within the Office of Air and Radiation at the Environmental Protection Agency.

(b) RESPONSIBILITIES.—The Office of Indoor Air Quality shall—

(1) list indoor air contaminants and develop health advisories pursuant to section 7 of this Act;

(2) develop national indoor air quality response plans as provided for in section 8 of this Act;

(3) manage Federal grant assistance provided to air pollution control agencies under section 10 of this Act;

(4) assure the coordination of Federal statutes and programs administered by the Agency relating to indoor air quality and reduce duplication or inconsistencies among these programs;

(5) work with other Federal agencies, including the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health, to assure the effective coordination of programs related to indoor air quality; and

(6) work with public interest groups, labor organizations, and the private sector in development of information related to indoor air quality including the health threats of human exposure to indoor air contaminants, the development of technologies and methods to control such contaminants, and the development of programs to reduce contaminant concentrations.

COUNCIL ON INDOOR AIR QUALITY

SEC. 12. (a) AUTHORITY.—There is established a Council on Indoor Air Quality.

(b) RESPONSIBILITIES.—The Council on Indoor Air Quality shall—

(1) provide for the full and effective coordination of Federal agency activities relating to indoor air quality;

(2) provide a forum for resolution of conflicts or inconsistencies in policies or programs related to indoor air quality;

(3) review and comment on the national indoor air response program developed pursuant to section 8 of this Act and the Federal Building Response Plan developed pursuant to section 9(b); and

(4) prepare a report to Congress pursuant to subsection (d) of this subsection.

(c) ORGANIZATION.—(1) The Council on Indoor Air Quality shall include senior representatives of Federal agencies involved in indoor air quality programs including—

(A) the Environmental Protection Agency;

(B) the Occupational Safety and Health Administration;

(C) the National Institute of Occupational Safety and Health;

(D) the Department of Health and Human Services;

(E) the Department of Housing and Urban Development;

(F) the Department of Energy;

(G) the Department of Transportation;

(H) the Consumer Product Safety Commission; and

(I) the General Services Administration.

(2) The Environmental Protection Agency shall chair the Council in the two years following enactment of this Act. In each subsequent year, members of the Council shall select the chair for that year.

(3) The Council shall be served by a staff to include an Executive Director and not less than three full-time equivalent employees.

(d) REPORT TO CONGRESS.—(1) The Council shall submit to the Congress, within eighteen months of enactment of this Act, and biennially thereafter, a report which shall—

(A) describe and assess the seriousness, extent, and characteristics of indoor air contamination throughout the country;

(B) summarize the major research issues concerning the protection of indoor air quality, describe the research accomplishments of Federal agencies over the previous two years, and provide an agenda of indoor air quality research for individual Federal agencies over a three-year period;

(C) summarize actions taken pursuant to this Act over the previous year, including publication of health advisories, implementation of national and Federal building response plans, and assistance to States;

(D) provide a general description of the activities to be conducted by Federal agencies to address indoor air quality problems over the following three-year period; and

(E) make recommendations for any actions needed to assure the quality of indoor air, including recommendations relating to institutional structures, funding, and legislation.

(2) The Council shall provide for public review and comment on the report required by this subsection.

INDOOR AIR QUALITY INFORMATION CLEARINGHOUSE

SEC. 13. (1) The Administrator is authorized and directed to establish a national indoor air quality clearinghouse to be used to disseminate indoor air quality information to other Federal agencies, State, and local governments, and private organizations and individuals.

(2) The clearinghouse shall be a repository for reliable indoor air quality related information to be collected from and made available to government agencies and private organizations and individuals. At a minimum, the clearinghouse established by this section shall make available reports, programs, and materials developed pursuant to the requirements of this Act.

(3) The clearinghouse shall operate a toll-free "hotline" on indoor air quality which shall be available to provide to the public general information about indoor air quality and general guidance concerning response to indoor air quality contamination problems.

(4) The Administrator may provide for the design, development, and implementation of the clearinghouse through a contractual agreement with a nonprofit organization.

BUILDING ASSESSMENT DEMONSTRATION

SEC. 14. (a) AUTHORITY.—(1) The Director of the National Institute for Occupational Safety and Health shall, in consultation with the Administrator, implement a Building Assessment Demonstration Program to support development of methods, techniques, and protocols for assessment of indoor air contamination in nonresidential, nonindustrial buildings and to provide assistance and guidance to building owners and occupants on measures to reduce indoor air contamination.

(2) In implementation of this section, the Director shall have the authority to conduct on-site assessments of individual buildings, including Federal, State, and municipal buildings.

(3) Nothing in this section shall in any way limit or constrain existing authorities pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651).

(b) ASSESSMENT ELEMENTS.—Assessments of individual buildings conducted pursuant to this section shall, at a minimum, provide—

(A) an identification of suspected contaminants in the air in the building and the level of such contaminants;

(B) an assessment of the probable sources of contaminants in the air in the building;

(C) a review of the nature and extent of health concerns and symptoms identified by building occupants;

(D) an assessment of the probable association of indoor air contaminants with the health and related concerns of building occupants including assessment of occupational and environmental factors which may relate to the health concerns;

(E) identification of appropriate measures to control contaminants in the air in the building, to reduce the concentration levels of contaminants, and to reduce exposure to contaminants; and

(F) evaluation of the effectiveness of response measures in control and reduction of contaminants and contaminant levels, the change in occupant health concerns and symptoms, the approximate costs of such measures, and any additional response measures which may reduce occupant's health concerns.

(c) ASSESSMENT REPORTS.—(1) The Director shall prepare—

(A) a preliminary report of each building assessment which shall document findings concerning assessment elements (A) through (E) of subsection (b); and

(B) a final report which shall provide an overall summary of the building assessment including information on the effectiveness and cost of response measures, and the potential for application of response measures to other buildings.

(2) Preliminary assessment reports shall be prepared not later than one hundred and eighty days after the selection of a building for assessment. Final assessment reports shall be prepared not later than one hundred and eighty days after completion of the preliminary report.

(3) Preliminary and final reports shall be made available to building owners, occupants, and the authorized representatives of occupants.

(d) BUILDING ASSESSMENT PROPOSAL.—(1) The Director shall consider individual buildings for assessment under this section in response to a proposal identifying the building and the building owner and providing preliminary, background information about the nature of the indoor air contamination, previous responses to air contamination problems, and the characteristics, occupancy, and uses of the building.

(2) Building assessment proposals may be submitted by a building owner or occupants or the authorized representatives of building occupants, including the authorized representatives of employees working in a building.

(e) BUILDING ASSESSMENT SELECTION.—(1) In selection of buildings to be assessed under this section, the Director shall consider—

(A) the seriousness and extent of apparent indoor air contamination and human health effects of such contamination;

(B) the proposal for a building assessment submitted pursuant to subsection (d) of this section;

(C) the views and comments of the building owners;

(D) the potential for the building assessment to expand knowledge of building assessment methods including identification of contaminants, assessment of sources, and development of response measures; and

(E) the listing of a building pursuant to paragraph (C) of section 9(b)(3).

(2) The Director shall provide a preliminary response and review of building assessment proposals to applicants and the applicable building owner within sixty days of receipt of a proposal and, to the extent practicable, shall provide a final decision concerning selection of a proposal within one hundred and twenty days of submittal.

(f) BUILDING ASSESSMENT SUPPORT.—(1) The Director may enter into agreements with private individuals, firms, State and local governments, or academic institutions for services and related assistance in conduct of assessments under the authority of this section.

(2) The Director may enter into agreements with other Federal agencies for the assignment of Federal employees to a specific building assessment project for periods of up to one hundred and eighty days.

(g) SUMMARY REPORT.—(1) The Director shall provide, on an annual basis, a report on the implementation of this section to the Administrator of the Environmental Protection Agency and to the Council on Indoor Air Quality established pursuant to section 12 of this Act.

(2) The Director shall, from time to time and in consultation with the Administrator, publish general reports containing materials, information, and general conclusions concerning assessments conducted pursuant to this section. Such reports may address concerns related to remediation of indoor air contamination problems, assessment of health related concerns, and prevention of such problems through improved design, materials and product specifications, and management practices.

(3) Reports prepared pursuant to this subsection and subsection (c) of this section shall be provided to the Indoor Air Quality Information Clearinghouse provided for in section 13 of this Act and, to the extent practicable, such reports shall be made available to architectural, design and engineering firms and to organizations representing such firms.

STATE AND FEDERAL AUTHORITY

SEC. 15. (a) GENERAL AUTHORITY.—Nothing in this Act shall be construed, interpreted, or applied to preempt, displace, or supplant any other State or Federal law, whether statutory or common or any local ordinance.

(b) OCCUPATIONAL SAFETY AND HEALTH.—In exercising any authority under this Act, the Administrator shall not, for purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), be deemed to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

AUTHORIZATIONS

SEC. 16. (a)(1) For the purpose of carrying out sections 5, 6, and 7 of this Act there is authorized to be appropriated $20,000,000 for each of the fiscal years ending September 30, 1992, 1993, 1994, 1995, and 1996. Of such sums appropriated, one quarter shall be reserved for implementation of section 7 of this Act and one quarter shall be reserved for implementation of section 5(c) of this Act and $1,000,000 shall be reserved for implementation of section 6(b) of this Act.

(2) For the purpose of carrying out sections 8, 9, 11 and 13 there is authorized to be appropriated $10,000,000 for each of the fiscal years ending September 30, 1992, 1993, 1994, 1995, and 1996. Of such sums appropriated, one-fifth shall be reserved for implementation of section 13 and one-fifth shall be reserved for implementation of section 9.

(3) For the purpose of carrying out section 10 of this Act, there is authorized to be appropriated $12,000,000 for each of the fiscal years ending September 30, 1992, 1993, 1994, 1995, and 1996. Of such sums appropriated, one-third shall be reserved for the purpose of carrying out section 10(b) of this Act.

(4) For the purpose of carrying out section 12 of this Act there is authorized to be appropriated $1,500,000 for each fiscal year ending September 30, 1992, 1993, 1994, 1995, and 1996.

(5) For the purpose of carrying out section 14 of this Act there is authorized to be appropriated $5,000,000 per year for each fiscal year ending September 30, 1992, 1993, 1994, 1995, and 1996.

Mr. LAUTENBERG addressed the Chair.

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

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the committee amendments that accompany the bill be agreed to en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments were agreed to en bloc.

Mr. LAUTENBERG. Mr. President, I rise today in support of the Indoor Air Quality Act of 1991. This legislation would require EPA to comprehensively address the threat to human health posed by indoor air contamination.

During the last Congress, the administration made action on the Clean Air Act one of its highest priorities. But concern about our air must not stop at our front doorsteps.

According to EPA's Report to Congress on Indoor Air Quality:

Indoor air pollution represents a major portion of the public's exposure to air pollution and may present serious health risks;

The total costs of indoor air pollution, including medical costs and lost productivity, are in the tens of billions of dollars a year;

We need to expand efforts to mitigate exposure to indoor air pollutants; and

We need to invest in an expanded research program.

Indoor air pollutants such as radon, asbestos, volatile organic compounds, environmental tobacco smoke, carbon monoxide, biological contaminants, and pesticides, pose a serious threat to the health of our citizens. As early as 1987, EPA identified indoor radon and other indoor air pollutants as areas of relatively high risk but low EPA efforts.

In a more recent EPA study of indoor air quality in 10 large buildings focusing on a class of pollutants known as volatile organic compounds [VOC's], EPA concluded that VOC's are ubiquitous indoors, almost every compound is found at higher levels indoors than out, and in some new buildings, some VOC's were measured at levels 100 times higher than outdoor levels. Similarly, the World Health Organization has determined that up to 30 percent of new or remodeled commercial buildings may have high rates of health or comfort complaints related to indoor air pollutants.

This is of particular concern because people spend approximately 90 percent of their time indoors, making the risk to health from indoor air pollutants potentially greater than air pollution outdoors. And the people most exposed to indoor air pollution, the young, the elderly and the chronically ill, are often the most susceptible to its adverse effects.

The effects of indoor air pollutants are serious. Radon is estimated to cause up to 14,000 cancer deaths a year. Other indoor air pollutants may be responsible for another 11,000 deaths annually. The Surgeon General has determined that environmental tobacco smoke is a cause of disease, including lung cancer, in nonsmokers. Other long-term effects to exposure of harmful levels of indoor air pollutants include respiratory illnesses, central nervous system disorders, and reproductive problems.

Acute reactions to certain pollutants include headaches, throat, skin, and eye irritation, fatigue, shortness of breath, and in some cases nausea.

The Consumer Federation of America estimates that the health costs from indoor air pollution approaches $100 billion a year.

In addition, an estimated 15 percent of the U.S. population have an increased allergic sensitivity to common chemicals. Many of these people have a predisposition to become allergic to certain chemicals after a sensitizing exposure.

Hypersensitivity can occur upon reexposure. Among the more common symptoms are those involving the nervous and respiratory systems.

EPA has been slow to react to the threat posed by indoor air pollutants. That is why the majority leader and I introduced the legislation, which was enacted as title IV of the Superfund Amendments and Reauthorization Act of 1986, requiring EPA to establish a radon and indoor air pollution research program.

The Indoor Air Quality Act of 1991 builds on our prior legislation. It would require EPA to:

Expand and strengthen indoor air research, and establish a technology demonstration program;

Conduct an assessment of indoor air quality in schools;

Develop health advisories on indoor air contaminants which may occur in indoor air at levels which may reasonably be expected to have an adverse impact on human health;

Prepare a response plan using existing regulatory authorities and other specified nonregulatory authorities to reduce exposure to indoor air contaminants; and

Make grants to States to develop and implement indoor air pollution strategies.

The bill also expands the authority of the National Institute of Occupational Safety and Health to conduct assessments of buildings, that are declared sick.

As chairman of the Senate Subcommittee on Superfund, Ocean and Water Protection, I held hearings on this bill in May 1989 and the subcommittee approved the bill later that year with a number of changes. These changes include requiring EPA to:

Prepare a report on multiple chemical sensitivities, and expand its research program to address the effects of indoor air pollutants on those who suffer from multiple chemical sensitivities;

Conduct an assessment of indoor air problems in buildings housing child care facilities;

Conduct research with the Department of Transportation on indoor air pollution in public and private transportation;

Establish a program to address the role of ventilation in protecting the public from indoor air contaminants; and

Provide an assessment of indoor air monitoring and mitigation services provided by private firms.

This legislation passed the Senate last year. Unfortunately, the Congress ended before the House had a chance to act upon it.

Senators MITCHELL, CHAFEE, and I reintroduced the Indoor Air Quality Act, which is virtually the same as the bill passed by the Senate last year, early in the 102d Congress. The Environment Committee approved S. 455 on August 1.

Mr. President, Americans want clean air. And that concern does not end when they step into their home, place of employment, school, or their house of worship. The Indoor Air Quality Act establishes a comprehensive, balanced program to address the public health threat posed by indoor air contamination.

I urge my colleagues to support this bill.

Mr. CHAFEE. Mr. President, first of all, I want to say I concur in everything that our distinguished colleague from New Jersey had to say about this legislation. I particularly stress to all that are listening here that this legislation practically is identical to legislation which last year was approved unanimously by the Senate.

I note that the distinguished Senator from California is on the floor and has an amendment. I would be glad to proceed with his amendment and take up my floor statement later.

I understand there are some delays or problems here. So I will proceed with my statement, Mr. President, and then we will take up the amendment of the distinguished Senator from California.

Mr. President, I am pleased that today we are considering the Indoor Air Quality Act of 1991, S. 455. This bill will provide substantial research and development initiatives to uncover harmful air pollutants in our indoor environment, and it will focus the efforts of the Federal Government on this particular problem.

By focusing our efforts and providing clean air, we are making great strides in what we all say we are for around this place, and that is preventive medicine. There is not a Senator who will get up on the floor and say that he or she is not for keeping our public healthy.

Our Nation now spends, overall, on health care about $660 billion a year. That is not solely the Government. That is all expenditures—government, industry, and individuals. Through insurance or through direct expenditures, we spend $660 billion a year. That is about $2 billion a day.

Many of the illnesses we experience are preventable. In terms of public health, this bill will provide us a much needed ounce of prevention and help us to avoid the costly pound of cure. EPA, for example, estimates that between $4.4 and $5.4 billion a year is lost in productivity due to indoor air illnesses.

Over the last decade, we have made considerable progress in abating some of the more harmful pollutants in our outdoor air environment. It is really remarkable what has taken place. Let me give you some statistics: The amount of emissions from an automobile produced in 1990, as compared to an automobile produced in 1970, a 20-year period, the amount of emissions of hydrocarbons, which cause smog, were decreased by 90 percent. In that same period, from 1970 to 1990, the carbon monoxide emissions were cut by 90 percent. These are all killers. There is a 90-percent reduction.

You might say, is the air 90 percent cleaner than it was 20 years ago? The answer, unfortunately, is "No." Why? Because even though we made these dramatic reductions in emissions from an automobile produced in 1990 from one produced in 1970, nonetheless, each automobile that is left on the road travels more miles than 2 years ago, and there are more automobiles on the road. So between those two—between more miles per automobile driven and the fact that we have more automobiles—regrettably, the emissions in the air have not been cut by 90 percent.

But just think what it would be like if we had not made those reductions. Let us look at the lead in the air. Because of going to unleaded gasoline, we have reduced, in that 20-year period, the amount of lead in the air by 97 percent. People like to mock the effort sometimes that we make in the environment here, but our public is clearly healthier because of what we have done.

Once unsightly rivers are now returning to a condition where they are fishable and swimmable, because of these added efforts. Yet, for all the progress that we have made on the outdoor air environment, we have not turned our attention to where Americans spend 90 percent of their time. Much is known about the effects of indoor contaminants, such as radon, asbestos, and tobacco smoke. But there are several other contaminants we know little about, such as formaldehyde. Why do we worry about formaldehyde? It comes from much of our covered furniture. Others are: volatile organic chemicals, combustion byproducts, and respirable particles. There is a great likelihood that these pose a serious threat to public health.

The threat from these chemicals that are in the air—some we know about, as I mentioned, radon, asbestos, tobacco smoke, and some we do not know much about. The threat of these to our livelihood is not only that we spend 90 percent of our time indoors, but we have seen the growth of these airtight buildings. Because of the soaring energy costs over the past 20 years, we have made a great thrust on conservation. So we build these buildings airtight. We all know, in my building, you cannot open the window. I think that is true of most of the buildings around here. These are well-insulated, energy-efficient buildings. But what they did is seal in potentially hazardous substances, while reducing the amount of fresh air.

Little attention has been given to the quality and the potential health effects of the air inside our homes and offices. But there is mounting evidence that the air we breathe indoors may be at least as polluted with cigarette smoke, radioactive radon gas, or formaldehyde as the smog outside. We spend all our time worrying about outdoor air, and that is right, but we ought to worry about indoor air, too.

The EPA now concludes that the risk to human health from indoor air contaminants may be at least as great as those from the outdoor environment. In a recent report, this is what EPA had to say:

> Sufficient evidence exists to conclude that indoor air pollution represents a major portion of the public's exposure to air pollution and may pose serious acute and chronic health risks. This evidence warrants an expanded effort to characterize and mitigate this exposure.

In other words, we ought to do something about it. This statement represents a major step forward in agency's thinking about what ought to be done about indoor pollution.

One of the most ubiquitous forms of indoor air pollution, I think we all recognize, is tobacco smoke. We have 54 million smokers in the United States. Cigarette fumes will undoubtedly rank as one of the most significant sources of indoor air pollution. Passive smoking—that means somebody who does not smoke, but is in the company of a smoker—may be associated with a wide range of health problems, including increased risk for respiratory illnesses, lung cancer, and heart diseases. The Surgeon General says that up to 5,000 nonsmokers may die each year from lung cancer—5,000—caused by inhaling other people's smoke. The data indicates that the ones who are most at risk are children.

At a hearing on the health effects of indoor air pollution before the Committee on Environment and Public Works, it became painfully clear that there is not an adequate effort by Federal agencies and States to conduct research on indoor air contaminants. This bill that we have before us today will direct the various agencies responsible for indoor air quality to coordinate their response plans to address these contaminants.

I just want to briefly describe several elements of the bill. And this will be brief.

First, the bill establishes a research program for indoor air. There is an appropriate role for the Federal Government to be in. You cannot expect the States, each of the States to do this. So there is $20 million for each of 5 years to get information on the risk posed by indoor air pollution, and then we get that out to the States.

Second, the legislation will require EPA to publish what they call health advisories. These advisories must be written in plain English so the people can understand how an average citizen can reduce his or her exposure and potentially adverse health effects from indoor air contaminants.

Third, this measure, this bill we are considering, provides for limited grant assistance to the States, $12 million a year for 5 years, that is spread amongst all 50 States, for development of management strategies and response programs.

Fourth, the bill will authorize, as my distinguished colleague said, the National Institute of Occupational Safety and Health, so-called NIOSH, to conduct assessment of sick buildings. A sick building is one that there is uncommon occurrence amongst the population within that building of respiratory problems. Estimates of lost worker productivity due to symptoms attributable to sick buildings is in the billions of dollars.

There is an amendment that was added at my request in the committee for EPA to conduct an assessment of the seriousness of the indoor air contamination in schools. Schoolchildren are more susceptible to radon, for example, or other harmful chemicals.

The total cost of this bill is $48.5 million for each of 5 years. EPA estimates the annual national cost of health care, of medical care resulting from indoor air pollution, is over $1 billion a year.

I would like to say something that this bill does not do. People are going to come around here on the floor today worrying is this legislation putting the Federal Government in everybody's living room? Are we going to be telling everybody what they can or cannot do with their homes?

No. This bill does not provide authority to regulate indoor air contaminants. If somebody wants to have a house full of radon, that is his privilege. What this bill does is take an informational approach. The health advisories, for example, will indicate the health risk of these contaminants

at various levels. If a person wants that in his home, fine; that is his business.

The best defense we have against an unhealthy indoor environment is for the public to know and be informed. Homeowners need to be aware of the risks associated with using certain pesticides, for example. If this information can be communicated effectively from the Government for the people to understand, then the marketplace will send a strong signal, for example, to pesticide manufacturers. Consumers will then demand safe pesticides for home use.

The same is true for cleaning solvents. Many of these cleaning solvents might well be quite poisonous to the air environment. Furniture strippers and a host of other chemicals we bring in our home may be dangerous.

Americans need to know how to ensure that the quality of the air inside their homes and their offices is going to be healthy. We must begin to address the health threat posed by contaminants of the air indoors.

So I hope my colleagues will join me in supporting this legislation. It was passed unanimously last year. I hope we can dispose of this quickly today.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I rise in support of the Indoor Air Quality Act of 1991. This legislation, which I introduced in February of this year, is an important step toward reducing the threats to human health posed by exposure to contaminants in the air indoors.

I am very pleased that Senator CHAFEE, the ranking Republican member of the Environment and Public Works Committee, and Senator LAUTENBERG, the chairman of the subcommittee with jurisdiction over this legislation, both having long and very strong records in protection of the health of Americans and the quality of the American environment, have joined me in supporting this bill.

Most Americans spend up to 90 percent of the day indoors. There is growing evidence that exposure to contaminants in the air indoors is a deadly serious problem.

In April 1987, I chaired hearings before the Subcommittee on Environmental Protection that addressed the health effects of indoor air contaminants. Additional hearings were held in 1989.

Witnesses at these hearings and related hearings in the House of Representatives over the past several years confirmed basic information about indoor air pollution.

We know that exposure to air pollutants occurs indoors—in residences, workplaces, schools, public buildings, and transportation vehicles—as well as outdoors.

We know that indoor air pollutants include radon; asbestos; volatile organic compounds, for example, formaldehyde, benzene; combustion byproducts, for example, carbon monoxide, carbon dioxide; metals and gases, for example, lead, chlorine, ozone; and respirable particles.

We know that radon is the most harmful indoor air pollutant. The Environmental Protection Agency [EPA] estimates that radon causes an estimated 14,000 lung cancer deaths each year. The EPA estimates that a selected group of other indoor air pollutants causes thousands of additional cancers each year.

We know that sources of these pollutants include commercial products, building materials, combustion appliances, indoor application of pesticides, and outdoor sources as well.

The medical community reports other health effects of indoor air contaminants, including skin and eye irritation, respiratory function impairment, allergic and infectious diseases, neurotoxicity, immune effects, liver and kidney effects, and developmental effects.

We have clear evidence that the health effects of indoor air pollutants result in substantial costs to society in the form of reduced productivity, sick time, health care costs, and disability costs estimated to be in the tens of billions of dollars annually.

Much of our information about the indoor air pollution problem is relatively recent. The foundation for our understanding of indoor air pollution problems is a series of Environmental Protection Agency [EPA] research projects that offer compelling documentation of the serious health threats posed by indoor air contaminants.

In September 1989, in response to section 403(e) of the Superfund Amendments and Reauthorization Act of 1986, EPA published a major assessment of indoor air quality.

The report indicates the seriousness of indoor air pollution, stating—

> * * * indoor air pollution represents a major portion of the public's exposure to air pollution and may pose serious acute and chronic health risks. This evidence warrants an expanded effort to characterize and mitigate this exposure.

The report further states—

> * * * the information available suggests that exposure to indoor air pollutants poses a significant health threat to the domestic population.

The report also documents the wide range of indoor air contaminant health effects and states—

> Health effects from indoor air pollution cover the range of acute and chronic effects and include eye, nose, and throat irritation, respiratory effects, neurotoxicity, kidney and liver effects, heart functions, allergic and infectious disease, developmental effects, mutagenicity, and carcinogenicity.

The EPA report provides data on the lethal effects of several specific, carcinogenic contaminants. Human exposure to radon gas is cited as causing between 5,000 and 20,000 lung cancer deaths each year. The EPA later revised this estimate to be approximately 14,000 deaths per year.

The report cites studies estimating that between 1,000 and 5,000 lung cancer deaths each year are due to indoor exposure to 6 specific volatile organic chemicals.

The report reviews the issues associated with sick building syndrome and multiple chemical sensitivities. The report concludes—

> Building sickness, such as sick building syndrome, building related illness, and multiple chemical sensitivity are issues of potentially great significance but are poorly understood.

Illnesses caused by indoor air contaminants take a toll in death, suffering, and discomfort. These illnesses, however, also have a cost to society in the form of increased medical expenses, increased sick leave, and declines in worker productivity.

The EPA report includes new assessments of the costs of indoor air contamination. The annual national costs of medical care resulting from indoor air pollution are estimated at over $1 billion.

The report, however, qualifies this statement, noting—

> These estimates do not include the costs of many potential illnesses and indoor air pollutants * * * due to limited quantification of health impacts for these pollutants * * *.

The report also cites the costs associated with employee sick days and reduced productivity due to indoor air illness. Using the same conservative assumptions used to calculate direct medical costs, the report estimates costs of reduced productivity at between $4.4 and $5.4 billion annually.

Citing more comprehensive studies of productivity declines, the report states—

> If these results were applied to the nation's white collar labor force, the economic cost to the nation would be on the order of $60 billion annually. While this cannot be regarded as a reliable estimate, it suggests quite strongly that productivity losses may be on the order of tens of billions of dollars per year.

In summarizing the overall costs of indoor air pollution, the EPA report concludes—

> Many costs of indoor air pollution have not been calculated. Nevertheless, because of the large number of people and buildings potentially affected, as well as the wide range of effects for which there is a cost component, it is reasonable to conclude that the aggregate costs of indoor air pollution amount to tens of billion of dollars per year.

The report proposes a detailed research agenda for the next 5 years, including exposure assessment and research on health effects, control techniques, and building systems. The estimated cost of this research over the 5-year period is $99.15 million.

Other studies corroborate these findings. In December 1989, EPA published

the results of studies of environmental priority setting in three regions of the country where indoor air pollution was recognized as a serious problem. The Agency concluded—

* * * risk associated with most environmental problems does not differ much across the (geographic) areas studied. For example, indoor air pollution consistently causes greater health risks than hazardous waste sites whether one is concerned with New England, the Middle Atlantic region, or the Pacific Northwest. Such consistent findings should play an important role in setting national environmental priorities.

In March 1989, a coalition of major public interest groups and insurance agencies issued a national consumer agenda highlighting seven key national issues, including indoor air quality. The report reviews the health threats posed by indoor air pollution and endorses key provisions of the bill we are considering today.

In September 1988, EPA issued a major report on indoor air quality in public buildings. The summary of the report states—

VOCs (volatile organic chemicals) are ubiquitous indoors. * * * About 500 different chemicals were identified in just four buildings. * * * Almost every pollutant was at higher levels indoors than out. * * * New buildings had levels of some chemicals that were 100 times higher than outdoor levels.

In 1987, EPA published a comprehensive, four-volume, multi-year study of total exposure to air pollutants which concluded that exposure to indoor air pollutants is significant relative to exposure to air pollutants in the ambient air.

The report states—

The major finding of this study is the observation that personal and indoor exposures to these toxic and carcinogenic chemicals are nearly always greater—often much greater—than outdoor concentrations. We are led to the conclusion that indoor air in the home and at work far outweighs outdoor air as a route of exposure to these chemicals.

Despite all the evidence of the health effects and economic costs of indoor air pollution, the Federal Government still lacks a coordinated and comprehensive response to this problem.

Congress has made progress in addressing indoor air quality problems in the past several years.

The 99th Congress enacted bills to establish a program of research on radon and indoor air pollutants at the EPA and to establish a national program to control asbestos in schools.

The 100th Congress enacted legislation addressing indoor radon and considered legislation to control asbestos in buildings and to address indoor air generally.

In the 101st Congress, the Senate passed indoor air quality legislation which is virtually identical to the bill we are considering today.

The Indoor Air Quality Act, S. 455, which I introduced with Senators CHAFEE, LAUTENBERG, and others, establishes a national program to reduce the threat to health posed by exposure to contaminants in the air indoors.

In drafting this legislation, we had five basic principles in mind.

First, we placed a strong emphasis on expanding and strengthening indoor air research.

Second, we sought to improve understanding of specific indoor air pollutants through development of health advisories on indoor air contaminants.

Third, we wanted to foster more effective use of existing authority for controlling indoor air contaminants rather than creating new regulatory authority. The bill provides that existing authorities are to be focused and directed in a national response plan.

Fourth, we sought to demonstrate the role States can play in addressing indoor air pollution.

Finally, we sought to create an institutional base for indoor air programs at the Environmental Protection Agency and assure coordination of related efforts throughout the Federal Government.

The bill achieves those objectives. It is a strong bill.

I will provide some additional explanation of the major elements of this legislation.

The bill expands research of indoor air pollution by providing the EPA and other agencies with authority to conduct general research on indoor air contamination and research on specific problem areas.

New authority is provided to demonstrate various technologies which may contribute to the reduction of indoor air contamination. The bill also calls for the issuance of technical and management practice bulletins providing assessments of technologies for controlling and measuring indoor air contaminants.

An important provision of the bill provides for a report to Congress on the subject of chemical sensitivity disorders, including multiple chemical sensitivities. The study is to address the underlying causes of chemical sensitivity disorders, identify the prevalence of these disorders, and make recommendations for actions to prevent and respond to such illnesses.

The bill also provides for the Director of the National Institute for Occupational Health and Safety, in consultation with the Administrator, to develop an indoor air quality training course for managers of Federal and other buildings. Training courses are to address building management methods for reducing indoor air contamination.

The Administrator is to conduct a program to analyze the adequacy of existing ventilation standards and guidelines to protect public health and report on it to the Congress within 36 months.

The bill provides that the EPA will develop a list of indoor air contaminants and health advisory documents for the contaminants.

Health advisory documents are to include descriptions of the characteristics of each contaminant and the health threats posed at various concentrations. The EPA is to issue six advisories within 18 months of the date of enactment and an additional six advisories within the next 18 months.

Although the listing of contaminants is not an Agency rulemaking, public notice and comment is to be provided with consideration of public comments before the issuance of a final list of contaminants.

A key section of the bill directs the EPA to develop a national response plan identifying actions to be taken to reduce contaminants in indoor air. The plan is to identify and schedule needed actions by EPA and other Federal agencies under the authority in existing statutes. The plan also will outline Federal agency activities related to indoor air information, education, and technical assistance.

The response plan is to be submitted to Congress within 24 months of enactment of this act and biennially thereafter.

The section of the bill providing for the national response plan does not confer new or additional regulatory authority over indoor air contaminants to the EPA, Occupational Safety and Health Administration, or other Federal agencies. It provides for a coordinated research and assessment effort which may be used by Federal or State agencies during consideration of appropriate responses to indoor air pollution, including new regulations.

The Federal Government must play a leadership role in developing effective responses to indoor air pollution problems. The bill provides for a Federal building response plan to address air quality in Federal buildings.

The plan is to identify general management practices for improving indoor air. Buildings with identified indoor air quality problems are to be considered for assessment under the sick building section of the act. The plan is to be submitted to Congress 24 months after enactment of the act and biennially thereafter.

The growing evidence of indoor air quality problems in prisons illustrates the need for attention to air quality in Federal buildings. Prisoners are incarcerated for long periods of time and there are reports of poor air quality and a significant rise of tuberculosis in detention facilities.

Another key objective of the bill is to demonstrate very basic indoor air quality management strategies and assessments at the State level.

States have proven to be essential partners in implementing many of our environmental programs and I hope that this provision of the bill will foster an improved understanding of the

role of State governments in responding to indoor air quality problems.

The bill provides grants to States for demonstrating indoor air quality management and assessment strategies. Each State is to identify a lead agency for protecting indoor air quality, describe existing programs at the State and substate levels, and assure coordination with programs addressing ambient air quality. State assessment programs are to identify contaminants of concern by geographic areas experiencing problems and provide for periodic assessments of indoor air conditions and trends.

States or other air pollution control agencies also may develop response programs to address a particular indoor air contaminant, class of buildings, or buildings in a specific geographic area.

Several provisions of the bill expand the institutional base for attention to indoor air pollution.

An Office of Indoor Air Quality is established within the EPA to manage indoor air activities and to work with other Federal agencies.

The bill also addresses the problem of coordination of indoor air quality activities among Federal agencies. The nature of indoor air pollution problems requires that a wide range of Federal agencies participate in assessment and control efforts. The bill establishes a Council on Indoor Air Quality to oversee the indoor air activities of various Federal agencies. Agencies represented on the Council include EPA, the Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health, the Department of Housing and Urban Development, the Department of Transportation, the Department of Energy, the Consumer Product Safety Commission, and the General Services Administration.

The bill also addresses the problem of sick buildings. The Director of the National Institute of Occupational Safety and Health [NIOSH] is to carry out a program to demonstrate methods of assessment and mitigation of indoor air contamination in sick buildings.

This expanded effort will help develop the most effective measures to identify the causes of sick building syndrome and the most effective measures to mitigate these problems. This provision establishes a process for the assessments and is based on an existing NIOSH effort.

I want to stress that nothing in the bill is intended to preempt any State or Federal law or local ordinance or to preclude pollution control action under another Federal law.

The bill authorizes total funding of $48.5 million for each fiscal year from 1992 to 1996 including: $20 million for research and health advisories; $10 million for EPA operations; $12 million for State management and response grants; $1.5 million for the National Indoor Air Quality Council; and $5 million for the Building Assessment Program.

Mr. President, each year the evidence of the health threats and economic costs of indoor air pollution grows and grows. Much of the research documenting this problem has been developed by the EPA. Unfortunately, the EPA has not stepped forward to address this important problem in a comprehensive and coordinated way. Our legislation is intended to recognize the importance of indoor air pollution and get the Federal Government and the States actively involved in solving the problem.

I urge all my colleagues to join me in supporting this important legislation. With your support, we can assure that Americans have clean, safe air to breathe indoors as well as outdoors.

The PRESIDING OFFICER. The Senator from California.

Mr. SEYMOUR. Mr. President, will the distinguished majority leader yield for a question?

Mr. MITCHELL. Yes, certainly.

Mr. SEYMOUR. Mr. President, as majority leader, as the author of the legislation, was it the Senator's intention that future standards be applied to the buildings here on the Capitol grounds, specifically this building we are in, the Hart Building, the Dirksen Building, and the Russell Building?

Mr. MITCHELL. It is my hope we can adopt language now that will include all of those buildings, the White House and the Vice President's residence as well.

AMENDMENT NO. 1307

(Purpose: To include Capitol Buildings as Federal buildings)

Mr. SEYMOUR. Mr. President, I call up amendment No. 1307.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. SEYMOUR] proposes an amendment numbered 1307.

On page 7 of the bill, strike lines 12 through 13 and insert the following: "square feet in area, any building occupied by the Library of Congress, and any building that is included in the definition of Capitol Buildings under section 193m(1) of title 40, United States Code;".

Mr. SEYMOUR. Mr. President, the reason I did not ask the reading to be dispensed with is I wanted to illustrate the brevity of the amendment.

It is my understanding that both the Republican side as well as the distinguished majority leader for the Democratic side have agreed to accept this amendment. I am very pleased by that because this is a very simple and direct amendment to the bill.

In reading the bill, it is very clear that what buildings the bill applies to is all buildings, residential office buildings, schools, hospitals, private buildings, buildings leased or operated by Federal agencies, and even the Library of Congress. However, the gaping hole in the bill is that it does not apply to Congress itself. It does not apply to this building. It does not apply to our office buildings, either the Hart Building, or the Dirksen Building, or the Russell Building, buildings in which close to 20,000 employees—12,000 in the House and 7,700 in the Senate—work.

I spent a short time in the Hart Building. That building is totally enclosed. You cannot open a window there. So it seems to me altogether reasonable that this amendment, which would require Congress to live under the same regulation or law that may come as a result of this bill, is only equitable and fair. And so I am pleased that both the distinguished majority leader and our side of the aisle have agreed to accept this amendment.

Mr. MITCHELL. Mr. President, I wonder if the Senator would agree to a modification that would include the White House and the Vice Presidential residence, as he obviously wants this to be all-inclusive.

Mr. SEYMOUR. I say to the majority leader, if he would like to add that as a second-degree amendment, I think that is fine.

Mr. MITCHELL. I will do that.

AMENDMENT NO. 1308 TO AMENDMENT NO. 1307

Mr. MITCHELL. Mr. President, I send a second-degree amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1308 to amendment No. 1307.

In the amendment on page 1, line 3, between the "," and "and" insert the following: "the White House and the Vice-Presidential residence,".

Mr. MITCHELL. Mr. President, I ask that the amendment be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1308) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. 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. SEYMOUR. 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. SEYMOUR. Mr. President, I ask that my amendment 1307 be adopted.

The PRESIDING OFFICER. Is there objection to agreeing to the amendment, as amended?

If not, the question is on agreeing to the amendment, as amended.

The amendment (No. 1307), as amended was agreed to.

Mr. SEYMOUR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. 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. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I rise in full support of this legislation. I commend Senators MITCHELL, CHAFEE, and LAUTENBERG for their strong efforts on this important issue.

Indoor air pollution poses a serious health hazard to millions of Americans. The Environmental Protection Agency has estimated that indoor air pollution may cost tens of billions of dollars each year in medical expenses and lost productivity. This legislation will establish for the first time a comprehensive and coordinated strategy for addressing this growing health concern.

I particularly appreciate the willingness of the Senator from Maine to accommodate several modifications I proposed to this legislation. The Subcommittee on Labor, which I chair, has primary jurisdiction over workplace health and safety matters. In recent years we have seen growing concern over indoor air pollution as an occupational health hazard. We all have read the news accounts of workers at the EPA, the Library of Congress, the USA Today Building, and elsewhere, who have suffered from respiratory problems, allergic reactions, and other symptoms of sick building syndrome.

The National Institute for Occupational Safety and Health has been inundated with requests from both public and private sector employers and employees to evaluate indoor air pollution problems. Clearly, we are talking about a significant and growing occupational health concern.

Workers may well be the population most affected by indoor air pollution and the population with the most to gain from the research and intervention authorized by this legislation. It is therefore crucial that the Senate fully recognize and address the issue of indoor air pollution in the workplace.

At the same time, it is important that the indoor air pollution program fully involve the agencies traditionally responsible for workplace safety and health. The changes made by Senator MITCHELL at my request are intended to recognize the important role that the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health play in addressing indoor air pollution problems and in protecting worker health.

NIOSH in particular has done extensive work on indoor air pollution problems. NIOSH has conducted hundreds of building assessments and has identified ways in which building managers can reduce the level of indoor air pollution through better ventilation and other practices.

For its part, OSHA is finally beginning to address this issue. On September 20, 1991, OSHA published a request for information in the Federal Register as a prelude to a formal rulemaking proceeding on indoor air quality in the workplace. The comment period ends next January. I should also note that the comprehensive OSHA reform legislation we introduced this past August would require OSHA to issue a final rule on indoor air quality by December 31, 1991.

Senator MITCHELL and I agreed that we need a coordinated, integrated strategy for studying and solving the many problems posed by indoor air pollution. Thus, the legislation requires EPA to involve OSHA and NIOSH in the planning and execution of the research and response activities authorized by the bill as these activities affect workers.

In addition, it is important to identify the contaminants that cause particular instances of indoor air pollution. But NIOSH's experience has shown that it is possible to reduce indoor air pollution even without identifying or isolating the exact cause of the problem. I proposed language to incorporate this building systems approach to solving indoor air pollution problems. I suggested that the national indoor air quality plan should include remedies to sick building syndrome, such as improved ventilation design and maintenance, better building construction and remodeling practices, and safer work practices for the application of pesticides and other possible irritants. Those suggestions have been included in this legislation.

Again, I thank the majority leader for his cooperation and willingness to address these subtle, yet important issues, and I commend him as well as Senators CHAFEE and LAUTENBERG for taking the lead on this pervasive and growing health concern. I urge my colleagues to support this legislation.

INDOOR AIR QUALITY ACT OF 1991

Mr. SIMPSON. Mr. President, last year we passed a historic rewrite of the Clean Air Act. This bill will help address air pollution problems all across the country. However, this landmark legislation does not deal with air pollution indoors.

Over the years, we have learned that in some cases indoor air pollution can be more severe than the smog in some of our most polluted cities. Fumes from gas appliances, vapors from paints and paint thinners, formaldehyde emissions from adhesives and cabinets, and tobacco smoke can all contribute to the contamination of the indoor air we breathe.

This bill emphasizes research into indoor air contamination and it establishes a program to demonstrate various technologies which may contribute to the reduction of indoor contaminants.

EPA will conduct a program to analyze the adequacy of existing ventilation standards and guidelines to protect public health and will report back to Congress about this situation. EPA will be directed to issue health advisory documents which will include descriptions of the characteristics of each contaminant in the health threat posed at various contaminations.

All of this information will help us to reduce indoor air pollution in public and Federal buildings in order that the workplace will be a safer environment.

States will be allowed to apply for grant assistance and established in their own indoor quality programs and nonprofit institutions will be allowed to participate as well.

I look forward to the passage of this bill and the improvement of our national indoor air quality.

Mr. HELMS. Mr. President, I have concerns about this so-called indoor air quality bill. The proponents contend that this is merely a research bill, but there is a lot more to it than that. It is a $250 million proposal that will create a whole new bureaucracy of environmental police.

The bill requires the EPA to issue health advisories for contaminants that the EPA deems to be harmful. These health advisories will be publicized and distributed all over the country. We have seen how the EPA hypes the harmfulness of products before it has conclusive evidence.

Mr. President, my concern is that the EPA sometimes rushes to judgment based on flimsy scientific evidence. Products are banned, jobs are lost, and businesses are hurt, and then we find out that the product was not really as bad as the EPA first asserted.

This happened with dioxin. In 1982, Dr. Vernon Houk urged the evacuation of Times Beach, MO, because of dioxin. Now Dr. Vernon is having second thoughts about the harmfulness of dioxin. And a Los Angeles Times editorial states that the United Nations found our dioxin standards to be "1,600 times tougher than necessary."

Mr. President, there are many other examples of the EPA misleading the

public as to the harmfulness of various products—asbestos and lead are just a few. I ask unanimous consent that a series of articles exposing the EPA's exaggerated risk assessment policy be printed in the RECORD.

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

(See exhibit 1.)

Mr. HELMS. Mr. President, in 1989, the EPA's own risk assessment experts admitted in a report that the cancer risk of toxic air pollutants is based on models that deliberately overstate risk by 10 to 100 times.

This is why I am concerned about requiring the EPA to issue all these health advisories—many of them will be based on overstated and flimsy scientific evidence.

Mr. President, the administration strongly opposes this bill. The administration states that the bill "would create conflicting responsibilities among Federal agencies, and impose duplicative and unnecessary requirements that would undermine Federal priorities."

EXHIBIT 1

[From Inside EPA, Sept. 13, 1991]

INDUSTRY CHARGES INTERNATIONAL PUSH TO CUT LEAD EXPOSURE OVERSTATES RISKS

An EPA-led international effort to reduce lead exposures is moving towards restrictions on low-level lead exposures despite scientific evidence which indicates negligible health risks of such small doses, lead industry sources charge. The effort has also come under fire from environmentalists who charge that the international body is being too cautious in its moves to limit lead exposures.

EPA has taken the lead in drafting a lead risk-reduction strategy for the international Organization for Economic Cooperation & Development, in part, agency sources say, in response to complete bans on toxic substances such as lead suggested by Sweden last year (Inside EPA, April 20, 1990, p2). A draft report prepared by EPA—and expected to be adopted by OECD at a meeting this fall—suggests a variety of international risk reduction strategies for lead, from bans on uses for which there are readily available substitutes to taxes on products for which there are no known substitutes. The draft also suggests encouraging recycling of products containing lead and discouraging new uses of lead where possible.

But an international industry group argues in comments recently filed that the draft is mistaken in its conclusion that "effects associated with low level exposure to lead are (a) harmful and (b) casually related to lead." The industry comments, filed by the International lead Zinc Research Organization, point out that the draft report acknowledges that "there remains uncertainty in the global scientific community about the causal relationship between low level lead exposure and lead in children." Yet the report also argues that "there is no apparent threshold for developmental effects in children" and provides rough estimates of health benefits expected from various exposure reduction scenarios. But given that lead is a natural element which "is found in the bodies of even the most remote populations at levels close to the mean levels in the U.S. today," the industry comments argue that "it would seem clear that the OECD document has overstated the health impact of low level lead exposure."

An industry source adds that the primary causes of recognized health problems are high blood lead (PbB) levels resulting from discontinued, highly-dispersive uses of lead, such as leaded gasoline or lead paint. This source argues that the international organizations should be spending their resources on abating lead from past uses and locating and treating children with high PbB levels, instead of developing plans for attacking low exposures of questionable concern.

But an environmentalist says "the science is as definitive as science can be," and there can be no reasonable argument that lead is not hazardous even at the lowest levels. This source argues that the only scientific controversy over lead health effects is caused by industry's claims that lead is safe. The flaw in the OECD document, this source says, is that "it is not nearly strong enough." Focussing only on past uses of lead would be a mistake because current uses may prove equally problematic later, this source argues.

An EPA source says the agency "sympathizes more with the environmentalists" on the debate, but that the agency will probably never go as far as the environmentalists would like. Industry "mounted quite an aggressive campaign to discredit the "report," this sources says, but EPA is not recommending that countries "go ripping solder out of radios." This source says the report represents a moderate position that unnecessary uses of lead, such as inks and lead solders, should be phased out, while alternatives should be encouraged for uses that have high benefits. This source expects that the report will be largely supported by the full OECD meeting scheduled for November.

[From the Los Angeles Times, Aug. 20, 1991]

SEEKING THE TRUTH IN TOXICS

Whatever else the chemical compound dioxin may do, it is going to haunt efforts by regulators to protect industrial societies from their byproducts for a long time.

Fused in a meeting of heat and chlorine, dioxin has for years been at the head of the list of dangerously toxic chemicals that are loose in the U.S. environment.

It got there because in the 1960s and 1970s guinea pigs died from exposure to it in a matter of weeks. It also got to the top of the danger list because techniques for determining its toxicity to humans were less sophisticated then.

Some scientists now are backing away from previous assessments. The U.N.'s World Health Organization is saying that American standards are 1,600 times tougher than necessary. The Environmental Protection Agency plans to spend a year reviewing the evidence on dioxin.

Some environmentalists are fighting back, claiming that all of the second-guessing is designed to save manufacturers the cost of cleaning up after spills and around their plants.

William K. Reilly, who heads EPA, recognizes that he is hitting a hornet's nest with a stick and that he will be damned if he does look back and damned if he doesn't.

In a gem of understatement, Reilly says, "There is not much precedence . . . for pulling back from a judgment of toxicity," but that new data suggests a lower risk.

Juries have awarded millions of dollars in damages to people who made the case that dioxin ruined their health. Dioxin is blamed for causing cancer among Vietnam veterans, and birth defects in their children. It was a key ingredient of the defoliant Agent Orange, which was sprayed on forests in Southeast Asia.

One scientist who is having second thoughts is Dr. Vernon N. Houk of the federal Centers for Disease Control. He urged all 2,240 residents of Times Beach, Mo., evacuated in 1982, because its roads were contaminated with dioxin.

He says he had no choice then because his lab was producing chilling reports on dioxin. Now the data says differently. It makes no case for a wholesale review of toxics, but on the matter of dioxin Reilly has no choice, either.

[From the Washington Times, Apr. 10, 1991]

BOMBS AWAY ON POLYSTYRENE?

(By Warren Brookes)

Bombing is something the Bush administration does well. While the Pentagon was blowing the Iraqi economy back into the Stone Age, the Environmental Protection Agency has been unloading regulatory munitions on the U.S. economy from apples to autos, from construction to chemicals, from Detroit to Phoenix.

This week the EPA will "dump bomb" the polystyrene industry. EPA Public Affairs Director Lewis Crampton confirmed the agency has put polystyrene in the "C" category as a "possible carcinogen," based not on human epidemiology but rodent tests. Even though there is no evidence of any human danger, and no published research, everything from meat trays in supermarkets to coffee cups at the deli will be stigmatized as "carcinogenic."

The campaign against polystyrene foam culminating in the decision by McDonald's last fall to replace foam hamburger containers with some kind of coated paper.

That decision ran so counter to solid scientific analyses done for McDonald's and others that show actual environmental impacts favor foam over coated paper, there is a persistent rumor McDonald's was warned by the Environmental Defense Fund (EDF) that the EPA was soon to make a carcinogenic finding on the product.

Just as the Natural Resources Defense Council worked closely with EPA in destroying the apple industry with Alar, EPA has apparently cooperated with the EDF to slay the polystyrene monster.

What is gratuitously obscene about this is that it comes on the heels of growing scientific skepticism about the validity of EPA risk models, caused in part by the dioxin case. For years dioxin, the principal ingredient in Agent Orange, has been regarded by EPA as the most dangerous carcinogen extant, many hundreds of times as potent as the next chemical risk.

Based on that "modeled" assumption, Congress and the Bush administration recently awarded what could be as much as $200 million to $1 billion in payments to Vietnam veterans who contract soft-tissue sarcoma. That decision is spurring the legal profession to seek out veterans' cases against the manufacturers. The number of such cases is expected to reach 250,000.

But the modeled assumptions of dioxin risk in these cases are predicated entirely on feeding rodents massive doses (up to 30,000 times human exposure) of dioxin-saturated foods. From these high-dose results, the EPA uses a straight-line "no threshold" (linear multi-stage) basis for extrapolating human danger. In other words, no matter how small the dose, it's dangerous.

But that "no threshold" assumption—which underlies all EPA chemical risk as-

sessments—has been blown away, as one epidemiology study after another has failed to confirm dioxin's alleged toxicity. As Science Magazine reported on Feb. 8, "Even among highly exposed groups, like the people who lived near the chemical plant that exploded in Seveso, Italy, in 1976, the only undisputed effect until recently has been the skin disease chloracne."

Ironically, last January, the first study ever to show even a weak link between dioxin and human cancer published in the New England Journal of Medicine, in fact destroyed EPA's risk model.

That study carried out by the National Institute for Occupational Safety and Health (NIOSH) under the leadership of Marilyn Fingerhut was the most comprehensive look at human dioxin exposure ever done, involving 5,172 workers and at 12 plants in the United States that produced the dioxin-containing pesticides and defoliants.

The average exposure of these workers was 80 times to 500 times U.S. average background levels, and up to 200 times the exposure levels of even the most exposed Vietnam era veterans, the Ranch Hands Air Force personnel who did the Agent Orange spraying.

If the EPA model were correct, these workers should have shown at least 5 to 10 times the expected level of cancers for non-exposed persons. Instead, the researchers found, "Mortality from several cancers previously associated with [dioxin/Agent Orange], stomach, liver, and nasal cancers, Hodgkin's disease, and non-Hodgkin's lymphoma, was not significantly elevated in this cohort. Mortality from soft-tissue sarcoma was increased, but not significantly."

As Science reported on Feb. 8, scientists meeting at Cold Spring Harbor Laboratory in January agreed that "before dioxin can cause any of its myriad [alleged] toxic effects, be they cancer or birth defects, it must first bind to and activate a receptor. That implies there is a 'safe' dose or practical 'threshold' below which no toxic effects occur."

"And that in turn means that the model EPA uses is wrong. 'It topples the linear multistage model,' exclaims Michael Gallo of the Robert Wood Johnson Medical School in New Jersey."

The whole foolish notion there is no safe level of anything proven to be "toxic" in animals (at thousands of times human exposure or more) has repeatedly been blown away as excessive. While EPA regulates dioxin exposure at 0.006 picograms per kilogram of body weight per day, Canada and Europe have been correctly regulating at 1 to 10 picograms, or 170 to 1,700 times higher.

Given this, one would have thought the agency would be cautious about destroying yet another industry on the basis of an animal test and at least 50 unproven, and unscientific assumptions. After all, they've had to back down on asbestos, dioxin, EDBs and, most recently, fluoride.

But that ignores the fact that today's EPA is under the direction of an ideologue with strong ties to a movement whose deepest conviction is that economic growth is bad for the environment and technology is the enemy of the planet. Bombs away.

[From the Washington Times, Nov. 28, 1990]

RADON RISK IN OUR WATER?

(By Warren Brookes)

Even as the scientific community is seriously questioning the Environmental Protection Agency's exaggeration of the risk of residential radon, the EPA was (and may still be) planning an even more preposterous $17 billion to $34 billion boondoggle against state and local water services and their taxpayer/customers.

Until it was temporarily embarrassed by a scathing report from its Scientific Advisory Board (SAB), which surfaced publicly on Nov. 2, the agency was planning to rule that drinking water should not exceed 300 picocuries/liter (pCi/L).

While that may seem high when compared with the present EPA "danger level" for homes (4 pCi/L), the risk factors for water are altogether different because so little water is ingested.

The equivalent risk ratio is 10,000 to 1 air to water, so 300 pCi/L in water is the equivalent to only 0.3 pCi/L in air. The average background level of radon in U.S. homes is about 1.2 pCi/L or 40 times the proposed regulation for water.

To put it another way, the 4 pCi/L "action" standard used by EPA for homes is 133 times as high as the proposed water rule. Yet, as the Oct. 22 editorial in Science magazine pointed out, even that residential standard is now under attack by radiation/cancer researchers who have yet to find any evidence of raised lung cancer death rates even in areas where average residential levels are well over 8 pCi/L. Canada's "action" level is 20 pCi/L because it saw no evidence of public health risk even at that level.

Even if we were to regulate water equivalent to U.S. residential background levels, EPA would have to set a water regulation of 12,000 pCi/L. (See Table.) But the number of wells over 12,000 pCi/L is so tiny such a regulation would be meaningless.

In California, for example, the state Department of Health Services surveyed 252 major ground-water wells operated by some 41 separate water agencies around the state and found only six (2 percent) with levels above 1,500 pCi/L, and none above 4,000.

By contrast, under a 300–500 pCi/L standard, nearly 70 percent of its wells would have to be "remediated." The Association of California Water Agencies estimates that as many as 14,000 ground-water wells would be affected. Although radon levels could easily be reduced by charcoal filtration EPA opposes that method because the filters then would constitute a radioactive waste to be disposed.

The EPA-recommended remediation is construction of aeration towers around every ground-water well feeding more than 10 homes, at an estimated cost of $100,000 to $200,000 per tower, or a cost range for the state of California alone of $1.4 billion to $2.8 billion.

And that is for a state that already has the lowest tested indoor radon levels for the nation. For the nation as a whole, this suggests a cost of $17 billion to $34 billion.

The good news is the SAB report ripped apart the EPA's support for this madness, saying "the overall quality" of this science "was not good." It found that the support documents contained "irrelevant information and incorrect definitions of fundamental technical terms," and "were inconsistent in their approach to risk assessment. . . ." The bad news is that the EPA desperately needs to protect the radon risk estimate because theoretically it is by far the most "dangerous" substance it regulates.

The agency's own newsletter "Inside EPA" reported this major embarrassment saying. "the subcommittee's [SAB's] report in the words of one subcommittee member will be 'damning,' saying EPA 'did a lousy job.'" The job was so bad the entire project had to be transferred out of the EPA's water division to its Air and Radionuclides Division, and the EPA's Jan. 21 deadline for complying with a court order had to be postponed.

Once again the EPA has embarrassed itself on a major regulatory issue with bad science. No wonder EPA Administrator William Reilly is reportedly growing nervous that the radon program may become just as big a fiasco as the asbestos removal program.

And just as costly. For example, an analysis by the New England Radon Committee (NERC) estimates that in its six-state region even a 500 pCi/L standard would require mitigation of 678,000 wells, at a total cost for the region of $1.4 billion. That translates into $24 billion for the nation as a whole.

In a March 1989 report to the EPA, the NERC said a standard even as low as 500 pCi/L would make no sense from a health benefit standard "since living area radon concentrations are approximately 1.2 to 1.4 pCi/L and the 500 pCi/L would only add 0.05 pCi/L to this." It said "the financial burdens on affected state programs would be disproportionate to demonstrate health benefits" and "would result in rate increases to consumers which cannot be justified by commensurate health benefits."

A 1988 letter to the EPA by David Brown, chief of toxic hazards for the Connecticut Department of Health Services, calculated "the radon content of a water supply that would have to be exceeded in order for a health effect to be demonstrable" and arrived at a figure of 5,000 pCi/L. That's more than 10 times the level being proposed by the EPA.

The EPA overkill on radon clearly is an act of desperation by an agency now confronted with a very real "hazard" to its own health safety regulation: If as Science now suggests, residential radon is increasingly shown to be a modest risk, the EPA's entire health regulation program is endangered.

That is why the EPA is trying to force the U.S. public to ratify its ridiculous risk models at a cost of tens of billions. It's a growing scandal.

EPA IN YOUR BEDROOM?

(By Warren Brookes)

Liberal Democrats are always complaining that conservatives want to invade our bedrooms when it comes to our reproductive behavior. Now it turns out liberals want the Environmental Protection Agency to invade and inspect our houses for something called "indoor pollution."

No kidding. On April 24, the Senate Environment and Public Works Committee marked up and sent forward S. 657, the Indoor Air Quality Act. Its initial $49 million price tag is a tiny down payment on what could be hundreds of billions of dollars in costs to homeowners. The inventor of this nano-nannyism is Senate Majority Leader George Mitchell who wants to establish an Office of Indoor Air Quality and a Council on Indoor Air Quality.

What will these new bureaucratic meddlers be doing? They will be conducting " a coordinated research program on indoor air contamination, to institute a process for directing and focusing authorities of existing federal statutes to reduce indoor contamination and to demonstrate and develop state and local responses to indoor air contamination problems."

In other words, the same environmental police force the EPA will be assembling from the Clear Air Bill will begin to cast its turf-building eyes toward every household in America.

It's only a matter of time before homeowners who want to sell their houses will

have to get an EPA-approved "air-quality test" of their home, and spend thousands to "mitigate" any "problems" before they can sell.

That's already happening on radon. Recently an employee of a very large computer company told us of a horror show in which a relocator service forced him to spend nearly $2,000 trying unsuccessfully to get a 4.3 pCi/l basement reading down below 4. Yet the living space level was very likely to have been 1 or less, and presented absolutely no health danger. Even though EPA can't "regulate" radon, it is now working with real-estate groups, and Congress to make such costly foolishness mandatory.

Mr. Mitchell's 66-page Indoor Air Quality bill calls on the EPA to issue "Indoor Air Contaminant Health Advisories" and develop "National Indoor Air Quality Response Plans" and to work with States to develop similar plans.

The premise for all of this is that "contaminants in the air indoors pose a serious threat to human health," and "federal and state governments have not responded adequately to this problem."

In its 1989 "Unfinished Business" document, the EPA ranked "Indoor Air Pollutants Other Than Radon" fourth in their "Consensus ranking of environmental problems," right behind "pesticide residues on foods." (See table.)

EPA says its "quantitative assessment estimates 3,500-6,500 cancers annually," from indoor air pollution of which the majority (3,700) comes from secondary tobacco smoke. The rest supposedly come from a whole range of household pollutants from friable asbestos to hair spray and furniture polish.

Since EPA used essentially the same risk-assessment procedures to generate these indoor cancer estimates as to predict 6,000 annual cancer cases due to pesticide residues, Americans can relax about their health if not about the bureaucratic threat from the EPA to make mincemeat of their real-estate values.

Food and Drug Administration's top toxicologist Dr. Robert Scheuplein told the American Association for the Advancement of Science last winter that contrary to the EPA's alarmism, pesticide residues and chemical additives account for less than .01 percent of all cancer deaths. When we asked him if this meant "less than 50" he said, "Oh, much less than 50." When we pressed him for a number he said: "I won't give you one because I don't honestly believe anyone has ever died from consuming pesticide residues on food."

Most serious risk assessors feel the same way about indoor air pollution other than cigarette smoke. Even there, the incidental tobacco smoke estimates are wildly exaggerated on the presumption that you can extrapolate cancer estimates in a straight line from the actual high-dose experience of smokers to the very low exposure of nonsmokers.

One of the nation's top risk assessors, Michael Gough, director of the Center for Risk Management at Resources For Future, estimates that the regulatable risk of indoor air pollution is 1,240 cancer deaths, using EPA's risk-assessment formulae, or 124, using the methods similar to those used by the FDA, which he considers more realistic. While most risk assessors like Mr. Gough are glad to have a growing focus on the very real danger of tobacco used, they are skeptical about a "national program" to deal with a problem as simple as opening your window more often.

Indeed, the national push for energy conservation also federally driven has produced the more recent problems of "sick buildings" and has increased indoor air contamination in some new construction. As the EPA states it: "The Department of Energy has estimated that air-exchange rates in new construction are, on average, 50 percent lower than the national average."

EPA should know. To this date it has what one leading indoor air consultant in the Washington area told us the "sickest buildings" in the city. Instead of passing this zaniness, Congress should tell EPA to air out its own house, first.

[From the Washington Times, Apr. 25, 1990]

50,000 PREMATURE DEATHS?

(By Warren Brookes)

Advocacy groups routinely exaggerate their cause—and occasionally drift into what amounts to lying. In this respect, the environmental movement runs even more true to form, turning lying into an art form. So much so, we may well be in greater danger from the greenies' "statoxics" (poisonous statistics) than the alleged risks we are being urged to mitigate.

What is troubling is when the government's top environment officer engages in this process. On April 1, two days before the Senate approved the Clean Air Act, Environmental Protection Agency Administrator William Reilly claimed air pollution was causing "50,000 premature deaths a year." This statement stunned the Washington risk assessment community, including many within the EPA itself, where there is absolutely no scientific analysis to support it. Mr. Reilly's spokesman, Lewis Crampton, said his boss was using "a study by the American Lung Association." But that study has no epidemiological foundation and never was peer reviewed or professionally published.

In 1989, the EPA's own risk assessment team of 50 scientists and statisticians developed a report called "Unfinished Business" which concluded that the entire cancer risk associated with "hazardous toxic air pollutants" was from 1,027 to 2,054, and even those numbers are based on risk models that deliberately overstate risk by at least 10 to as much as 100 times.

This means the likely real risk of air pollution is between 100 and 200 additional cancer deaths a year, nationwide, and a major share of those cannot even be remediated by EPA regulation. What's more, EPA knows this. The March 1988 EPA "Regulatory Impact Analysis" on sulphur dioxides (SO_2) the precursors of acid rain, reviewed all studies on SO_2 and found "none of the available laboratory data support the notion that steady long-term exposure to acid sulphates at levels [characteristic of the United States] produce any measurable health effects." In its cost-benefit analysis, it assigned no dollar value to SO_2 controls' ability to reduce mortality risk even at strict interpretation of present SO_2, air-quality standards. Similar EPA analyses exist on surface ozone.

This may come as a shock to a general public that has been frightened to death by exaggerated reports of the dangers of environmental pollution. The other day at a Washington luncheon, a well-educated career women and mother was holding forth on the health dangers of pesticides and dirty air. We asked her, "What percentage of cancers to you think are caused by the environment?" She paused for a moment, and then said, "Well I guess I would say 60 or 70 percent, but that's probably too low." "Would you believe less than 2 percent?" we asked. "Of course not," she said, "that's ridiculous." Not so. In 1981, the world's two leading epidemiologists, Oxford's Sir Richard Doll and Richard Peto, concluded after exhaustive analysis comparing animal test data with actual health statistical trends that indeed pollution was the cause of only 2 percent of all cancers—while 75 percent were caused by human lifestyle, diet, smoking, sexual and productive behavior.

That study was directed by Michael Gough, one of the nation's top risk assessors who was then at the Congressional Office of Technology Assessment. Mr. Gough, now director of the Center for Risk Management at Resources for the Future, points out that despite heavy criticism, "the Doll/Peto estimates have come to be regarded as conventional wisdom."

In fact, EPA has largely accepted the Doll/Peto parameters. In its 1989 "Unfinished Business" analysis, EPA shows a range of 6,214 to 11,054 for all "pollution"-caused cancers, or between 1.2 and 2.5 percent of all cancer risks.

Furthermore, those total risk numbers do not reflect the actual potential benefits of EPA regulation, since so many of them cannot be reached by even the most stringent controls.

In a paper for Risk Analysis last January, Mr. Gough looked at the question "How Much Cancer Can EPA Regulate Away?" and discovered it wasn't very much: "The total number of cancer cases that might be prevented by EPA regulatory efforts . . . range from between 1,200 and 1,600 to between 6,200 and 6,600, depending on how risk from animal date are estimated. Those estimates represent between 0.25 percent and 1.3 percent of the annual cancer mortality of 485,000 deaths." On air pollution, Mr. Gough's numbers range from 231 to 1,028. (See table.)

The range represents Mr. Gough's application of the much more realistic risk assessment method used by the Food and Drug Administration and the Centers for Disease Control compared with the deliberately extreme exaggeration of the EPA methods.

This is not the judgment of an indsutry shill, but an environmental expert of absolutely impeccable credentials who is frankly surprised by the way in which officials like Mr. Reilly use their office to spread unsubstantiated data.

What is more troubling to risk assessors is that such exaggeration is leading the nation into pouring more and more resources into smaller and smaller benefits. Even as we are turning down $300,000 bone marrow transplants and $500,000 dialysis machines (which actually save real people) we are about to spend another $46 billion on a theoretical risk of less than 200 to 1,000 lives.

Mr. DURENBERGER. Mr. President, I want to commend the Senators from Rhode Island and New Jersey for bringing this indoor air pollution legislation to the full Senate. Indoor air pollution is a problem of national significance

At a subcommittee markup in the fall of 1989, a number of amendments were adopted that made significant changes in the bill. There is one item which I want to bring to the attention of our colleagues here this afternoon because that particular amendment added a new focus to this legislation.

The introduced bill took what I will call a pollutant-by-pollutant approach to controlling indoor air pollution.

Each pollutant of significance was to be identified, a health-based standard was to be established and a plan to achieve the standard was to be developed. After years of working on the Safe Drinking Water Act, air toxics legislation and water quality standards—all of which were designed around that same basic model—it seemed to me that we should learn that the pollutant-by-pollutant, health-based standard regulatory framework does not often produce satisfactory results.

It is too resource intensive for an agency that has too few resources to carry out all of its functions. It can't keep up with the revolution in products and chemistry that goes on out in the marketplace. It doesn't take advantage of the interactive effects that can be realized by the application of known control technologies.

Examples abound: We have been years working on Safe Drinking Water Act standards; there are even today only a handful in place; shifting the program to a system that relied on treatment technologies like filtration, carbon treatment and disinfection for all systems would do more to protect public health than another century of pollutant-by-pollutant standard-setting down at EPA.

In the air toxics legislation that was included in the Clean Air Act that the Congress passed last year, we shifted from health-based standards to best available technology for a broad range of pollutants. The technologies are selected for source categories and not for individual pollutants. That was a consensus solution to years of frustration in the air toxics program.

We need to apply those lessons here. Buildings are systems. They are managed as systems. They have air quality characteristics which are already actively managed in many cases. We need to take advantage of that management to improve health.

An example is the impact of energy conservation efforts on indoor air quality. Tightening buildings to save Btu's often results in poor air quality and the concentration of harmful pollutants. A regulatory program based pollutant-by-pollutant standards as a response to that problem, misses the point. The problem is in the design and operation of the whole system. And that's where the correction needs to be focused.

The range of products and appliances used in the home and office will continue to evolve and evolve more rapidly with each passing decade. Some of these innovations will have negative impacts on air quality in buildings. The problems may come to be realized and corrected on a case-by-case basis under the pollutant-by-pollutant approach.

But we need to keep in mind that while the pollutant-by-pollutant regulatory process grinds on, we can have an impact on all pollutants across-the-board by encouraging better building design, construction, operation, and maintenance.

The amendments adopted by the Environment and Public Works Committee at my urging add a significant buildings-as-systems element to this bill. They push for better ventilation standards and for more training of building owners and operators.

I appreciate very much the modifications that were made by the committee and urge our colleagues in the Senate to support this legislation, today.

INDOOR AIR IN PRISONS

Mr. BURDICK. Mr. President I would like to ask the majority leader if he would engage in a colloquy with me on the issue of indoor air in prisons.

Mr. MITCHELL. I would be happy to discuss this issue with the distinguished chairman of the Environment and Public Works Committee.

Mr. BURDICK. Mr. President I first want to commend the majority leader for introducing this legislation and for bringing it to the floor for action. S. 455 is far reaching in scope and will improve the air Americans breathe. One group of Americans which is not directly included in the language of this legislation, is the people incarcerated throughout the United States. There are over 1 million people in prisons and jails in the United States, a number which has doubled over the last 10 years. In order to educate myself on the issue of indoor air in prisons, I asked prisoners to write to me about the environmental conditions they experience in prison. Citizens United for Rehabilitation of Errants [CURE] published this request in their fall 1991 bulletin. The response was staggering. The air inside prisons is stagnant and oppressive. Dr. Armond Start, an associate professor in the Department of Family Medicine and Practice at the University of Wisconsin Medical School in Madison, WI, cites a significant rise in cases of tuberculosis in detention facilities. Tuberculosis is contracted by breathing bacteria in the air. About 98 percent of the prisoners incarcerated will be released at some point in the future. Mr. President this problem concerns me.

Mr. MITCHELL. To respond to the comments by the distinguished chairman, he and I have discussed the issue of indoor air in prisons. I am sympathetic to the issue and look forward to addressing it during conference.

Mr. BURDICK. I appreciate the cooperation of the majority leader. One other recent development which makes this issue even more of a responsibility of my colleagues and mine is the recent Supreme Court case of Donald L. Helling, et al. versus William McKinney. The Court voted the case to be set aside. William McKinney is a prisoner in Nevada, a non-smoker who is forced to share a cell with a prisoner who smokes five packs of cigarettes a day. Mr. McKinney claims that forced inhalation of smoke is damaging his health. One of the Supreme Court documents say, "* * * the trend in society is toward the protection of the rights of nonsmokers in public places, such protections have not been extended to prisons. * * *" The time is now to extend to all Americans the right to breathable indoor air.

Mr. MITCHELL. Again, to respond to the senior Senator from North Dakota, I look forward to working with him to address the grave problem of poor air quality inside prisons.

LABELING AND RECORDKEEPING PROVISION

Mr. HELMS. Mr. President, I would like to ask the sponsors of the bill about the likelihood of this bill changing to include a number of unwise proposals under discussion in the House of Representatives.

Several of the provisions in the House's indoor air quality bill would be inappropriate additions to this Senate bill. The labeling and recordkeeping provision are two examples.

Is it the intention of the sponsors to hold firmly to the approach and content of the Senate bill in any discussions with the House of Representatives?

Mr. MITCHELL. Indoor air legislation is still under consideration in several House committees and we do not yet know in what form it will be passed. I will, of course, listen fairly to any views of our colleagues in the House on provisions which they may advance. However, I want to note that I, along with Senator CHAFEE, have been working on this issue for 5 years. The approach and content of this legislation has remained consistent. I am confident that the approach of the bill before us is appropriate and I will make that case to our colleagues in the House.

Mr. CHAFEE. I share Senator MITCHELL's view that our work on indoor air quality over the past several years has produced a sound and balanced bill.

I also share the concern of the Senator from North Carolina that some of the related proposals made in the House of Representatives are extreme and unnecessary. We considered and rejected some of these proposals in developing the bill we are considering today.

I have an obligation to listen fully and fairly to proposals made by our colleagues in the House. However, the present bill is the product of a great deal of careful work and attention and I will make every effort to assure that any final bill reflects this effort.

Mr. HELMS. I thank the sponsors of the bill.

Mr. LAUTENBERG. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not on the bill.

Mr. LAUTENBERG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CHAFEE. 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. SPECTER. 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. SPECTER. I ask unanimous consent that I may be permitted to speak as in morning business.

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

UNEMPLOYMENT COMPENSATION

Mr. SPECTER. I thank the Chair. Mr. President, the U.S. Senate election yesterday in my home State of Pennsylvania is worth noting for several reasons. First, I compliment our colleague, Senator HARRIS WOFFORD, for his excellent campaign and election. Next, I regret the temporary interruption in the public career of Dick Thornburgh, who has served with distinction as Governor of Pennsylvania and as Attorney General of the United States. I predict he will soon be back in public service.

That election is important in a substantive sense because it should put Washington on notice that the people of Pennsylvania, and I think the people of America, are "madder than hell and aren't going to put up with it anymore." That is the famous shout from the movie "Network" from a few years back, and it is worth repeating. The people of our country are "madder than hell and aren't going to put up with it anymore."

The Pennsylvania election started out as a wake-up call to Washington, a shot across the bow if you will which ended up as a shot into the hall of our ship of state. It is a strong message, I think, which is aimed at both ends of Pennsylvania Avenue, Capitol Hill, the White House, and aimed at both parties, Democrat and Republican.

In Washington, we focus on the potential political claim for officeholders when we should focus on the real pain of the people of our country. There are many issues which require our attention and our action, and I suggest that there is one of overwhelming importance where Washington has been indolent, ineffective, and inactive for too long, and I refer to the issue of unemployment compensation.

In July, I noted in the press a proposal by the distinguished Senator from Texas [Mr. BENTSEN] to offer legislation on unemployment compensation. From my travels through Pennsylvania and other parts of the country, I knew that such legislation was urgently needed, and I contacted Senator BENTSEN even before the legislation was in writing and offered to be a cosponsor with him.

The issue came before the Senate in the closing days of our session before the August recess. The Democrats had a plan and the Republicans had a plan. It may well be, Mr. President, that the Republican plan might not have come forward had it not been for the Democrat plan. Nonetheless, on August 1, Senator DOLE offered a more restrictive proposal which would be paid for by an auction on radio bands.

It seemed to me that we should have passed both bills in an effort to enact one into law. Instead, the proposal by Senator DOLE was rejected as being insufficient in duration and the proposal advocated by the Democrats was passed, even though this body and the Congress were on notice that it would not be approved by the President. That bill required a declaration of an emergency. It was unnecessary, therefore, for the President to veto that unemployment compensation bill. Instead, the President simply did not declare an emergency.

The Senate then revisited the unemployment compensation issue in September. Again the two parties, vying really for political advantage, offered differing versions. On September 27, on the floor of the Senate, there was a brief debate engaged in by a number of people on both sides of the aisle. On that occasion, Mr. President, I made the point that we ought to enact a bill which could be agreed upon even if it was not a perfect bill and even if it was not a bill which would extend for as long as some of us might like.

Partisan political advantage again was the determining factor in passage of one version of the bill over the other. In making this statement, Mr. President, I think there is a pox on all of our houses—on both parties and on both sides of Pennsylvania Avenue.

During the course of that colloquy on September 27, one of the sponsors of the Democratic proposal said that there was a reach-back provision in the bill which would go back to March 1 if, as, and when it was finally enacted. I replied with what was an obvious answer: Had the more limited bill for unemployment compensation been accepted on August 1 that would have been much more important than talking about reach back on September 27 on a bill which could not be adopted, at least until October. Whatever funds would be available in October would hardly take care of putting bread and butter on the table in August or to pay the rent in August.

One of the other sponsors of the Democratic proposal said his bill was much better than the alternative Republican proposal because under his bill there were 13 weeks of benefits for Pennsylvania instead of only 6 weeks. Again, Mr. President, the answer was obvious, and it was: Why not take 6 weeks on August 1, which would carry through a good bit of September, then come back, as the Congress did, after Labor Day, and enact legislation for another 8 weeks?

The problem in our country is really overwhelming. The unemployment rate has gone up again. The latest figures in October 1991 show 6.8-percent unemployment in this country for a total of 8.5-million unemployed. Of that number, some 388,000 are unemployed Pennsylvanians. I suspect, Mr. President, that the real number of unemployed is much, much larger than that.

I regret that the second bill which was passed, Senate bill 1722, was vetoed by the President after having been passed in this body by a vote of 69 to 30. I voted to override the Presidential veto which fell two votes short on October 15 by a vote of 65 to 35.

Earlier today, I heard a prediction by one of the legislative leaders in Congress that there would be an unemployment compensation bill by Thanksgiving.

I think that is highly problematical, Mr. President, unless both political parties and the executive and legislative branches get together and get it done. When you talk about a bill on Thanksgiving, I think that is insufficient when we are, on November 6, facing a very, very severe problem with millions of Americans unemployed and in urgent need of funds to keep food on the table and shelter over their heads.

The election in my State, Mr. President, disclosed an enormous amount of anger by the people of Pennsylvania. I think that is reflected across the country.

There are many issues which we ought to be addressing, but one of the most pressing is unemployment compensation.

I urge my colleagues in this body and I urge my colleagues in the House to move promptly to place a bill on the President's desk. I urge the President to sign it, to at least show some action on this very, very important problem confronting our Nation.

I thank the Chair. I yield the floor.

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. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

INDOOR AIR QUALITY ACT OF 1991

The Senate continued with the consideration of the bill.

Mr. SPECTER. Mr. President, I make that request so that the bill can be ad-

vanced to third reading. It is my understanding that that is acceptable to both sides of the aisle.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SPECTER. 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. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I am pleased to rise in very strong support of S. 455, the Indoor Air Quality Act. I particularly want to commend the majority leader for his efforts in bringing this legislation to the floor, and the Senator from New Jersey, the chairman of the subcommittee, for his leadership efforts in bringing this important bill to the floor.

Most Americans think of air pollution as something that is only outdoors—belching tailpipes, industrial smokestacks or acid rain. But the truth is that most Americans spend the bulk of their time indoors—in the home, or in the office, or in the factory—and the air we breathe inside may actually be dirtier and unhealthier than the air we breathe outside.

Materials used in offices, homes, and other buildings emit pollutants such as benzene from inks, paints, and plastics, and formaldehyde which is released from foam insulation and particleboard products. Modern, energy-efficient buildings are actually more airtight, meaning that the pollutants that are there tend to stay there.

Mr. President, in 1989, the Environmental Protection Agency, as you well know, submitted a four-volume report to Congress describing the indoor air quality problem. The EPA report provides a detailed review of the health effects of indoor air contaminants. It placed the direct medical costs associated with a select group of contaminants at over $1 billion a year. When the costs of increased sick leave and reduced productivity are considered, costs to society of indoor air pollution are actually even higher. The EPA, in fact, reports by a conservative estimate of lost productivity that the losses annually are between $4.4 and $5.4 billion as a result of indoor air pollution.

Mr. President, this bill takes some very important steps to deal with the problems of indoor air pollution which the majority leader and the Senator from New Jersey have outlined in their statements. I must say that I am particularly pleased that the bill includes an amendment, which I offered in committee, which requires the Administrator of EPA to work with NASA to assess the level of pollutants that are reduced by indoor plants—including conducting demonstration projects—and to submit a report to Congress within 2 years. The bill also authorizes the Administrator of EPA to conduct the research, development, and demonstration activities with nonprofit institutions on the use of indoor foliage as a method to reduce indoor air pollution.

I know this might strike some as surprising, but the fact is that recent scientific research by NASA has revealed that plants are actually a very promising natural solution to the modern day problem of indoor air pollution. Indoor plants have actually been found to act as air purifiers which may give new meaning to the old story contained in the movie "The Little Shop of Horrors." Studies show that philodendron, spider plants, and golden pothos are good at eating formaldehyde; and flowering plants, some of them at least, apparently love benzene. The more we know, the better plants look as inexpensive and attractive solutions to the problem of indoor air pollution. And this bill will bolster our limited knowledge of how indoor plants can help clean indoor air.

Turning to Mother Nature to help solve a man-made problem like indoor air pollution makes environmental, fiscal, and common sense. The bill will help us explore and promote a green thumb approach to a vexing pollution problem.

I thank the majority leader and the Senator from New Jersey for including the provisions on indoor plants in their excellent legislation. I urge support of the legislation.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I want to alert our colleagues that a vote is expected to take place within 5 minutes, at 3:35 on S. 455, the Indoor Air Quality Act.

While we have a couple of minutes, I want to say how important I think this bill is. And I want to thank the majority leader, Senator MITCHELL, for his constant attention to environmental problems and to note that, even with his exceptionally busy schedule, he made certain that we had an opportunity to move this bill for the second time. It passed the Senate in the last session. It, unfortunately, did not get enacted because the House did not act. We certainly look forward to the House action in this Congress so that we can move on this very important piece of legislation.

Everyone has noted how significant indoor air pollution is. At first it was treated with a bit of derision, some wry jokes, and dismissed. The fact is that we have learned that pollutants like radon and other contaminants have significant health threats within our buildings, offices, and homes. The bill will address these structures as well as the Capitol, the White House, and the Vice President's house.

I want to compliment the majority leader for his very diligent pursuit of a better environment and look forward to having passage of this bill very shortly.

I also want to commend the distinguished ranking member of the Environment Committee, Senator CHAFEE, for his arduous efforts on behalf of a better environment. He is routinely there on environmental issues, and his support is very significant.

I want to respond to the comments by the Senator from Connecticut, the occupant of the chair now, for his introduction of the amendment that deals with plant life within buildings that might, in fact, help respond to the problems of indoor air pollution. It seems that we are rediscovering our heritage in so many ways and going back to the materials that were used 2,000 years ago in China and other parts of the world to treat disease. Suddenly it looks like it is better treatment than some of the things that man believes we have invented as treatments for diseases.

So I want to compliment the Senator from Connecticut, Senator LIEBERMAN, with whom I work on the Environment Committee, for his aggressive efforts in a fairly short time in this body to make certain that we respect nature, that we try to restore the environment to its preindustrial days, when Long Island Sound flowed unpolluted; and that all of the marine life that existed there continues to exist. So I note with pleasure that his amendment is part of this bill.

I believe, Mr. President, that at this point we are ready to go ahead with the rollcall vote on the bill, and I ask that the clerk commence to call the roll.

The PRESIDING OFFICER. Is there further debate?

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I thank the distinguished presiding officer and my colleague from New Jersey.

I will be brief. I want to note to the Senate that here we go again, I say to

my colleagues. Unemployment is a big problem in the country. Persons are concerned about their jobs in the country. They would like to see an economic growth package in this country. They would like to have a chance to earn a living in this country.

What is the Senate of the United States doing? We are going to have a bill where we are going to establish, now, another bureaucracy, the Office of Indoor Air Quality. We are going to have the Federal Government solve the problem, the Federal Government that is borrowing a $1 billion a day, that has been polluting the economy with an army of bureaucrats and regulators, who go out and try to intervene with every opportunity that people have in the country to produce something, flying in the face of reality, Mr. President.

The rest of the world is saying they would like to have an opportunity for a free economy, and an opportunity for private ownership, and growth and jobs like we have enjoyed in the United States. But our answer is that there are a few things that we are not controlling. So, by golly, we will do it.

We will not leave anything to the States. There is nothing we are going to leave to the States. We are going to control this down to the last drop of water you drink, the last air you breathe. And it is going to cost some money, $242 million over the next 5 years.

I know my colleagues will say, well, it will save a lot of money, and better health, better air, all those things. We will wait and see. But I will just point out, if it has not been said heretofore, the administration opposes this bill. The bill would disrupt a longstanding, and effective, Federal indoor air quality program that is now in effect.

It will create conflicting responsibilities among Federal agencies and impose duplicating, unnecessary, requirements that would undermine Federal priorities. The Federal Government is already involved in a comprehensive indoor air program. The program activities include research on causes and effects of indoor air pollution, assessment of mitigation technologies, information dissemination, and, when appropriate, issuance of regulations and guidelines. That is already in the law.

But that is not enough to satisfy this Senate and this Congress that wants to regulate it down to the last intake and exhalation of breath in this country.

The Federal program is coordinated by the interagency Committee on Indoor Air Quality. The Environmental Protection Agency recently issued a plan for an expanded Federal program under existing authority, and substantially increased funding was included in the President's fiscal year 1992 budget to carry out the plan's recommendations. But that does not satisfy this group.

So, Mr. President, I ask unanimous consent to have printed in the RECORD a document entitled "Administration Position."

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

ADMINISTRATION POSITION

The Administration strongly opposes enactment of S. 455, as reported out of the Senate Environment and Public Works Committee. The bill would disrupt a long-standing and effective Federal indoor air quality program. It would create conflicting responsibilities among Federal agencies, and impose duplicative and unnecessary requirements that would undermine Federal priorities.

The Federal government already has a comprehensive indoor air program. Program activities include: research on the causes and effects of indoor air pollution; assessment of mitigation technologies; information dissemination; and, when appropriate, issuance of regulations and guidelines. The Federal program is coordinated by the interagency Committee on Indoor Air Quality. The Environmental Protection Agency (EPA) recently issued a plan for an expanded Federal program under existing authority. Substantially increased funding was included in the President's FY 1992 Budget to carry out the plan's recommendation.

The current Federal program is focused on activities that provide the greatest potential for risk reduction. The numerous mandatory actions and deadlines contained in S. 455 would redirect this effort towards repackaging existing information and issuing reports. The Administration is especially concerned that S. 455's chemical-by-chemical approach would replace the Federal program's integrated, comprehensive, risk-based approach. Besides addressing the most significant chemicals, the current program emphasizes practices and technologies that can effectively address all the factors affecting indoor air quality.

S. 455 would disrupt the Federal program by creating conflicting responsibilities and duplicating current activities. The bill would inappropriately give EPA responsibility for developing plans for potential regulatory actions under statutes administered by other agencies. With respect to response plans, the health standard provisions in the bill, differ from the statutory standard administered by the Occupational Safety and Health Administration (OSHA) and the Consumer Product Safety Commission. The bill's Federal building program would replace an effective General Services Administration/OSHA program that addresses the Federal indoor environment at a fraction of the cost and effort required by S. 455. It would also unnecessarily duplicate the Department of Energy's indoor air quality and ventilation research and development program.

SCORING FOR THE PURPOSE OF PAYGO AND DISCRETIONARY CAPS

OMB's preliminary scoring estimates of this bill are presented in the table below. Final scoring of this legislation may deviate from these estimates. If S. 455 were enacted, final OMB scoring estimates would be published within five days of enactment, as required by OBRA. The cumulative effects of all enacted legislation on direct spending will be issued in monthly reports transmitted to the Congress.

Estimates for pay-as-you-go

Title VI (fees):	*Thousands*
1992	$200–400
1993	200–400
1994	200–400
1995	200–400
1992–95	800–1,600

Mr. SYMMS. Mr. President, I hope that some Senators will recognize this is not the kind of legislation that the American people need today. This is not the kind of leadership the American people are asking for from their elected representatives in Washington, and that, if this is the best we can do, maybe there will be a change of venue of some of our status in the future years after the 1992 elections, because I believe what we need to be doing is concentrating on propositions that will gain opportunities for people to have a better job, a better workplace, and more productivity in the economy; not to continually give EPA and other agencies more power and more money to hire more people to go around to put their nose in other people's businesses.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. CHAFEE. Mr. President, I just say that the distinguished Senator from Idaho is a very able member of our committee. He gives a lot of thought to these matters. I will not argue with what he said.

I point out that the EPA has had this authority for many years, and they have not done anything. We look on indoor air as a major cause of respiratory illnesses. This is not putting the U.S. Government or the EPA into everybody's living room. It is a research bill, and I think it will do a lot of good at a modest cost.

The PRESIDING OFFICER. Is there further debate?

The question occurs on the bill. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from California [Mr. CRANSTON], the Senator from Ohio [Mr. GLENN], and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 7, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—88

Adams	Breaux	Cochran
Akaka	Brown	Cohen
Baucus	Bryan	Conrad
Bentsen	Bumpers	D'Amato
Biden	Burdick	Danforth
Bingaman	Byrd	Daschle
Bond	Chafee	DeConcini
Boren	Coats	Dixon

Dodd	Kennedy	Riegle
Dole	Kerry	Robb
Domenici	Kohl	Rockefeller
Durenberger	Lautenberg	Roth
Exon	Leahy	Rudman
Ford	Levin	Sanford
Fowler	Lieberman	Sarbanes
Garn	Lugar	Sasser
Gore	Mack	Seymour
Gorton	McCain	Shelby
Graham	McConnell	Simon
Gramm	Metzenbaum	Simpson
Grassley	Mikulski	Smith
Harkin	Mitchell	Specter
Hatfield	Moynihan	Stevens
Heflin	Murkowski	Thurmond
Hollings	Nunn	Warner
Inouye	Packwood	Wellstone
Jeffords	Pell	Wirth
Johnston	Pressler	Wofford
Kassebaum	Pryor	
Kasten	Reid	

NAYS—7

Burns	Lott	Wallop
Craig	Nickles	
Helms	Symms	

NOT VOTING—5

Bradley	Glenn	Kerrey
Cranston	Hatch	

So the bill (S. 455), as amended, was passed; as follows:

S. 455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. TITLE.—(a) This Act, together with the following table of contents, may be cited as the "Indoor Air Quality Act of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Definitions.
Sec. 5. Indoor air quality research.
Sec. 6. Management practices and ventilation standards.
Sec. 7. Indoor air contaminant health advisories.
Sec. 8. National indoor air quality response plan.
Sec. 9. Federal building response plan and demonstration program.
Sec. 10. State and local indoor air quality programs.
Sec. 11. Office of Indoor Air Quality.
Sec. 12. Council on Indoor Air Quality.
Sec. 13. Indoor air quality information clearinghouse.
Sec. 14. Building assessment demonstration.
Sec. 15. State and Federal authority.
Sec. 16. Authorizations.

FINDINGS

SEC. 2. The Congress finds that—

(1) Americans spend up to 90 per centum of a day indoors and, as a result, have a significant potential for exposure to contaminants in the air indoors;

(2) exposure to indoor air contamination occurs in workplaces, schools, public buildings, residences, and transportation vehicles;

(3) recent scientific studies indicate that pollutants in the indoor air include radon, asbestos, volatile organic chemicals (including, formaldehyde and benzene), combustion byproducts (including, carbon monoxide and nitrogen oxides), metals and gases (including, lead, chlorine, and ozone), respirable particles, biological contaminants, microorganisms, and other contaminants;

(4) a number of contaminants found in both ambient air and indoor air may occur at higher concentrations in indoor air than in outdoor air;

(5) indoor air pollutants pose serious threats to public health (including cancer, respiratory illness, multiple chemical sensitivities, skin and eye irritation, and related effects);

(6) up to 15 per centum of the United States population may have heightened sensitivity to chemicals and related substances found in the air indoors;

(7) radon is among the most harmful indoor air pollutants and is estimated to cause between five thousand and twenty thousand lung cancer deaths each year;

(8) other selected indoor air pollutants are estimated to cause between three thousand five hundred and six thousand five hundred additional cancer cases per year;

(9) indoor air contamination is estimated to cause significant increases in medical costs and declines in work productivity;

(10) as many as 20 per centum of office workers may be exposed to environmental conditions manifested as "sick building syndrome";

(11) sources of indoor air pollution include conventional ambient air pollution sources, building materials, consumer and commercial products, combustion appliances, indoor application of pesticides and other sources;

(12) there is not an adequate effort by Federal agencies to conduct research on the seriousness and extent of indoor air contamination, to identify the health effects of indoor air contamination, and to develop control technologies, education programs, and other methods of reducing human exposure to such contamination;

(13) there is not an adequate effort by Federal agencies to develop response plans to reduce human exposure to indoor air contaminants and there is a need for improved coordination of the activities of these agencies;

(14) there is not an adequate effort by Federal agencies to develop methods, techniques, and protocols for assessment of indoor air contamination in non-residential, non-industrial buildings and to provide guidance on measures to respond to contamination; and

(15) State governments can make significant contributions to the effective reduction of human exposure to indoor air contaminants and the Federal Government should assist States in development of programs to reduce exposures to these contaminants.

PURPOSE

SEC. 3. The purposes of this Act are to—

(1) develop and coordinate through the Environmental Protection Agency and at other departments and agencies of the United States a comprehensive program of research and development concerning the seriousness and extent of indoor air contamination, the human health effects of indoor air contaminants, and the technological and other methods of reducing human exposure to such contaminants;

(2) establish a process whereby the existing authorities of Federal statutes will be directed and focused to assure the full and effective application of these authorities to reduce human exposure to indoor air contaminants where appropriate;

(3) provide support to State governments to demonstrate and develop indoor air quality management strategies, assessments, and response programs; and

(4) to authorize activities to assure the general coordination of indoor air quality-related activity, to provide for reports on indoor air quality to Congress, to provide for assessments of indoor air contamination in specific buildings by the National Institute for Occupational Safety and Health, to assure that data and information on indoor air quality issues is available to interested parties, to provide training, education, information, and technical assistance to the public and private sector, and for other purposes.

DEFINITIONS

SEC. 4. For the purposes of this Act, the term—

(1) "Agency" means the United States Environmental Protection Agency;

(2) "indoor" refers to the enclosed portions of buildings including non-industrial workplaces, public buildings, Federal buildings, schools, commercial buildings, residences, and the occupied portions of vehicles;

(3) "indoor air contaminant" means any solid, liquid, semisolid, dissolved solid, biological organism, aerosol, or gaseous material, including combinations or mixtures of substances in indoor air which may reasonably be anticipated to have an adverse effect on human health;

(4) "Federal agency" or "agency of the United States" means any department, agency or other instrumentality of the Federal Government, including any independent agency or establishment of the Federal Government or government corporation;

(5) "Federal building" means any building which is used primarily as an office building, school, hospital, or residence that is owned, leased, or operated by any Federal agency and is over ten thousand square feet in area, any building occupied by the Library of Congress, the White House and the Vice Presidential residence, and any building that is included in the definition of Capitol Buildings under section 193m(1) of title 40, United States Code;

(6) "Administrator" means to the Administrator of the Environmental Protection Agency;

(7) "Administration" means the Occupational Safety and Health Administration;

(8) "Director" means the Director of the National Institute of Occupational Safety and Health;

(9) "local education agency" means any educational agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381); and

(10) "local air pollution control agency" means any city, county, or other local government authority charged with the responsibility for implementing programs or enforcing ordinances or laws relating to the prevention and control of air pollution including indoor air pollution.

INDOOR AIR QUALITY RESEARCH

SEC. 5. (a) AUTHORITY.—(1) The Administrator shall, in coordination with other appropriate Federal agencies, establish a national research, development, and demonstration program to assure the quality of air indoors and as part of such program shall promote the coordination and acceleration of research, investigations, experiments, demonstrations, surveys, and studies relating to the causes, sources, effects, extent, prevention, detection, and correction of contamination of indoor air.

(2) In carrying out the provisions of this section, the Administrator is authorized, subject to the availability of appropriation to—

(A) collect and make available to the public through publications and other appropriate means, the results of research, development and demonstration activities conducted pursuant to this section;

(B) conduct research, development and demonstration activities and cooperate with other Federal agencies, with State and local

government entities, interstate and regional agencies, other public agencies and authorities, nonprofit institutions and organizations and other persons in the preparation and conduct of such research, development and demonstration activities;

(C) make grants to the States or to local government entities, to other public agencies and authorities, to nonprofit institutions and organizations, and to other persons;

(D) enter into contracts or cooperative agreements with public agencies and authorities, nonprofit institutions and organizations, and other persons;

(E) conduct studies, including epidemiological studies, of the effects of indoor air contaminants or potential contaminants on mortality and morbidity and clinical and laboratory studies on the immunologic, biochemical, physiological, and toxicological effects including the carcinogenic, teratogenic, mutagenic, cardiovascular, and neurotoxic effects of indoor air contaminants or potential contaminants;

(F) develop and disseminate informational documents on indoor air contaminants describing the nature and characteristics of such contaminants in various concentrations;

(G) develop effective and practical processes, protocols, methods, and techniques for the prevention, detection, and correction of indoor air contamination and work with the private sector, other governmental entities, and schools and universities to encourage the development of innovative techniques to improve indoor air quality;

(H) construct such facilities and staff and equip them as may be necessary to carry out the provisions of this section;

(I) call conferences concerning the potential or actual contamination of indoor air giving opportunity for interested persons to be heard and present papers at such conferences;

(J) utilize, on a reimbursable basis, facilities and personnel of existing Federal scientific laboratories and research centers; and

(K) acquire secret processes, technical data, inventions, patent applications, patents, licenses, and an interest in lands, plants, equipment and facilities and other property rights, by purchase, license, lease, or donation. If the Administrator expects or intends that research pursuant to this subsection will primarily affect worker safety and health, he shall consult with the Assistant Secretary of Occupational Safety and Health and the Director.

(L) conduct research, development and demonstration activities with nonprofit institutions on the use of indoor foliage as a method to reduce indoor air pollution.

(b) PROGRAM REQUIREMENTS.—The Administrator, in coordination with other appropriate Federal agencies, shall conduct, assist, or facilitate research, investigations, studies, surveys, or demonstrations with respect to, but not limited to, the following—

(1) the effects on human health of contaminants or combinations of contaminants at various levels whether natural or anthropogenic including additive, cumulative, and synergistic effects on populations both with and without heightened sensitivity that are found or are likely to be found in indoor air;

(2) the exposure of persons to contaminants that are found in indoor air (including exposure to such substances from sources other than indoor air contamination including drinking water, diet, or other exposures);

(3) the identification of populations at increased risk of illness from exposure to indoor air contaminants and assessment of the extent and characteristics of such exposure;

(4) the exposure of persons to contaminants in different building classes or types, and in vehicles, and assessment of the association of particular contaminants and particular building classes or types and vehicles;

(5) identification of building classes or types and design features or characteristics which increase the likelihood of exposure to indoor air contaminants;

(6) identification of the sources of indoor air contaminants including association of contaminants with outdoor sources, building or vehicle design, classes or types of products, building management practices, equipment operation practices, building materials, and related factors;

(7) assessment of relationships between contaminant concentration levels in ambient air and the contaminant concentration levels in the indoor air;

(8) development of methods and techniques for characterizing and modeling indoor air movement and flow within buildings or vehicles, including the transport and dispersion of contaminants in the indoor air;

(9) assessment of the fate, including degradation and transformation, of particular contaminants in indoor air;

(10) development of methods and techniques to characterize the association of contaminants, the levels of contaminants, and the potential for contamination of new construction with climate, building location, seasonal change, soil and geologic formations, and related factors;

(11) assessment of indoor air quality in facilities of local education agencies and buildings housing child care facilities and development of measures and techniques for control of indoor air contamination in such buildings;

(12) development of protocols, methods, techniques and instruments for sampling indoor air to determine the presence and level of contaminants including sample collection and the storage of samples before analysis and development of methods to improve the efficiency and reduce the cost of analysis;

(13) development of air quality sampling methods and instruments which are inexpensive and easy to use and may be used by the general public;

(14) development of control technologies, building design criteria, and management practices to prevent the entrance of contaminants into buildings or vehicles (for example, air intake protection, sealing, and related measures) and to reduce the concentrations of contaminants indoors (for example, control of emissions from internal sources of contamination, improved air exchange and ventilation, filtration, and related measures);

(15) development of materials and products which may be used as alternatives to materials or products which are now in use and which contribute to indoor air contamination;

(16) development of equipment and processes for removal of contaminants from the indoor air;

(17) research, to be carried out principally by the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health, for the purpose of assessing—

(A) the exposure of workers to indoor air contaminants including assessment of resulting health effects; and

(B) the costs of declines in productivity, sick time use, increased use of employer-paid health insurance, and worker compensation claims;

(18) research, to be carried out in conjunction with the Secretary of Housing and Urban Development, and the Secretary of the Department of Energy for the purpose of developing—

(A) methods for assessing the potential for radon contamination of new construction, including (but not limited to) consideration of the moisture content of soil, permeability of soil, and radon content of soil; and

(B) design measures to avoid indoor air pollution, and

(19) research, to be carried out in conjunction with the Secretary of Transportation, for the purposes of—

(A) assessing the potential for indoor air contamination in public and private transportation; and

(B) designing measures to avoid such indoor air contamination.

(20) research, to be carried out in consultation with the Administrator for the National Aeronautics and Space Administration, for the purpose of assessing the use of indoor foliage as a means to reduce indoor air contamination, including demonstration projects to determine the level of pollutants reduced by indoor plants in buildings.

(c) TECHNOLOGY DEMONSTRATION PROGRAM.—(1) The Administrator may enter into cooperative agreements or contracts, or provide financial assistance in the form of grants, to public agencies and authorities, nonprofit institutions and organizations, employee advocate organizations, local educational institutions, or other persons, to demonstrate practices, methods, technologies, or processes which may be effective in controlling sources or potential sources of indoor air contamination, preventing the occurrence of indoor air contamination, and reducing exposures to indoor air contamination.

(2) The Administrator may assist demonstration activities under paragraph (1) of this subsection only if—

(A) such demonstration activity will serve to demonstrate a new or significantly improved practice, method, technology or process or the feasibility and cost effectiveness of an existing, but unproven, practice, method, technology, or process and will not duplicate other Federal, State, local, or commercial efforts to demonstrate such practice, method, technology, or process;

(B) such demonstration activity meets the requirements of this section and serves the purposes of this Act;

(C) the demonstration of such practice, technology, or process will comply with all other laws and regulations for the protection of human health, welfare, and the environment; and

(D) in the case of a contract or cooperative agreement, such practice, method, technology, or process would not be adequately demonstrated by State, local, or private persons or in the case of an application for financial assistance by a grant, such practice, method, technology, or process is not likely to receive adequate financial assistance from other sources.

(3) The demonstration program established by this subsection shall include solicitations for demonstration projects, selection of suitable demonstration projects from among those proposed, supervision of such demonstration projects, evaluation and publication of the results of demonstration projects, and dissemination of information on the effectiveness and feasibility of the practices, methods, technologies and processes which are proven to be effective.

(4) Within one hundred and eighty days after the date of enactment of this Act, and no less often than every twelve months thereafter, the Administrator shall publish a solicitation for proposals to demonstrate, prototype or at full-scale, practices, methods, technologies, and processes which are (or may be) effective in controlling sources or potential sources of indoor air contaminants. The solicitation notice shall prescribe the information to be included in the proposal, including technical and economic information derived from the applicant's own research and development efforts, and other information sufficient to permit the Administrator to assess the potential effectiveness and feasibility of the practice, method, technology, or process proposed to be demonstrated.

(5) Any person and any public or private nonprofit entity may submit an application to the Administrator in response to the solicitations required by paragraph (4) of this section. The application shall contain a proposed demonstration plan setting forth how and when the project is to be carried out and such other information as the Administrator may require.

(6) In selecting practices, methods, technologies or processes to be demonstrated, the Administrator shall fully review the applications submitted and shall evaluate each project according to the following criteria—

(A) the potential for the proposed practice, method, technology, or process to effectively control sources or potential sources of contaminants which present risks to human health;

(B) the consistency of the proposal with the recommendations provided pursuant to paragraph (8) of section 8(d);

(C) the capability of the person or persons proposing the project to successfully complete the demonstration as described in the application;

(D) the likelihood that the demonstrated practice, method, technique, or process could be applied in other locations and circumstances to control sources or potential sources of contaminants, including considerations of cost, effectiveness, and technological feasibility;

(E) the extent of financial support from other persons to accomplish the demonstration as described in the application; and

(F) the capability of the person or persons proposing the project to disseminate the results of the demonstration or otherwise make the benefits of the practice, method, or technology widely available to the public in a timely manner.

(7) The Administrator shall select or refuse to select a project for demonstration under this subsection in an expeditious manner. In the case of a refusal to select a project, the Administrator shall notify the applicant of the reasons for the refusal.

(8) Each demonstration project under this section shall be performed by the applicant, or by a person satisfactory to the applicant, under the supervision of the Administrator. The Administrator shall enter into a written agreement with each applicant granting the Administrator the responsibility and authority for testing procedures, quality control, monitoring, and other measurements necessary to determine and evaluate the results of the demonstration project.

(9) The Administrator shall enter into arrangements, wherever practicable and desirable, to provide for monitoring testing procedures, quality control, and such other measurements necessary to evaluate the results of demonstration projects or facilities intended to control sources or potential sources of contaminants.

(10) Each demonstration project under this section shall be completed within such time as is established in the demonstration plan. The Administrator may extend any deadline established under this subsection by mutual agreement with the applicant concerned.

(11) Total Federal funds for any demonstration project under this section shall not exceed 75 per centum of the total cost of such project. In cases where the Administrator determines that research under this section is of a basic nature which would not otherwise be undertaken, or the applicant is a local educational agency, the Administrator may approve grants under this section with a matching requirement other than that specified in this subsection, including full Federal funding.

(12) The Administrator shall, from time to time, publish general reports describing the findings of demonstration projects conducted pursuant to this section. Such reports shall be provided to the Indoor Air Quality Information Clearinghouse provided for in section 13 of this Act.

(d) ASSESSMENT OF SCHOOLS AND CHILD CARE FACILITIES.—(1) The Administrator shall conduct a national assessment of the seriousness and extent of indoor air contamination in buildings owned by local educational agencies and child care facilities.

(2) The Administrator shall establish an advisory group made up of representatives of school administrators, teachers, child care organizations, parents and service employees and other interested parties, including scientific and technical experts familiar with indoor air pollution exposures, effects, and controls, to provide guidance and direction in the development of the national assessment.

(3) The Administrator shall provide a report to Congress of the results of the national assessment not later than two years after the date of enactment of this Act. The report required by this paragraph shall provide such recommendations for activities or programs to reduce and avoid indoor air contamination in buildings owned by local educational agencies and in child care facilities as the Administrator determines to be appropriate.

(e) REPORTS TO CONGRESS.—The Administrator shall, within twenty-four months of the date of enactment of this Act, prepare and submit to the Congress (1) a report reviewing and assessing issues related to chemical sensitivity disorders, including multiple chemical sensitivities. The Advisory Committee established pursuant to subsection 7(c) of this Act shall review and comment on the report prior to submittal to the Congress; (2) The Administrator, in consultation with the Administrator for the National Aeronautics and Space Administration, shall submit to the Congress a report on the research program authorized under paragraph 20 of subsection (b) within 2 years of enactment of this Act.

(f) CLARIFICATION OF AUTHORITY.—Title IV of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 7401 note) is repealed.

MANAGEMENT PRACTICES AND VENTILATION STANDARDS

SEC. 6. (a) TECHNOLOGY AND MANAGEMENT PRACTICE ASSESSMENT BULLETINS.—(1) The Administrator shall publish bulletins providing an assessment of technologies and management practices for the control and measurement of contaminants in the air indoors.

(2) Bulletins published pursuant to this subsection shall, at a minimum—

(A) describe the control or measurement technology or practice;

(B) describe the effectiveness of the technology or practice in control or measurement of indoor air contaminants and, to the extent feasible, the resulting reduction in risk to human health;

(C) assess the feasibility of application of the technology or practice in buildings of different types, sizes, ages, and designs;

(D) assess the cost of application of the technology or practice in buildings of different types, sizes, ages, and designs, including capital and operational costs; and

(E) assess any risks to human health that such technology or practice may create.

(3) The Administrator shall establish and utilize a standard format for presentation of the technology and management practice assessment bulletins. The format shall be designed to facilitate assessment of technologies or practices by interested parties, including homeowners and building owners and managers.

(4) The Administrator shall provide that bulletins published pursuant to this subsection shall be published on a schedule consistent with the publication of health advisories pursuant to subsection 7(b) of this Act to the extent practicable.

(5) In development of bulletins pursuant to this subsection, the Administrator shall provide for public review and shall consider public comment prior to publication of bulletins. Where the technology or management practice is expected to have significant implications for worker safety or health, the Administrator shall consult with the Director prior to seeking review and comment.

(6) Bulletins published pursuant to this subsection shall be provided to the Indoor Air Quality Information Clearinghouse provided for in section 13 of this Act and, to the extent practicable, shall be made available to architecture, design, and engineering firms and building owners and managers and to organizations representing such parties.

(b) MODEL BUILDING MANAGEMENT PRACTICES TRAINING.—(1) Within twelve months of the date of enactment of this Act, the Director of the National Institute of Occupational Safety and Health, in consultation with the Administrator of the General Services Administration and the Administrator, shall develop an indoor air training course providing training in—

(A) principles, methods, and techniques related to ventilation system operation and maintenance including applicable ventilation guidelines and standards;

(B) maintenance of records concerning indoor air quality, including maintenance of ventilation systems, complaints of indoor air quality, and actions taken to address indoor air quality problems;

(C) health threats posed by indoor air pollutants, including a knowledge of health advisories published pursuant to this Act and other information concerning contaminant levels;

(D) identification of potential indoor air pollutant sources and options for reducing exposures to contaminants;

(E) special measures which may be necessary to reduce indoor air contaminant exposures in new buildings and in portions of buildings which have been renovated or substantially refurbished within the past six months; and

(F) special measures which may be necessary to reduce exposures to contaminants associated with pesticide applications, installation of products, furnishings, or equipment, and cleaning operations.

(2) Within twenty-four months of the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health shall provide, or contract for the provision of, training courses pursuant to paragraph (1) of this subsection sufficient, at a minimum, to assure training on a schedule consistent with the requirements of paragraph 9(f)(2).

(3) The Director of the National Institute of Occupational Safety and Health, or firms or organizations operating under contract with such Administrator, are authorized to establish a fee for training pursuant to this subsection. Fees shall be in an amount not to exceed the amount necessary to defray the costs of the training program.

(4) The Director of the National Institute of Occupational Safety and Health, in consultation with the Administrator of the General Services Administration, and the Administrator, shall prepare a report to Congress within forty-eight months of the date of enactment of this subsection assessing the training program pursuant to this subsection and making recommendations concerning the application of training requirements to classes and types of buildings not covered by this subsection.

(c) VENTILATION PROGRAM.—(1) The Administrator, in coordination with other Federal agencies, shall conduct a progam to analyze the adequacy of existing ventilation standards and guidelines to protect the public and workers from indoor air contaminants.

(2) The Administrator shall—

(A) identify and describe ventilation standards adopted by State and local governments and professional organizations, including the American Society of Heating, Refrigerating and Air Conditioning Engineers;

(B) determine the adequacy of the standards for protecting public health and promoting worker productivity;

(C) assess the costs of compliance with such standards;

(D) determine the degree to which such standards are being adopted and enforced;

(E) identify the extent to which buildings are being operated in a manner which achieves the standard; and

(F) assess the potential for such standards to complement controls over specific sources of contaminants in reducing indoor air contamination.

(3) The Administrator shall submit to the Congress, within thirty-six months of the enactment of this Act a report which shall—

(A) describe the ventilation program carried out under this Act; and

(B) make recommendations concerning—

(i) the establishment of ventilation standards which protect public and worker health and take comfort and energy conservation goals into account; and

(ii) ensuring that adequate ventilation standards are being adopted and that buildings are being operated in a manner which achieves the standard.

INDOOR AIR CONTAMINANT HEALTH ADVISORIES

SEC. 7. (a) LIST OF CONTAMINANTS.—(1) Within two hundred and forty days after the date of enactment of this Act, the Administrator shall prepare and publish in the Federal Register a list of the contaminants (hereinafter referred to as listed contaminants) that may occur or are known to occur in indoor air at levels which may reasonably be expected to have an adverse impact on human health. The list may include combinations or mixtures of contaminants and may refer to such combinations or mixtures by a common name.

(2) The Administrator shall from time to time and as necessary to carry out the provisions of this Act, but not less often than biennially, review and revise such list adding other contaminants pursuant to the requirements of this Act.

(3) The list provided for in paragraph (1) of this subsection shall include, at a minimum: benzene, biological contaminants, carbon monoxide, formaldehyde, lead, methylene chloride, nitrogen oxide, particulate matter, asbestos, polycyclic aromatic hydrocarbons (PAHs), and radon.

(4) In development of the list provided for in paragraph (1) of this subsection or in revision of such list pursuant to paragraph (2), the Administrator shall consult with the advisory panel provided for in subsection (c) of this section and provide for public review and shall consider public comment prior to issuance of a final list.

(5) The listing of contaminants under this subsection is not an agency rulemaking. In considering objections raised in any judicial or related action, the Administrator's decision to list a particular contaminant shall be upheld unless the objecting party can demonstrate that the decision was arbitrary or capricious or otherwise not in accordance with the law. The list of contaminants prepared in accordance with this subsection shall not be construed to indicate that those contaminants not listed are safe for human exposure or without adverse health effect.

(6) Upon application of the Governor of a State showing that a contaminant or potential contaminant in the indoor air which is not listed pursuant to paragraph (1) of this subsection may reasonably be anticipated to have an adverse effect on human health as a result of its presence in the indoor air, the Administrator shall, within ninety days, revise the list established by paragraph (1) of this subsection to include such contaminant or publish in the Federal Register the reasons for not making such a revision.

(b) CONTAMINANT HEALTH ADVISORIES.—(1) The Administrator shall, in consultation with the advisory panel, provided for in subsection (c) of this section, and after providing for public review and comment pursuant to paragraph (6), publish advisory materials addressing the adverse human health effects of listed contaminants.

(2) Such advisory materials shall, at a minimum, describe—

(A) the physical, chemical, biological, and radiological properties of the contaminant;

(B) the adverse human health effects of the contaminant in various indoor environments and in various concentrations;

(C) an analysis of the risk posed by the contaminant to human health at the full range of concentration levels, including risk to subpopulations which may be especially sensitive to exposure to the contaminant;

(D) the extent to which the contaminant, or a mixture of contaminants, is associated with a particular substance or material and emissions rates which are expected to result in varying levels of contaminant concentration in indoor air;

(E) any Technology and Management Practice Assessment Bulletin which is applicable to the contaminant and any actions which are identified for the contaminant in the National Indoor Air Quality Response Plan prepared pursuant to this Act; and

(F) any indoor air contaminant standards or related action levels which are in effect under any authority of a Federal statute or regulation, the authority of State statutes or regulations, the authority of any local government, or the authority of another country, including standards or action levels suggested by appropriate international organizations.

(2) Health advisories published pursuant to this section shall in no way limit or restrict the application of requirements or standards established under any other Federal statute.

(3) The Administrator shall establish and utilize a standard format of presentation of indoor air contaminant health advisories. The format shall be designed to facilitate public understanding of the range of risks of exposure to indoor air contaminants and shall include a summary of the research and information concerning the contaminant which is understandable to public health professionals and to those who lack training in toxicology.

(4) The Administrator shall publish health advisories for listed contaminants as expeditiously as possible. At a minimum, the Administrator shall publish not less than six advisories within eighteen months of the date of enactment of this Act and shall publish an additional six advisories within thirty-six months of the date of enactment of this Act.

(5) Health advisories shall be based on the most current available scientific and related findings or information and shall be reviewed, revised, and republished to reflect new scientific and related findings or information on a periodic basis but not less frequently than every five years.

(6) In development and revision of health advisories pursuant to this subsection, the Administrator shall provide for public review and comment, including provision of notice in the Federal Register of the intent to publish a health advisory not less than ninety days prior to publication, and shall consider public comment prior to issuance of an advisory.

(c) ADVISORY PANEL.—The Indoor Air Quality and Total Human Exposure Committee of the Environmental Protection Agency Science Advisory Board shall advise the Administrator with respect to the implementation of this section including, but not limited to, the listing of contaminants, the contaminants for which advisories should be published, the order in which advisories should be published, the content, quality, and format of advisory documents, and the revision of such documents. The Administrator shall provide that a representative of the Agency for Toxic Substances and Disease Registry, the Department of Energy Office of Health and Environmental Research, the National Institute for Occupational Safety and Health, and the National Institute for Environmental Health Sciences shall participate in the work of the Advisory Panel as ex officio members.

NATIONAL INDOOR AIR QUALITY RESPONSE PLAN

SEC. 8. (a) AUTHORITY.—(1) The Administrator shall, in coordination with other appropriate Federal agencies, develop and publish a national indoor air quality response plan.

(2) The response plan shall provide for implementation of a range of response actions identified in subsections (b) and (c) which will result in the reduction of human exposure to indoor air contaminants listed pursuant to section 7(a) of this Act and attainment, to the fullest extent practicable, of indoor air contaminant levels which are protective of human health.

(b) EXISTING AUTHORITY.—The Administrator, in coordination with other appropriate Federal agencies, shall include in the plans provided for in subsection (a) of this section a description of specific response actions to be implemented based on existing statutory authorities provided in—

(1) the Clean Air Act (42 U.S.C. 7401 et seq.);

(2) the Toxic Substances Control Act (15 U.S.C. 201 et seq.);

(3) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(4) the Safe Drinking Water Act (42 U.S.C. 300 et seq.);

(5) the authorities of the Consumer Product Safety Commission;

(6) the authorities of the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health; and

(7) other regulatory and related authorities provided under any other Federal statute. In implementation of response actions pursuant to paragraph (6) of this subsection the Assistant Secretary for Occupational Safety and Health shall consult with representatives of State and local governments and their employees with respect to States where the Occupational Safety and Health Administration lacks jurisdiction over State and local employees.

(c) SUPPORTING ACTIONS.—The Administrator, in coordination with other appropriate Federal agencies, shall include in the plans provided for in subsection (a) of this section a description of specific supporting actions including, but not limited to—

(1) programs to disseminate technical information to public health, design, and construction professionals concerning the risks of exposure to indoor air contaminants and methods and programs for reducing exposures to such contaminants;

(2) development of guidance documents addressing individual contaminants, groups of contaminants, sources of contaminants, or types of buildings or structures and providing information on measures to reduce exposure to contaminants including—

(A) the estimated cost of such measures;

(B) the technologic feasibility of such measures; and

(C) the effectiveness and efficiency of such measures.

(3) education programs for the general public concerning the health threats posed by indoor air contaminants and appropriate individual response actions;

(4) technical assistance including design and implementation of training seminars for State and local officials, private and professional firms, and labor organizations dealing with indoor air pollution and addressing topics such as monitoring, analysis, mitigation, building management practices, ventilation, health effects, public information and program design;

(5) development of model building codes, including ventilation rates, for various types of buildings designed to reduce levels of indoor air contaminants;

(6) identification of contaminants, or circumstances of contamination for which immediate action to protect public and worker health is necessary and appropriate and a description of the actions needed;

(7) identification of contaminants, or circumstances of contamination, where regulatory or statutory authority is not adequate to address an identified contaminant or circumstance of contamination and recommendation of legislation to provide needed authority;

(8) identification of contaminants, or circumstances of contamination, where continued reduction of contamination requires development of technology or technological mechanisms; and

(9) identification of remedies to "sick building syndrome", including proper design and maintenance of ventilation systems, building construction and remodeling practices, and safe practices for the application of pesticides, herbicides, and disinfectants, and a standardized protocol for investigating and solving indoor air quality problems in sick buildings.

(d) CONTENTS OF PLAN.—In describing specific actions to be taken under subsections (b) and (c) of this section, the Administrator, in coordination with other appropriate Federal agencies, shall—

(1) identify the health effects, and any contaminant or contaminants thought to cause health effects to be addressed by a particular action and to the fullest extent feasible, the relative contribution to indoor air contamination from all sources of contamination;

(2) identify the statutory basis for the action;

(3) identify the schedule and process for implementation of the action;

(4) identify the Federal agency with jurisdiction for the specific action which will implement the action; and

(5) identify the financial resources needed to implement the specific action and the source of these resources.

(e) SCHEDULE.—Response plans provided for in subsection (a) shall be submitted to Congress within twenty-four months of enactment of this Act and biennially thereafter.

(f) REVIEW.—(1) The Administrator shall provide for public review and comment on the response plan provided for in this section, including provision of notice in the Federal Register for public review and comment not less than three months prior to submission to the Congress. The Administrator shall include in the response plan a summary of public comments.

(2) The Administrator shall provide for the review and comment on the response plan by the Council on Indoor Air Quality provided for under section 12 of this Act.

(g) ASSESSMENT OF MONITORING AND MITIGATION SERVICES.—The Administrator shall include in the first plan published pursuant to this section an assessment of indoor air monitoring and mitigation services provided by private firms and other organizations, including the range of such services, the reliability and accuracy of such services, and the relative costs of such services. The assessment required by this subsection shall include a review and analysis of options for oversight of indoor air monitoring and mitigation firms and organizations, including registration, licensing, and certification of such firms and organizations and options for imposing a user fee on such firms and organizations.

FEDERAL BUILDING RESPONSE PLAN AND DEMONSTRATION PROGRAM

SEC. 9. (a) AUTHORITY.—The Administrator and the Administrator of the General Services Administration shall develop and implement a program to respond to and reduce indoor air contamination in Federal buildings and to demonstrate methods of reducing indoor air contamination in new Federal buildings.

(b) FEDERAL BUILDING RESPONSE PLAN.—(1) The Administrator of the General Services Administration, in consultation with the Administrator, the Assistant Secretary for Occupational Safety and Health Administration, the Director, and affected Federal departments or agencies shall prepare response plans addressing indoor air quality in Federal buildings. The plans shall, to the fullest extent practicable, be developed in conjunction with response plans pursuant to section 8 of this Act.

(2) The response plan shall provide for implementation of a range of response actions which will result in the reduction of human exposure to indoor air contaminants listed pursuant to section 7(a) of this Act, and attainment, to the fullest extent practicable, of indoor air contaminant concentration levels which are protective of public and worker health.

(3) Federal building response plans provided for in paragraph (1) of this subsection shall include—

(A) a list of all Federal buildings;

(B) a description and schedule of general response actions including general building management practices, product purchase guidelines, air quality problem identification practices and methods, personnel training programs, and other actions to be implemented to reduce exposures to indoor air contaminants in those buildings listed in paragraph (A);

(C) a list of individual Federal buildings listed in paragraph (A) for which there is sufficient evidence of indoor air contamination or related employee health effects to warrant assessment of the building pursuant to section 14 of this Act and a schedule for development and submittal of building assessment proposals pursuant to subsection 14(d) of this Act;

(D) a description and schedule of specific response actions to be implemented in each specific building identified in paragraph (C) and assessed pursuant to section 14 of this Act;

(E) an identification of the Federal agency responsible for funding and implementation of each response action identified in paragraphs (B) and (D); and

(F) an identification of the estimated costs of each response action identified in paragraphs (B) and (D) and the source of these resources.

(4) The response plan provided for in this subsection shall address each Federal building identified in paragraph 3(A), except that specific buildings may be exempted from coverage under this subsection. Such buildings may be exempted on the grounds of—

(A) national security;

(B) anticipated demolition or termination of Federal ownership within three years; and

(C) specialized use of a building which precludes necessary actions to reduce indoor air contamination.

(5) The plan provided for in subsection (b) shall be submitted to Congress within twenty-four months of enactment of this Act and biennially thereafter.

(6) The Administrator of the General Services Administration shall provide for public review and comment on the response plan provided for in this section, including provision of notice in the Federal Register not less than three months prior to submission to the Congress.

(7) The response plan shall include a summary of public comments. The Council on Indoor Air Quality, provided for under section 12 of this Act, shall review and comment on the plan.

(c) INDOOR AIR QUALITY RESERVE.—(1) The Administrator of the General Services Administration shall reserve 0.5 per centum of any funds used for construction of new Federal buildings for design and construction of measures to reduce indoor air contaminant concentrations within such buildings.

(2) Measures which may be funded with the reserve provided for in this subsection may include, but are not limited to—

(A) development and implementation of general design principles intended to avoid or prevent contamination of indoor air;

(B) design and construction of improved ventilation techniques or equipment;

(C) development and implementation of product purchasing guidelines;

(D) design and construction of contaminant detection and response systems;

(E) development of building management guidelines and practices; and

(F) training in building and systems operations for building management and maintenance personnel.

(3) Upon completion of construction of each Federal building covered by this section, the Administrator of the General Services Administration shall file with the Administrator, with the Clearinghouse established under section 13 of this Act, and with the Council established under section 12 of this Act, a report describing the uses made of the reserve provided for in this subsection. Such report shall be in sufficient detail to provide design and construction professionals with models and general plans of various indoor air contaminant reduction measures adequate to assess the appropriateness of such measures for application in other buildings.

(4) The Administrator of the General Services Administration, with the concurrence of the Administrator, may exempt a planned Federal building from the requirements of this subsection if he finds that such exemption is required on the grounds of national security or that the intended use of the building is not compatible with the authority of this section.

(d) NEW EPA BUILDING.—Any new building constructed for use by the Environmental Protection Agency as headquarters shall be designed, constructed, maintained, and operated as a model to demonstrate principles and practices for protection of indoor air quality.

(e) BUILDING COMMENTS.—(1) The Administrator of the General Services Administration, in consultation with the Administrator, the Assistant Secretary for Occupational Safety and Health Administration, and the Director, shall provide, by regulation, a method and format for filing and responding to comments and complaints concerning indoor air quality in Federal buildings by workers in such buildings and by the public. The procedure for filing and responding to worker complaints shall supplement and not diminish or supplant existing practices or procedures established under the Occupational Safety and Health Act and executive orders pertaining to health and safety for Federal employees.

(2) A listing of each such filing and an analysis of such filings shall be included in each response plan prepared pursuant to this section. Such listing shall preserve the confidentiality of individuals making filings under this section. Such listing shall preserve the confidentiality of the individuals making filings under this section.

(3) Regulations implementing this subsection shall be promulgated at the earliest possible date, but not later than twenty-four months from the date of enactment of this Act.

(f) BUILDING VENTILATION AND MANAGEMENT TRAINING.—(1) Within six months of the date of enactment of this Act the Administrator of the General Services Administration shall designate, or require that a lessee designate, an Indoor Air Quality Coordinator for each Federal building which is owned or leased by the General Services Administration. An Indoor Air Quality Coordinator shall not serve more than one building.

(2) Within forty-eight months of the date of enactment of this Act, each Indoor Air Quality Coordinator shall complete the indoor air training course operated pursuant to section 6(b) of this Act. After thirty-six months from the date of enactment of this Act, each newly designated Indoor Air Quality Coordinator shall complete the indoor air training course within twelve months of designation.

(3) In any case where the Administrator of the General Services Administration finds that a lessee has failed to designate and train an Indoor Air Quality Coordinator pursuant to the requirements of this Act, the Administrator of the General Services Administration shall not reestablish a lease for such building.

STATE AND LOCAL INDOOR AIR QUALITY PROGRAMS

SEC. 10. (a) MANAGEMENT AND ASSESSMENT STRATEGY DEMONSTRATION.—(1) The Governor of a State may apply to the Administrator for a grant to support demonstration of the development and implementation of a management strategy and assessment with respect to indoor air quality within such State.

(2) State indoor air quality management strategies shall—

(A) identify a lead agency and provide an institutional framework for protection of indoor air quality;

(B) identify and describe existing programs, controls or related activities concerning indoor air quality within State agencies including regulations, educational programs, assessment programs, or other activities;

(C) identify and describe existing programs, controls, or related activities concerning indoor air quality of local and other sub-State agencies and assure coordination among local, State, and Federal agencies involved in indoor air quality activities in the State; and

(D) assure coordination of indoor air quality programs with ambient air quality programs and related activities.

(3) State indoor air quality assessment programs shall—

(A) identify indoor air contaminants of concern and, to the extent practicable, assess the seriousness and the extent of indoor air contamination by contaminants listed in section 7(a) of this Act;

(B) identify the classes or types of buildings or other indoor environments in which indoor air contaminants pose the most serious threat to human health;

(C) if applicable, identify geographic areas in the State where there is a reasonable likelihood of indoor air contamination as a result of the presence of contaminants in the ambient air or the existence of sources of a contaminant;

(D) identify methods and procedures for indoor air contaminant assessment and monitoring;

(E) provide for periodic assessments of indoor air quality and identification of indoor air quality changes and trends; and

(F) establish methods to provide information concerning indoor air contamination to the public and to educate the public and interested groups, including building owners and design and engineering professionals, about indoor air contamination.

(4) As part of a management strategy and assessment pursuant to this subsection, the applicant may develop contaminant action levels, guidance, or standards and may draw on health advisories developed pursuant to section 7 of this Act.

(5) States which are selected to demonstrate the development of management and assessment strategies shall provide a management strategy and assessment pursuant to subsections (2) and (3) to the Administrator within thirty-six months of selection and shall certify to the Administrator that the strategy and assessment meet the requirements of this Act.

(6) States shall provide for public review and comment on the management strategy and assessment prior to submission of such strategy and assessment to the Administrator.

(b) RESPONSE PROGRAMS.—(1) A Governor of a State or the executive officer of a local air pollution control agency may apply to the Administrator for grant assistance to develop a response program designed to reduce human exposure to an indoor air contaminant or contaminants in the State, or in a specific class or type of building in that State, or in a specific geographic area of that State.

(2) A response program shall—

(A) address a contaminant or contaminants listed pursuant to section 7(a) of this Act;

(B) identify existing data and information concerning the contaminant or contaminants to be addressed, the class or type of building to be addressed, and the specific geographic area to be addressed;

(C) describe and schedule the specific actions to be taken to reduce human exposure to the identified contaminant or contaminants including the adoption and enforcement of any ventilation standards;

(D) identify the State or local agency or public organization which will implement the response actions;

(E) identify the Federal, State, and local financial resources to be used to implement the response program; and

(F) provide for the assessment of the effectiveness of the response program.

(3) As part of a response program pursuant to this subsection, an applicant may develop contaminant action levels, guidance, or standards based on health advisories developed pursuant to section 7 of this Act.

(4) As part of a response program pursuant to this subsection, an applicant may develop a standard establishing a ventilation rate or rates for a class or classes of buildings including development assessment and compliance programs needed to implement the standard.

(5) As part of the response program pursuant to this subsection, an applicant may develop a response plan addressing indoor air quality in State and local government buildings. Such plans shall, to the fullest extent practicable, be consistent with response plans developed pursuant to section 9 of this Act.

(c) GRANT MANAGEMENT.—(1) Grants under subsection (a)(1) of this subsection shall not be less than $75,000 for each fiscal year.

(2) In selecting States for demonstration and implementation of management strategies and assessments under subsection (a)(1) the Administrator shall consider—

(A) the previous experience of the State in addressing indoor air quality issues;

(B) the seriousness of the indoor air quality issues identified by the State; and

(C) the potential for demonstration of innovative management or assessment measures which may be of use to other States.

(3) In selecting States for demonstration of management strategies and assessments under subsection (a)(1), the Administrator shall focus resources to assure that sufficient funds are available to selected States to provide for the development of comprehensive and thorough management strat-

egies and assessments in each selected State and to adequately demonstrate implementation of such strategies and assessments.

(4) Grants under subsection (b)(1) of this section shall not exceed $250,000 per fiscal year and shall be available to the State for a period of not to exceed three years.

(5) In selecting response programs developed under subsection (b) for grant assistance, the Administrator shall consider—

(A) the potential for the response program to bring about reductions in indoor air contaminant levels;

(B) the contaminants to be addressed, giving priority to contaminants for which health advisories have been developed pursuant to section 7 of this Act;

(C) the type of building to be addressed, giving priority to building types in which substantial human exposures to indoor air contaminants occur;

(D) the potential for development of innovative response measures or methods which may be of use to other States or local air pollution control agencies; and

(E) the State indoor air quality management strategy and assessment, giving priority to States with complete indoor air management strategies and assessments.

(6) The Federal share of grants under subsections (a) and (b) of this section shall not exceed 75 per centum of the costs incurred in demonstration and implementation of such activities and shall be made on the condition that the non-Federal share is provided from non-Federal funds.

(7) Funds granted pursuant to subsections (a) and (b) of this section in a fiscal year shall remain available for obligation for the next fiscal year in which obligated and for the next following fiscal year.

(8) No grant shall be made under this section in any fiscal year to a State or local air pollution control agency which in the preceding year received a grant under this section unless the Administrator determines that such agency satisfactorily implemented such grant activities in such preceding fiscal year.

(9) States and air pollution control agencies shall provide such information in applications for grant assistance and pertaining to grant funded activities as the Administrator requires.

OFFICE OF INDOOR AIR QUALITY

SEC. 11. (a) ESTABLISHMENT.—The Administrator shall establish an Office of Indoor Air Quality within the Office of Air and Radiation at the Environmental Protection Agency.

(b) RESPONSIBILITIES.—The Office of Indoor Air Quality shall—

(1) list indoor air contaminants and develop health advisories pursuant to section 7 of this Act;

(2) develop national indoor air quality response plans as provided for in section 8 of this Act;

(3) manage Federal grant assistance provided to air pollution control agencies under section 10 of this Act;

(4) assure the coordination of Federal statutes and programs administered by the Agency relating to indoor air quality and reduce duplication or inconsistencies among these programs;

(5) work with other Federal agencies, including the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health, to assure the effective coordination of programs related to indoor air quality; and

(6) work with public interest groups, labor organizations, and the private sector in development of information related to indoor air quality including the health threats of human exposure to indoor air contaminants, the development of technologies and methods to control such contaminants, and the development of programs to reduce contaminant concentrations.

COUNCIL ON INDOOR AIR QUALITY

SEC. 12. (a) AUTHORITY.—There is established a Council on Indoor Air Quality.

(b) RESPONSIBILITIES.—The Council on Indoor Air Quality shall—

(1) provide for the full and effective coordination of Federal agency activities relating to indoor air quality;

(2) provide a forum for resolution of conflicts or inconsistencies in policies or programs related to indoor air quality;

(3) review and comment on the national indoor air response program developed pursuant to section 8 of this Act and the Federal Building Response Plan developed pursuant to section 9(b); and

(4) prepare a report to Congress pursuant to subsection (d) of this subsection.

(c) ORGANIZATION.—(1) The Council on Indoor Air Quality shall include senior representatives of Federal agencies involved in indoor air quality programs including—

(A) the Environmental Protection Agency;

(B) the Occupational Safety and Health Administration;

(C) the National Institute of Occupational Safety and Health;

(D) the Department of Health and Human Services;

(E) the Department of Housing and Urban Development;

(F) the Department of Energy;

(G) the Department of Transportation;

(H) the Consumer Product Safety Commission; and

(I) the General Services Administration.

(2) The Environmental Protection Agency shall chair the Council in the two years following enactment of this Act. In each subsequent year, members of the Council shall select the chair for that year.

(3) The Council shall be served by a staff to include an Executive Director and not less than three full-time equivalent employees.

(d) REPORT TO CONGRESS.—(1) The Council shall submit to the Congress, within eighteen months of enactment of this Act, and biennially thereafter, a report which shall—

(A) describe and assess the seriousness, extent, and characteristics of indoor air contamination throughout the country;

(B) summarize the major research issues concerning the protection of indoor air quality, describe the research accomplishments of Federal agencies over the previous two years, and provide an agenda of indoor air quality research for individual Federal agencies over a three-year period;

(C) summarize actions taken pursuant to this Act over the previous year, including publication of health advisories, implementation of national and Federal building response plans, and assistance to States;

(D) provide a general description of the activities to be conducted by Federal agencies to address indoor air quality problems over the following three-year period; and

(E) make recommendations for any actions needed to assure the quality of indoor air, including recommendations relating to institutional structures, funding, and legislation.

(2) The Council shall provide for public review and comment on the report required by this subsection.

INDOOR AIR QUALITY INFORMATION CLEARINGHOUSE

SEC. 13. (1) The Administrator is authorized and directed to establish a national indoor air quality clearinghouse to be used to disseminate indoor air quality information to other Federal agencies, State, and local governments, and private organizations and individuals.

(2) The clearinghouse shall be a repository for reliable indoor air quality related information to be collected from and made available to government agencies and private organizations and individuals. At a minimum, the clearinghouse established by this section shall make available reports, programs, and materials developed pursuant to the requirements of this Act.

(3) The clearinghouse shall operate a toll-free "hotline" on indoor air quality which shall be available to provide to the public general information about indoor air quality and general guidance concerning response to indoor air quality contamination problems.

(4) The Administrator may provide for the design, development, and implementation of the clearinghouse through a contractual agreement with a nonprofit organization.

BUILDING ASSESSMENT DEMONSTRATION

SEC. 14. (a) AUTHORITY.—(1) The Director of the National Institute for Occupational Safety and Health shall, in consultation with the Administrator, implement a Building Assessment Demonstration Program to support development of methods, techniques, and protocols for assessment of indoor air contamination in nonresidential, nonindustrial buildings and to provide assistance and guidance to building owners and occupants on measures to reduce indoor air contamination.

(2) In implementation of this section, the Director shall have the authority to conduct on-site assessments of individual buildings, including Federal, State, and municipal buildings.

(3) Nothing in this section shall in any way limit or constrain existing authorities pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651).

(b) ASSESSMENT ELEMENTS.—Assessments of individual buildings conducted pursuant to this section shall, at a minimum, provide—

(A) an identification of suspected contaminants in the air in the building and the level of such contaminants;

(B) an assessment of the probable sources of contaminants in the air in the building;

(C) a review of the nature and extent of health concerns and symptoms identified by building occupants;

(D) an assessment of the probable association of indoor air contaminants with the health and related concerns of building occupants including assessment of occupational and environmental factors which may relate to the health concerns;

(E) identification of appropriate measures to control contaminants in the air in the building, to reduce the concentration levels of contaminants, and to reduce exposure to contaminants; and

(F) evaluation of the effectiveness of response measures in control and reduction of contaminants and contaminant levels, the change in occupant health concerns and symptoms, the approximate costs of such measures, and any additional response measures which may reduce occupant's health concerns.

(c) ASSESSMENT REPORTS.—(1) The Director shall prepare—

(A) a preliminary report of each building assessment which shall document findings concerning assessment elements (A) through (E) of subsection (b); and

(B) a final report which shall provide an overall summary of the building assessment

including information on the effectiveness and cost of response measures, and the potential for application of response measures to other buildings.

(2) Preliminary assessment reports shall be prepared not later than one hundred and eighty days after the selection of a building for assessment. Final assessment reports shall be prepared not later than one hundred and eighty days after completion of the preliminary report.

(3) Preliminary and final reports shall be made available to building owners, occupants, and the authorized representatives of occupants.

(d) BUILDING ASSESSMENT PROPOSAL.—(1) The Director shall consider individual buildings for assessment under this section in response to a proposal identifying the building and the building owner and providing preliminary, background information about the nature of the indoor air contamination, previous responses to air contamination problems, and the characteristics, occupancy, and uses of the building.

(2) Building assessment proposals may be submitted by a building owner or occupants or the authorized representatives of building occupants, including the authorized representatives of employees working in a building.

(e) BUILDING ASSESSMENT SELECTION.—(1) In selection of buildings to be assessed under this section, the Director shall consider—

(A) the seriousness and extent of apparent indoor air contamination and human health effects of such contamination;

(B) the proposal for a building assessment submitted pursuant to subsection (d) of this section;

(C) the views and comments of the building owners;

(D) the potential for the building assessment to expand knowledge of building assessment methods including identification of contaminants, assessment of sources, and development of response measures; and

(E) the listing of a building pursuant to paragraph (C) of section 9(b)(3).

(2) The Director shall provide a preliminary response and review of building assessment proposals to applicants and the applicable building owner within sixty days of receipt of a proposal and, to the extent practicable, shall provide a final decision concerning selection of a proposal within one hundred and twenty days of submittal.

(f) BUILDING ASSESSMENT SUPPORT.—(1) The Director may enter into agreements with private individuals, firms, State and local governments, or academic institutions for services and related assistance in conduct of assessments under the authority of this section.

(2) The Director may enter into agreements with other Federal agencies for the assignment of Federal employees to a specific building assessment project for periods of up to one hundred and eighty days.

(g) SUMMARY REPORT.—(1) The Director shall provide, on an annual basis, a report on the implementation of this section to the Administrator of the Environmental Protection Agency and to the Council on Indoor Air Quality established pursuant to section 12 of this Act.

(2) The Director shall, from time to time and in consultation with the Administrator, publish general reports containing materials, information, and general conclusions concerning assessments conducted pursuant to this section. Such reports may address concerns related to remediation of indoor air contamination problems, assessment of health related concerns, and prevention of such problems through improved design, materials and product specifications, and management practices.

(3) Reports prepared pursuant to this subsection and subsection (c) of this section shall be provided to the Indoor Air Quality Information Clearinghouse provided for in section 13 of this Act and, to the extent practicable, such reports shall be made available to architectural, design and engineering firms and to organizations representing such firms.

STATE AND FEDERAL AUTHORITY

SEC. 15. (a) GENERAL AUTHORITY.—Nothing in this Act shall be construed, interpreted, or applied to preempt, displace, or supplant any other State or Federal law, whether statutory or common or any local ordinance.

(b) OCCUPATIONAL SAFETY AND HEALTH.—In exercising any authority under this Act, the Administrator shall not, for purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), be deemed to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

AUTHORIZATIONS

SEC. 16. (a)(1) For the purpose of carrying out sections 5, 6, and 7 of this Act there is authorized to be appropriated $20,000,000 for each of the fiscal years ending September 30, 1992, 1993, 1994, 1995, and 1996. Of such sums appropriated, one quarter shall be reserved for implementation of section 7 of this Act and one quarter shall be reserved for implementation of section 5(c) of this Act and $1,000,000 shall be reserved for implementation of section 6(b) of this Act.

(2) For the purpose of carrying out sections 8, 9, 11 and 13 there is authorized to be appropriated $10,000,000 for each of the fiscal years ending September 30, 1992, 1993, 1994, 1995, and 1996. Of such sums appropriated, one-fifth shall be reserved for implementation of section 13 and one-fifth shall be reserved for implementation of section 9.

(3) For the purpose of carrying out section 10 of this Act, there is authorized to be appropriated $12,000,000 for each of the fiscal years ending September 30, 1992, 1993, 1994, 1995, and 1996. Of such sums appropriated, one-third shall be reserved for the purpose of carrying out section 10(b) of this Act.

(4) For the purpose of carrying out section 12 of this Act there is authorized to be appropriated $1,500,000 for each fiscal year ending September 30, 1992, 1993, 1994, 1995, and 1996.

(5) For the purpose of carrying out section 14 of this Act there is authorized to be appropriated $5,000,000 per year for each fiscal year ending September 30, 1992, 1993, 1994, 1995, and 1996.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, and Members of the Senate, the House is completing action on the Labor-HHS appropriations conference report and we are awaiting receipt of that report for action in this body later today. It is our hope—and based upon staff consultations on both sides of the aisle, I believe a reasonable hope—that we can complete action in a relatively short period of time this evening with the possibility of only one vote.

So my hope is both that the House will act promptly, get the papers over here, and that we will be able to act promptly this evening so that there will not be a late session, and we can recess at a reasonable and early hour. I emphasize that is contingent of course upon the House action and upon our being able to move promptly in the Senate. But so far, our discussions with staff on both sides are that there will not be a long time period on the bill.

Mr. NICKLES. Will the majority leader yield?

Do you anticipate a rollcall vote on HHS?

Mr. MITCHELL. Yes. But I am advised, if I might complete my answer, the information I have at this time is that there will only be one vote. I cannot say that for sure. And I hope that occurs at a relatively early time today.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, accordingly, since we are awaiting receipt of the papers from the House, I now 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 Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON pertaining to the introduction of S. 1926 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Wisconsin is recognized.

Mr. KASTEN. I thank the Chair.

(The remarks of Mr. KASTEN pertaining to the introduction of S. 1920 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KASTEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SENATOR WOFFORD'S VICTORY AND UNEMPLOYMENT

Mr. SASSER. Mr. President, yesterday we heard the voice of middle America urging us to take a look homeward and to take care of our own people. HARRIS WOFFORD was elected as the next Senator from our Nation's fifth most populous State.

A member of the President's Cabinet was not elected Senator from Pennsylvania.

The significance of this is a message of deep discontent, I think, from the very heart of this country. It is an expression of anxiety about the future. It is a message of frustration with the monotonous "can't do" whine of the present.

It began in January of 1989, with the lame statement: "This country has more will than wallet." Contrast that, Mr. President, with the statement made by John Fitzgerald Kennedy in 1960: "Ask not what your country can do for you; ask what you can do for your country." Or contrast that with the inaugural statement of Franklin Delano Roosevelt: "We have nothing to fear but fear itself." In January of 1989, we heard the statement, "We have more will than wallet."

Mr. President, I think that hundreds of thousands of Pennsylvanians and our colleague, HARRIS WOFFORD, finally got the President's attention yesterday. A hastily arranged press conference at 6:40 in the morning, before jetting off to Rome, is hardly a substitute for a domestic policy, and canceling a trip to Asia is something less than a plan for economic recovery.

Political scientists and sociologists are going to analyze the results in the State of Pennsylvania for a long time to come. But I think, for those of us who know something about what moves the electorate, one conclusion is immediately clear: Yesterday's vote in Pennsylvania was a referendum on the domestic policy vacuum of this administration. HARRIS WOFFORD drew attention to that policy vacuum very eloquently for a period of weeks leading up to election day yesterday.

I think the election in Pennsylvania was a referendum on the do-nothing approach that has produced the worst economic growth record of any administration since that of Herbert Hoover, and the first decline in the standard of living of the American people since the Great Depression.

Mr. President, I have shown these charts to my colleagues on at least one occasion before. But I think today, the day after the election results in the fifth most populous State in the Union, it may be well to look at them again and see what economic record the present administration in office has compiled or, more accurately, failed to compile.

If we look at the Presidents since World War II, we see that every President since World War II has increased the real per capita GNP growth of this country. What that means is that you divide the total growth in wealth, or gross national product, of this country by the number of citizens. And we see that every President since World War II, save one, has increased the GNP on a per capita basis in the United States of America, led, of course, by John Kennedy. He increased GNP on a per capita basis in real terms by 3.5 percent; Lyndon Johnson, by 3.3 percent. Even Jerry Ford, who went through the recession of 1975, increased GNP by at least four-tenths of 1 percent.

Only one President, only one administration, has given the American people negative GNP growth on a per capita basis. What does that mean? That means that their standard of living has actually fallen under the administration presently in office, the worst economic growth record of any administration since that of Herbert Hoover, since the American people lived through the Great Depression.

Mr. SARBANES. Mr. President, will the Senator yield on that point.

Mr. SASSER. I will be pleased to yield to my friend from Maryland.

Mr. SARBANES. Mr. President, just 2 weeks ago, the Labor Department came out with a study of wage and salary workers, which is the middle class in this country. This study points out that between the third quarter of 1990 and the third quarter of 1991, that incomes went up by 1.8 percent, and prices went up by 3.9 percent. So for working class Americans, middle-income Americans, prices went up significantly more than their incomes. At the end of the third quarter of 1991, They were worse off than they were a year earlier.

That is what is happening as a consequence of negative growth under President George Bush. No other President in the whole postwar period has an average annual real per capita GNP growth as a negative figure. This is true for all of the Presidents since World War II; is that correct?

Mr. SASSER. That is correct; including Presidents Kennedy, Johnson, Reagan, Truman, Carter, Nixon, Ford, Eisenhower, and President Bush.

Mr. SARBANES. So only one of the past nine presidents, this President, George Bush, has an average annual real per capita GNP growth as a negative figure.

Of course, we have a recession which the administration is telling us is short and shallow. That is the siren song they have been singing since this recession began in the summer of 1990.

This recession, if it continues for another 2 months, will be the longest recession in the post-World War II period. It will be the longest recession since the Great Depression. Yet the administration, throughout the recession, has been singing this siren song that it is a short and shallow recession. It is nothing of the sort, I say to the Senator from Tennessee.

Mr. SASSER. Let me say to my friend from Maryland that this recession began in July 1990. It is now almost 1992, and this recession is still with us. And the people of Pennsylvania sent a very powerful message yesterday, through a very able and eloquent messenger, HARRIS WOFFORD. What they said is: We want something done about health care; we want something done about unemployment in this country.

There are 2 million more people without jobs today than when this administration took office. As my friend from Maryland, the distinguished chairman of the Joint Economic Committee knows, when you add together those Americans who have lost their jobs, through no fault of their own, you add those Americans who have gone from full-time jobs to part-time jobs, and add those Americans who simply become so discouraged and disillusioned they quit looking for work, that accounts for 13 percent of the work force in this country.

And today, 1 out of every 10 of our fellow countrymen is on food stamps in the United States of America. That is what has happened to this economy.

Mr. RIEGLE. Will the Senator yield at that point?

Mr. SASSER. I will be pleased to yield to the Senator from Michigan.

Mr. RIEGLE. I just want to say, one of the manifestations of this terrible economic situation we are seeing in my home State of Michigan is we now have 170,000 workers who are unemployed and have been unemployed for longer than 6 months.

What that means is that they completely exhausted their unemployment compensation benefits.

Many are losing their homes, losing their cars. They are having to break up their families. They truly are in desperate circumstances. Twice here we have passed an extension of unemployment benefits that would provide additional benefits to that group, called extended unemployment benefits. Twice now the President has said no to those benefits. So those benefits are not being made available even though there is $8 billion sitting in the Federal fund right now to provide those kinds of benefits.

But I will just make one other point, and that is the people who are in that situation have worked, in most cases, their entire adult lives. Some of them are in their thirties, some in their forties, some in their fifties. These are family people. They want to work. They are accustomed to work. They need income to support their families, feed their children. They are desperate for work, and there is no work to be found, nor are there any extended unemployment compensation benefits.

For the administration to turn that program down now twice when we have all of this help and attention being given to other countries around the world, problem situations in other lands for which money is being sent overseas and to turn their back on the people in this country, solid, working people with work histories, it is just not right.

It is important to understand that we have passed that legislation twice, and twice the President has said, no, we are not going to allow those benefits to go to those working people who have been out of work now for 6 full months. It is just not right.

Mr. SARBANES. Will the Senator yield on that point?

Mr. SASSER. I yield to the Senator from Maryland.

Mr. SARBANES. I agree absolutely with the Senator from Michigan. It is important to understand that people have received extended unemployment insurance benefits in every previous recession, under both Democratic and Republican Presidents. This chart shows the number of persons receiving extended unemployment insurance benefits during past recessions. We provided these benefits under Gerald Ford, Jimmy Carter, and Ronald Reagan. You see the increase in the number of people drawing extended benefits?

I see the Senator from Connecticut. I do not know whether he can see it from there. This is under George Bush. Hardly anyone. In fact, today no State is paying extended benefits.

Mr. DODD. Will the Senator yield on that point?

Mr. SARBANES. Certainly.

Mr. DODD. The graphs are difficult. I am having a hard time. You can certainly see the Ford years and the Carter years and the Reagan years. At the very end there, do I understand it correctly, those are the amounts of unemployment benefits that are being extended to people who have exhausted those benefits?

Mr. SARBANES. That is the number of persons receiving extended unemployment benefits. That is the monthly average. In this recession, under George Bush almost no one is receiving these benefits, as contrasted with under Ronald Reagan, Jimmy Carter, and Gerald Ford.

Mr. DODD. Will the Senator yield further? Could the Senator just briefly describe for us by comparison the depths of this economic recession with the recession that was faced in those Ford, Carter, and Reagan recessions to give some sense of comparison? Is this as bad, worse, about the same as the recessions that occurred in those earlier periods when you had similar levels of unemployment and those benefits were being paid?

Mr. SARBANES. These two recessions under Ford and under Reagan are now 2 months longer than this one.

Mr. DODD. They were worse?

Mr. SARBANES. Well, they were longer. But if this one goes another 2 months it will exceed in length those recessions. It has already exceeded in length all of the other post-World War II recessions, and, if it runs for 2 more months, it will exceed in length any recession since the Great Depression.

Mr. DODD. Mr. President, if the Senator will yield just a point further—and, again, my colleagues here are so much better versed and more knowledgeable than I about some of these national numbers. But let me bring it home to you, if I can, in my home State.

I just received a briefing 48 hours ago from one of the major businesses in my State, one of the largest employers in my State that does an economic index for the State of Connecticut periodically, twice a year. They now are saying in my State that this is the worst unemployment situation since 1944–45. In the last 18 months—my State of Connecticut has a population of about 3.5 million people, so by comparison to my colleague from Michigan, you get some sense of the size and disparity of populations. There are now in the last 18 months in my State 96,000 people who have lost their jobs out of a total population of elderly retired as well as children of 3.5 million people—96,000 people. That is the worst unemployment in almost 50 years, and, arguably, you can actually go back to the Great Depression.

We also have had business failures. In the first half of 1991, as compared to the first half of 1990, the business failures are up 220 percent. That is the highest rate in the country. And yet it is quite obvious that this is not just a regional or localized problem in one State but is spreading across the country. So those numbers that the Senator from Maryland talks about, without extending benefits in my State, it dwarfs the problems that existed under the Carter, Ford, or Reagan recessions. It already is comparable to the economic difficulties this country ran into 50 and 60 years ago, and still no unemployment benefits for these people.

Mr. SASSER. Let me just say to my friend from Connecticut, he may have seen the statement that the President made down in Houston, TX, just a few days ago. He was asked about the economic problems in the country, and he said: "I don't want to talk people into a further lack of confidence, because it's a good time to buy a house, it's a good time to buy a car."

That is what the President said in response to the problems that this economy finds itself in, in response to the tens of thousands who are unemployed in my friend's State of Connecticut, which historically is one of the most prosperous States in this Union. He replied, "It's a good time to buy a house and buy a car." I might ask my friend from Connecticut, do the people of Connecticut who have lost their jobs have the funds to buy an automobile or a house?

Mr. DODD. I say in response to my colleague from Tennessee, not only can they not afford them, they are losing them. They are losing them in record numbers, in record numbers. The foreclosures are the highest levels we have faced in years in the State of Connecticut.

But let me just say as well, the President was not entirely wrong in that statement. This is a terrific time, a terrific time to buy a home in Connecticut, if you come from the top 1 percent of income earners in my State or elsewhere in the country. There were people who made fortunes in the Great Depression. We all know that there are people who lived off the suffering of other people. People who are desperate now, need income, need some revenue coming into their households are willing to sell homes for below the value of those homes or below the mortgages they hold on them. So he is correct for his constituency, for the people that they did all the favors for in the 1980's——

Mr. RIEGLE. Who got the big tax cuts.

Mr. DODD. A 15-percent Federal tax cut in 10 years. They watched their incomes go up 110 percent in that period of time. These are red letter days for those guys. These are the best years of their lives. There are fire sales going on out there, yard sales going on, depression sales going on. So the President is not entirely wrong. He is absolutely right. This is a great time, if you happen to be from the wealthiest, smallest percentile of people in this country who can afford to take advantage of other people's suffering. But for the overwhelming majority of people in my State, this is the worst time in their lives.

Mr. SASSER. As my friend from Connecticut knows and articulated so ably on this floor the other day, the wealthiest 1 percent of Americans increased their income dramatically over the past decade, as much as 100 percent, while the middle three-fifths of families needed to bring home a second paycheck, put another member of the family into the economy just to stay even.

Let me demonstrate to my colleagues what I am talking about here. This is a chart which shows the widening inequality in income distribution since the 1980's, over the past decade. If we look at this chart, what we find is that the top 5 percent in this country have seen their share of income go up by 14 percent. And while that was going up by 14 percent, their tax liability, what they paid in taxes, was falling by 8 percent——

Then we look down here and see what has happened to the great American

middle class, and we find that their share of income has declined since 1980. We find that for middle-income Americans, their share of income has dropped by 5 percent.

This is an example of the trickle-down economics that we have seen in operation over the past few years, and particularly in the past 2 or 3 years. That, in my judgment, is one reason that we find ourselves in this prolonged economic recession that is causing such havoc in States such as Connecticut, in Michigan, in Maryland, indeed all across the country.

Mr. RIEGLE. Will the Senator yield at that point? This backward slide that the Senator has here shows where the incomes have been eroding for people in the middle class and for lower income people, while people in the high-income areas have been gaining. I want to show you what this is bringing about in a State like mine, and this reference that was made when the President said the other day: people, go out and buy a house. It would be great if people could afford to go out and buy a house. That is not the situation.

I want to show you the front pages of the two largest newspapers in my State and these newspaper headlines are from yesterday. This is from Tuesday in Michigan. This is the Detroit Free Press. This is the headline story in the bold type here. It says "Right To Survive Is at Stake." The subheadline says, "As Mercury Falls the Shelters for Homeless Fill Up." I want to read a couple of paragraphs from this. It says "As temperatures across Michigan dropped into the frigid teens Monday night, increasing numbers of the needy turned up at shelters." Dropping down, "Shelters in Detroit and Oakland and Macomb Counties said they were filled and turning people away."

There is a picture here of a woman, standing out on a street corner with a sign, and it says "Please help, work for food, God bless you." Then underneath it there is another woman, poorly dressed, begging for money at the window of a car that is stopped at a stop sign. This is what it says. In the larger picture at the top it says "Irene Bost waits to get help Monday on West Grand Boulevard in Detroit's New Center area. Bost needs $80 for rent by Wednesday."

Then to the left, in a smaller picture down here, "Audrey Small needs $40 for rent." It says, "About 5,000 Detroiters could be homeless by Wednesday when a moratorium on evictions expired."

Related to this is the fact that in the State of Michigan because of how poorly the economy is functioning, the State government has moved to take people off general assistance welfare.

So we have several thousands of people who are being evicted from the welfare hotels. That is a flattering-sounding term. These are fleabag operations. But these people are being turned out into the streets. They have no place to go because winter is here in the Midwest. "There are no jobs or money to be had," people say.

Listen to this: "police say a man in his seventies, suffering from hypothermia and believed to be homeless, was found dead in a bus shelter next to Detroit Receiving Hospital on Sunday night." Here is a man who froze to death literally on the streets of Detroit because he had no place to go. That is not an unusual case.

The fact is that these women, probably in their forties or fifties or sixties are reduced to a point where they are out begging for money on street corners. That is what is going on in this country.

Here is the other major newspaper in my State, the Detroit News, also from yesterday: "City Takes Actions for the Homeless." What the actions are is they have opened up some city buildings just to provide warming shelters so people can get in out of the cold so hopefully they do not freeze to death.

This is what it said here. It says:

> With the onset of cold weather it is clear we face a homeless problem unprecedented in recent memory.

With the wholesale slashing of human services programs by Gov. (John) Engler in Lansing and by Presidents Reagan and Bush in Washington, many of the most vulnerable members of society are being thrown in the streets with literally nowhere to turn.

> The Pontiac Rescue Mission provided shelter for 43 men * * * and the Detroit Rescue Mission was at capacity with 120 persons, many of whom were given just a mat to sleep on.

What is going on in America that we are devaluing our people and we are devaluing the human condition and turning away from these problems? We see all of this attention focused on foreign countries and a lot of help to foreign countries. There are problems out there that need attention. These problems need attention. Why do these people not count? How do they get on the list? How do they get on the radar screen? They are not in this group that got the big fat tax cuts. These are people who are trying to stay alive, literally trying to keep from freezing to death—starving to death—in the major cities of our country. That is what is going on in America. That is what Reaganomics is all about in 1991.

Mr. DODD. Will the Senator yield?

Mr. RIEGLE. Yes.

Mr. DODD. He has brought up a very important point here regarding the decision of people making basic decisions between food and shelter. Last Saturday I went down to the first day opening up what is called the Community Renewal Team in Hartford, CT, when the first day people could line up and sign up for the low-income energy assistance program which I know my colleagues are familiar with. Over the years we have tried to fund that program to provide for fuel assistance; utility costs as well as home heating oil for people who qualify for that assistance.

This is only one city. I cannot speak for my whole State or the whole country. But in the city of Hartford, CT, last year there were roughly 15,000 people who qualified for that low-income energy assistance program. By the way, these are not people on AFDC. They get certain help. These are people who are underemployed, who still are getting some kind of work but their incomes are such that they cannot meet the kind of energy bills that they have to face. That is a different program we are talking about. There are 16,000, 15,000 people in that category.

Mr. SARBANES. These are working people. A lot of them are working people. That is important to understand.

Mr. DODD. It is estimated in the city of Hartford, CT, for the winter of 1991–92, as a result just of the first 4 days in terms of people lining up and coming in, the number goes from 15,000 to 20,000 an increase of 5,000 people, families, working families, as the Senator from Maryland points out, who are qualified for this assistance.

Let me add one further point. Last year through a lot of hard work, people like the distinguished Senator from Tennessee on the Appropriations Committee, we came up with a program that provided roughly $1,000 for the winter for working families who qualified for this low-income energy assistance program; roughly $1,000. It did not meet the needs of families.

This year, the maximum amount a family will get is $280. There are people already filling their tanks, have capped out the maximum amount of assistance they can get, and we are not even into the second week in November let alone the depths of the winter in this country. So we are already going to find families who qualify for the program, working families, never getting remotely close to the kind of financial assistance.

I went with one family to the Santuccio family in the south end of Hartford; Anthony Santuccio was a tailor for over 30 years, a veteran of World War II. He and his wife are the nicest people you ever want to meet. They have a daughter who is out of the home today. It is a very nice, tiny, clean apartment in the south end which they take great pride in—to see these families, this couple, elderly, who have worked all their lives, who still have some income coming in, sitting there getting $280 the other day for all their fuel assistance for this year.

These are not people on the welfare rolls. These are not people who are lazy, and do not want to work. This is a couple that worked all their lives. That is the maximum amount they get. They are going to be in trouble, quite frankly.

So the Senator from Michigan is absolutely correct. When you start running up the priorities in this country, 1 out of every 10 families is on food stamps.

We have 20,000 people in the city of Hartford, working families, that will need fuel assistance this winter. The Senator is absolutely correct. People in Pennsylvania said so the other day as well. That is what they said yesterday. Get your priorities straight in Washington, the Congress, in the White House.

So I commend my colleagues for raising this point.

Mr. SARBANES. This administration will not recognize that there is a problem. I am holding here a Reuters business report, dated July 22, 1991, I say to my dear friend, the distinguished Senator from Michigan [Mr. RIEGLE]. It says:

An angry exchange between White House budget director Richard Darman and Senator Donald Riegle at a Budget Committee hearing last week highlighted the controversy over the payment of these unemployment insurance benefits.

Then it quotes Darman saying:

Darman said an unemployment bill was unnecessary because the recession reached bottom in May, and by the time the beneficiaries actually got the money, it would not be needed.

That is July 22. It is just over 3 months ago that Darman said that to the distinguished Senator from Michigan at a Budget Committee hearing. Again:

An unemployment bill was unnecessary because the recession reached bottom in May, and by the time the beneficiaries actually got the money, it would not be needed.

The recession has not reached bottom. The unemployment rate went back up last Friday to 6.8 percent. You have millions of people out there who have exhausted their benefits, about to lose their home, or car, if they have not already done so. We sent an unemployment benefits bill to the President in the middle of August. At that point, benefits could have started flowing to desperate Americans who need this assistance, but the President refused to do so.

We sent him another bill in October, again to get the benefits flowing, and the President vetoed it. The President is still thinking the way he thought when he made the State of the Union address back in January of this year. The President said:

I know that tonight, in some regions of our country, people are in genuine economic distress, and I hear them."

Earlier this month, Kathy Blackwell of Massachusetts wrote me about what can happen when the economy slows down saying, my heart is aching, and I think you should know your people out here are hurting badly.

I understand, and I am not unrealistic about the future, but there are reasons to be optimistic about the economy.

That is the answer the President gave in January to this heartfelt expression of hurt, of pain, that was out there in the country.

Two weeks later, in February, in the Economic Report of the President they said: "The current recession is expected to be mild and brief, by historical standards."

In mid-summer, Chairman Boskin of the Council of Economic Advisers, the President's chief economic adviser, said: "The economic recovery appears to be underway."

Darman, at about the same time, said to the distinguished chairman for Michigan that "no unemployment bill was necessary." What world are they living in?

The President left this morning to go to Rome, Italy. It is an important meeting; it is a NATO meeting, and we are the leader of the NATO alliance, and the President needs to be there. So I am not saying he should not make this trip. The President apparently has canceled a 2-week trip he was going to make to Asia and the Pacific countries at the end of the month. Of course, last week he was in Madrid, again, for a very important meeting.

I do not want to be in the posture of suggesting that these meetings are not important. These are important meetings. But in addition to attending these meetings the President ought to be paying attention to these domestic issues. The President ought to be visiting not only Rome, Italy, but Rome, GA; Rome, IL; Rome, IN; Rome, IA; Rome, MS, where the unemployment rate is 11.3 percent.

I am not saying that the President should not exercise an international dimension as the President of the United States, but where is the domestic expression? Where is the concern for our own people? Where is the realization that, unless we are strong at home, we are not going to be able to project strength abroad?

Who are you kidding? America's strength abroad rests essentially, and in the last analysis, on America's strength here at home, on our economic strength, and on our social strength, and on the strength of our people. The President needs to be paying attention to that situation as well; and to take off these rosy glasses with which they have been looking at the economy, and this Pollyanna talk that the recovery is right around the corner, the light is at end of the tunnel. Meanwhile, the unemployment rate goes up, and the number of long-term unemployed goes up.

The current indicators are a matter of real concern. Housing starts are down. Durable goods orders are down.

Here is what happened to housing starts. Look at this. They started back up again. This is 1990. Now they are dropping again.

Look what happened to consumer confidence. If you want to see something to cause concern, consumer confidence dropped 12½ points last month, down to 60, almost right back where it was shortly after this recession began. We need the President to pay attention.

Mr. DODD. If the Senator will yield, I want to associate myself with his remarks about the President going to Rome, and to The Hague and, too, the Secretary of State and the President being in Madrid. I think you are absolutely correct. I think it would be the height of irresponsibility for them not to be involved in those particular efforts.

In some ways, I am even disappointed that he has canceled this trip to the Pacific rim, because he might have brought a message to some of our so-called allies over there who dump goods in this country right and left all the time. Frankly, we are tired of that as well.

Mr. SARBANES. If he had an economic strategy to the trip to the Far East, which apparently he did not, it might have served the purpose of addressing this economic problem here at home, because we are running those huge trade deficits with those Pacific rim countries.

Mr. DODD. That was exactly the point I was about to make, that I would have been, frankly, supportive of that kind of a trip. But it is not the trips, and has nothing do with trips, going to Europe, or to the Far East, or going wherever else they think they need to go.

What I find so frustrating is when I pick up my local paper—the same day, by the way, we introduced or announced this low-income energy assistance program, a marginal program will be made viable, and one of the headlines in my local paper was that the administration is designing an economic aid program for the Soviet Union. That was also the headline that day.

That is what really is antagonizing. Because here we are saying there is no problem here, that we recognize that the people in the Soviet Union, or what is left of it, are going to have a difficult winter. The people are going to be hurting and suffering over there, and we have the President with all of his bright folks sitting around, the State Department, or the Defense Department, and they are sitting around planning and designing and structuring an economic relief package for the people in the Soviet Union, as they did in Cambodia, Bangladesh, and elsewhere.

Yet, all we are saying here today, I think, and what our constituencies are saying, is how about designing one for us? How about designing one for the United States of America? Then I think you would find far less criticism about these trips and about these other assistance programs the President is designing.

Mr. RIEGLE. If the Senator will yield, again, take this front-page story

in yesterday's Detroit Free Press where the lead headline is, "Right To Survive Is at Stake," and you have women in this country standing out on street corners in sub-zero temperatures begging for money just so they have a way to keep a roof over their head. I know there are problems in the Soviet Union. These are problems here. What is the plan for dealing with this problem? Why do these people not count? Why do they not count?

They do count. We need a plan for America, and all of this talk about the foreign travel, and the foreign focus, and so forth, some of it is necessary, there is no question about that, but we did not elect the President to be President for the world. We elected him to be President for this country. And the 250 million people who live in this country need him to pay attention to their problems and to their future, whether it is these people, or it is the other workers that we are talking about that need extended unemployment benefits, or whether it is young people in this country that need health care.

There was a story the other day—I have shown this before and I want to show it again. This is a situation in the health care area. This was an issue that came up in that campaign in Pennsylvania, and the people in Pennsylvania delivered a very clear message on it.

Here is a picture of a woman in the Detroit area named Cynthia Fyfe. She works. She makes a very modest income. She lives in a house trailer. She has a little bit of health insurance for herself. She accumulated $3,000 of medical bills she does not have the money to pay.

The significant thing about it is if you look at this picture in the foreground you will see her son, Anthony, who is 6 years old who has not a penny of health insurance coverage.

I have 300,000 children in my State today—he is one of them—with no health insurance coverage whatsoever.

This administration has been in power now 11 years—Reagan-Bush, Bush-Quayle have been there now 11 years. They have had plenty of time to develop some kind of a health care plan that can help people across this country and, at a minimum, begin to insure the young people of this country—this little fellow and others who have no health insurance.

They have no plan for America and the reason they do not is that they are living up in an elite world of privilege. They are living up on a very high level, and the people who are down here, the regular people in our society who are down in a different level, struggling to get by each day, this administration has no connection to those people, has no understanding of that problem and is not responding to their problem. That is the issue, the disconnection from the realities in this country facing our people.

Mr. SARBANES. I want the Senator to listen to the words of an unemployed person who was laid off, exhausted the benefits, and now faces these problems about which we are talking.

DEAR SENATOR SARBANES: I am writing this letter to you after watching the hearing on television on the problems of the unemployed people in AMERICA.

And America is spelled in capital letters in this letter.

She then goes on to say:

The reason I put AMERICA in capital letters is because we would be better off if we were from a foreign country so that President Bush would see it in his heart to help us out. He does nothing for the Americans that are suffering. I only hope you will be able to get through to President Bush and make him realize that we are in an emergency situation in our country.

Earlier this year, the President came to the Congress and under the budget agreement—and the chairman of the Budget Committee is here, and if I misstate it, I hope he will correct me—which permits by a declaration of an emergency in which the President and the Congress agree to go outside the parameters of the budget agreement.

The President said:

We face an emergency overseas. We need to send some help out. We need to make some resources available and, therefore, I am taking this outside of the restrictions of the budget in order to make these moneys available. This is to provide assistance.

The Congress including this Senator and others, concurred in that judgment. We thought that there was an emergency, and we were going to try to be of assistance.

Now later this year we sent the President a bill saying that there was an emergency here at home with respect to the unemployed and the benefits ought to be extended for the unemployed, particularly when the trust fund to provide extended benefits for the unemployed had built up a huge surplus and, in fact, was building up an additional surplus with each passing month. This fund—which is now up over $8 billion—is building up an additional surplus at about the rate of $1.2 billion a year.

So right in the middle of a recession, when people need these extended benefits, the trust fund is growing. When the whole theory is—you use the surplus in a recession in order to pay extended benefits to those who have been so unfortunate as to lose their jobs. We asked the President to perceive an emergency so these payments could be made, and that is the bill we sent him in August—that is almost 3 months ago. The President refused to perceive an emergency in order to help Americans.

Earlier in the year, the President had perceived an emergency in order to help send money outside of the country to help others, but he would not find an emergency here at home.

We then sent him another bill in October in which we declared there was an emergency so that if he signed it, it would apply. The President vetoed that bill. We tried to override that veto here in the Senate. I am going through this because it is very important for the American people to understand the power of the veto.

What the President's veto means, because we had a vote here 65 in favor of that bill, only 35 against in the Senate. All 57 of the Democratic Members of the Senate voted to override the veto and to their credit 8 of our colleagues on the Republican side voted to override the veto—65 out of 100 Members. It is not enough under our Constitution to override a veto because you need a two-thirds majority and therefore we needed 67 votes, and because the President held on to 35 members of his own party, the veto message was sustained and the unemployment benefits did not flow.

So again, the unemployed were left without any assistance, and this President who said back in January at his State of the Union Address, when this lady wrote to him about what happens when the economy slows down, and said my heart is aching and I think you should know your people out here are hurting badly and the President says "I understand."

How can he understand? How can he understand when twice in the last 90 days he has had an opportunity to take action to make these extended benefits, which would help people out, it would help to tide them through this situation, and he refused to do so? That is the problem. People are feeling this hurt and this harm all across the country.

I have another letter. This lady writes and says, "What constitutes an emergency? Whenever the unemployment rate has been this devastating, in the past, the Federal Government has automatically stepped in." She is absolutely right about that. In the past, the Federal Government did automatically step in.

Look at this increase in extended benefits. Here it is under George Bush you can hardly see it. This lady is absolutely right.

(Mr. WIRTH assumed the chair.)

Mr. SASSER. Mr. President, if the Senator will just yield on that particular point, I think yesterday the people of Pennsylvania sent a message that they are no longer going to tolerate the absentee-landlord attitude that this administration has been taking for the past 3 years. The election yesterday in Pennsylvania, I think, is one of great significance, not just because HARRIS WOFFORD who was 44 points down won by 11 points—the most phenomenal political victory that I have seen in my years in public office. Can

you imagine this—44 points behind, running against a two-term Governor, a Cabinet member, Attorney General of the United States, President Bush personally comes into that State and campaigns for him?

He was little known—the public opinion polls were showing at the beginning of this campaign, HARRIS WOFFORD was known by probably no more than 25 percent of the people of Pennsylvania, and yet in the space of just a few short weeks, he goes from being 44 points behind to winning by 12 points—phenomenal.

What does this tell us? It tells us that something is moving in this country. This is not just a problem for poor people. It is not just a problem for the chronically unemployed.

This is an economic problem now that reaches right into the heart of the middle class. And middle-class people in this country are frightened, and they are worried, and they are in need. The polls are now showing that a majority of Americans now say that the fear of losing their job is their No. 1 concern. They do not need to see our graphs here and our charts.

The great American middle class does not need to be told that their real income is shrinking. They do not need to be told that they have a problem affording health insurance. And many of those who are working know that they have no health insurance.

Thirty-five million Americans in this country today have no health insurance. What is to happen to them if they become ill?

That was the message that they were sending yesterday out of Pennsylvania: "We have had enough." And when HARRIS WOFFORD says, "If you have a right to a lawyer, I think you also have a right to a doctor," that hit a very responsive chord with the people of Pennsylvania and the people all across this country.

Twenty-seven million of our countrymen tonight live in substandard housing. Here in the land of the free and the home of the brave, 27 million of our citizens live in the kind of housing that you see in a Third World country. Thirty-three million Americans are in poverty and they are falling out of the great American middle class. Every study that you see shows the middle-class people falling out of the middle class into the lower economic groups, and that portion is swelling.

The shameful thing—and I know the Senator from Connecticut has worked long and hard on this—but the shameful thing is that of the 33 million Americans who live in poverty, a disproportionate number of those Americans are the tenderest and most vulnerable among us, our children.

Two million more Americans are out of work today than they were in January of 1989; 5 million more Americans are on food stamps today than they were in January 1989. As I said earlier, 1 in 10 Americans. And the confidence of American consumers is just half of what it was in January of 1989.

Now, the message that came out of Pennsylvania yesterday was not that they elected the first Democratic Senator in almost 30 years, it was not that there was a phenomenal political victory there yesterday—although there was that—the message was "we want somebody to stay at home and attend to our needs."

It is time for use to start investing in America. They are saying "We want an economic recovery program for the United States of America."

It is important to have an economic recovery program for the Soviet Union. It is important to have an economic recovery program for Cambodia. But it is more important to have an economic recovery program for our own people right here in the United States of America.

They were telling us, also, yesterday in Pennsylvania, "We understand. We have awakened. We now understand what supply-side economics and taxation policy was all about. And we know we lost under it. And we want some tax equity for a change." We want to get a tax cut for middle-income Americans who saw their taxes remain static, or go up, while the wealthiest were getting tax cuts over the past decade.

Mr. DODD. Will the Senator yield on that point?

Mr. SASSER. I am pleased to yield.

Mr. DODD. I just want to commend our colleague from Texas, Senator BENTSEN, who today formally introduced a middle-income tax cut proposal. I am going to cosponsor that legislation. I do not necessarily agree with every aspect of it. I introduced back in June a middle-income tax cut proposal. I wish that PAT MOYNIHAN, our colleague from New York, I wish that his proposal had been adopted last spring or last winter, a payroll tax deduction that could have saved a lot of people a lot of money in the middle-income categories. But I think the Senator from Tennessee is touching on an extremely important point.

We are not just standing here suggesting what is wrong. But there are some suggestions out there that, had they been listened to earlier, we might have avoided a lot of these difficulties. The individual retirement account program which made a big difference for middle-income families in saving money that could have been used for health care and education and first-time homebuyers. Those proposals were defeated.

In 1986, as a part of that tax reform package that we passed in this body, we could have included a continuation of IRA's. We watched over the 1980's all of these tax proposals coming along, but the people who really ended up paying for the huge tax breaks for the smallest percentage, the most affluent part of our population, were, of course, middle-income people.

So I commend Senator BENTSEN. I did not have the opportunity to be on the floor of the Senate earlier today when he introduced his proposal. And I understand the other body is about to make a suggestion in this area as well.

I hope that the President—now that he has canceled his trip to the Far East—that he will not just do that, but he will take a step further and join in these efforts to provide the relief that people in these middle-income categories are so desperately in need of.

So I want to commend my colleagues for raising these points that we have raised this afternoon and to suggest all is not lost. There are some things that can be done. It is not too late if we readdress those priorities.

I could not agree with my colleague from Tennessee more. The political pundits, I find myself watching them and wondering who they are listening to. Was this more important to challengers or incumbents? Was this a bad message for the President or a good message?

You are so correct, I say to my colleague. That is the political chatter in town. The people who voted in Pennsylvania yesterday could care less whether or not you are an incumbent or challenger, whether you are a Democrat or Republican. They want to know whether or not you hear them; do you understand what is happening in their towns and in their cities; do we understand at all what happens when their job is in jeopardy. They could care less what party you come from, whether you are sitting there or you want to get there. All they want to know is: "Do you hear me, and what are you doing about it?"

That is all that message was about. It should not be confused or complicated by columnists or editorial writers who want to spend all their lives worrying about the politics of these situations. It was simple and clear: health care, families, taxes, jobs, America, get the country moving. That is the message.

Mr. SARBANES. The majority leader, just last week, made a major address in which he laid out a Democratic economic program that covered the very items that the Senator is mentioning: tax relief for middle-income Americans; reform of the unemployment insurance benefits system, which we have been talking about; health care, which, as my able colleague from Tennessee has said, is a pressing matter; the passage of a transportation bill so we can rebuild our infrastructure; investment in education, and in research, and development, and in training; and addressing this credit crunch which has partially frozen economic activity in this country. I know it has

had a major impact in New England and in the State of Connecticut, the Senator's own State.

The majority leader laid out this program in some detail. So that when they say to you, what would you do? The majority leader has answered that question.

But how can we do it when we have a national administration which is prepared to use the veto to thwart and frustrate these efforts to move forward? They used the veto on the bill to extend unemployment insurance benefits, and the health care issue, the administration has come forward with no proposal

Mr. RIEGLE. Will the Senator yield?

Mr. SARBANES. They propose a study.

Mr. RIEGLE. Yes, they go for a study. They have been at if for 11 years. They have been studying it for 11 years. Reagan-Bush, Bush-QUAYLE.

We have a plan in this area. I just want to let everyone see it here. It is S. 1227. It is a major national health insurance program, cosponsored by four Democrats: Senator MITCHELL, who is the majority leader, myself, Senator KENNEDY, and Senator ROCKEFELLER. This bill will do two things.

It will extend, in stages, health insurance coverage, to every person in this country. And it will also go in and undertake a major cost reform in our health care system to bring these costs down. People who now have insurance are finding that the costs are going through the roof—their deductibles and their copayments are going through the roof—we address those issues. And we have a plan here for doing it.

And it is time this plan be taken up, not sometime after 1992, not 1993 or some other year. We ought to have the debate on a national health insurance program starting now. We have plenty of time to do it before the next election. It ought to be settled before the next election.

Mr. DODD. Mr. President, will my colleague yield on that point?

Mr. RIEGLE. I am happy to yield.

Mr. DODD. I commend my colleague for his efforts in this regard.

There is a matter that is going to come up tomorrow. If our colleagues here or others want to know what they can do in the short term, tomorrow the other body is going to vote on the family and medical leave bill. It passed this body by a vote of 65 to 31 or 32. Normally, you would say, well, you are home free.

Of course, the President said he is going to veto the bill. We have an overwhelming majority in the House tomorrow to pass the bill, but we are some two votes short of a supermajority of two-thirds, because the President said he is going to veto the bill.

This bill, by the way, does not cost the taxpayer a penny. All it does is say that if you employee 50 people or more, that if your child gets sick, or your spouse gets sick, or your parents who are living with you get sick, or you get sick and you cannot work, you get 12 weeks of unpaid—unpaid—leave in order to take care of your family problem.

Mr. SASSER. The Senator means the employer does not have to pay the employee if the employee takes the leave?

Mr. DODD. That is correct. Unpaid leave for 12 weeks. Every other country in the world has a program like this.

Mr. SARBANES. Exactly. The European countries have a leave program; but they pay their employees; do they not?

Mr. DODD. In some countries, they do. Japan covers people. Our major competitors do this. We now know from some employers who do this that it increases productivity, reduces absenteeism, and increases retention; that it is a major asset to them economically.

Tomorrow, the other body is going to vote on this. Here is a perfect opportunity for the President to say that is something that would help working families, who, God forbid, are thrown into the dreadful situation where they have to choose between their family and their job.

We have seen what happens with other people, such as major corporate heads, when their child gets sick, or our own colleagues here. They do not lose their jobs in the Senate, God forbid. When our colleagues have a child or spouse who gets sick, they do not come here and vote. They miss committee meetings. They do not go back to their constituency. They go spend time with their families. And we applaud them.

And, God forbid, if you are not a Member of Congress or a Cabinet member or someone down at the White House, then if your child gets sick or your spouse gets sick, you have to make that choice. And in many cases, you lose your job. Here is something where in 24 hours we can send a message and say: We understand, and we heard what the people in Pennsylvania were saying.

So I hope, out of these changed agendas, here is a message that can be sent in the next 24 hours.

Mr. SASSER. Mr. President, the distinguished Senator a moment ago was alluding to the economic recovery program that had been laid out in great detail by the distinguished majority leader, Senator MITCHELL of Maine. As the Senator from Maryland said, it includes a tax cut for middle-income families.

But No. 2 on the list is an incentive to help first-time home buyers.

Since the 1930's, since the days of the New Deal and Franklin Roosevelt, we have known that the fastest and most direct way to help average Americans is to help them become homeowners. But we now see that for the first time since World War II, home ownership rates declined in the 1980's.

In 1980, 65.6 percent of American households owned their own homes. That had declined by 1990 to 64 percent. That is the first time since the 1930's we had seen home ownership on a decline as a percent of our population.

To put it in human terms, if home ownership had simply remained flat at the 1980's level, 1.5 million additional households would be homeowners today.

Let me give an example of what I am talking about. This chart gives us the home ownership rates in the United States from 1973 through 1990. You see, beginning in 1973 on up to 1980, we continue to have the traditional climb in home ownership that has become elementary and accepted in this country since the 1930's. It climbs up here to almost 66 percent.

What happens in 1980? For the first time since the 1930's home ownership begins a decline. It continues declining until 1987. It is simply a flat line going straight on out.

If we had just held our own from 1984—I am not talking about increasing the percent of families owning homes—if we had just remained static, this red area represents the 1.5 million American families that would today have a slice of the American dream: Owning their own home.

Instead, they are renting living quarters all across this country.

Mr. RIEGLE. Mr. President, may I ask the Senator just a question at that point?

Mr. SASSER. I would be pleased to yield to my friend.

Mr. RIEGLE. Would it be fair to say that this falloff in home ownership and all of these lost opportunities is one of the effects of Reaganomics?

Mr. SASSER. It is fair to say that this is the effect of some kind of change in economic policy. Because if you look at the economic history of the country from the mid-1930's forward, you see an increase in the percentage of the American people who own their own homes, until we get to 1980.

Mr. RIEGLE. Yes.

Mr. SASSER. Then you get this decline.

Mr. SARBANES. Mr. President, if the Senator will yield, I think this development is related to the other chart the Senator had about income distribution in this country.

Mr. RIEGLE. Right. Right.

Mr. SARBANES. The chart shows that the people at the top are the ones who are getting the larger share of the income, and the other 80 percent are getting a smaller share of the income.

What has happened in this country is that if you are in the middle of the income range, because of the shrinkage,

you can no longer afford to buy a average priced home.

Mr. RIEGLE. That is right.

Mr. SARBANES. In other words, Mr. President, you have been squeezed out of the housing market. That is what is going on in this country, because the economic benefits have been so heavily weighted to the very top—of course, all of whom own their homes; they probably own more than their own home.

Mr. RIEGLE. Two or three or four homes.

Mr. SARBANES. Two or three or four homes, or if they do not, it is their own choice. Home ownership has come by enabling people in the middle range of income to acquire their homes. That is something that the Senator has pointed out has been going on ever since the 1930's, this increase in home ownership, and it has ended in these last 10 years. It has ended in part because of this widening inequality in income distribution.

Mr. SASSER. Mr. President, the Senator, in his role as chairman of the Joint Economic Committee, is aware of the conventional wisdom that is developing across the country in the minds of many young people, that they are not going to have as high a standard of living as their father and mother had. This is the first time that we have had a generation that has had a pessimistic outlook on their future since this country was founded. And what are the reasons for it?

I will tell you, one of the reasons is right here. This young generation cannot buy a house.

In 1980, 12 years ago, the home ownership rate for families that were headed by someone between the ages of 25 and 29 was almost 44 percent. Of the young families headed by someone between 25 and 29, 44 percent of those young people owned their own homes.

If you come back and look at that same age group in 1990, you find that it has declined by almost 18 percent; almost 18 percent.

Now, you find that young people between the ages of 25 and 29 have a much more difficult time buying a house. Many of these young people cannot buy that first starter home, which is the step, stairstep up to them increasing their standard of living and enhancing their quality of life. And this is the case even though now you have two wage earners in the family, when in the fifties and sixties and seventies, there might have been just one.

So no wonder there is such pessimism on the part of young people as to what their lot in life is going to be when they see that they cannot buy a house, as their father and mother did some years before.

As a matter of fact, you find that 91 percent of all the renter households of this country cannot afford the medium-priced home in their area. Seventy-six percent of all the renter households cannot afford to buy any house that is priced over $20,000. What kind of house can they buy?

Mr. RIEGLE. House trailer, maybe.

Mr. SASSER. House trailer. And in the face of this—in the face of this—the President, in Houston, just a few days ago said this is a good time to buy a house.

Mr. RIEGLE. Will the Senator yield at that point?

Mr. SASSER. I will be pleased to yield.

Mr. RIEGLE. I want to relate something you showed on an earlier chart to this situation. If you go back to this very poor growth rate, during the Bush period particularly, you can see what the cumulative effects of Reaganomics have been coming to through the eighties and now into the nineties. We see this negative growth. We see the need for the extended unemployment compensation benefits. We see this home ownership figure dropping in the country. So all of these people who, if we just stayed where we were back in 1980, would have gotten to own homes and now have not been able to.

Mr. SASSER. That would have been 1.5 million, not people, but 1.5 million more families.

Mr. RIEGLE. Exactly.

Mr. SASSER. Living in homes that they own.

Mr. RIEGLE. Imagine that that had happened and we had that investment, those homes being built, all of the carpenters and the others who would help build those homes and people who would provide furnishings, and so forth, that would go into those homes. Or suppose we had had a strategy that kept this trend line moving up over this period of time. When we wonder why the economy is so sick, as it clearly is with the lower and sliding incomes and the high unemployment, it is because of the loss that we have seen from the trend lines we were on before the 1980's and the lost opportunity that we would have had to extend that. To me, this is a very graphic representation of Reaganomics.

In other words, you see how Reaganomics has stolen the economic future from a vast number of people, some who would have been homeowners, some who would have had jobs who do not have jobs. Somewhere families would not have had to have two wage earners to earn enough money to sustain the family, and so forth. That money went somewhere. A lot of it went to tax cuts for the very high-income people, and they spent it, I think a lot of it, on just high living standards. They did not spend it on building a strong America, or these numbers would not look like this.

Mr. SASSER. If the Senator will recall, and I am sure the Senator from Michigan will recall, when the tax cuts went into effect in the early eighties, there was a rush on Mercedes Benz automobiles, Jaguars. Even Rolls Royce had one of their biggest years in the United States of America. I say to the Senator from Michigan, which is a car-building capital of this country—used to be the car-building capital of the world; I am afraid it is not any more. I am sure the Senator from Michigan will remember that rush on expensive European exotic automobiles that occurred right after that tax cut.

But the reason you are not seeing the home ownership, the reason you are not seeing the homes being built and the carpenters and the painters and the bricklayers and the carpet layers and others being employed is because the great American middle class—this is what has happened to the 60 percent that represents the great American middle class here. Since 1980, their share of income has fallen; it has gone down. And so there is no money out there. There is no money for the great American middle class to buy a home.

Mr. RIEGLE. But it looks to me like the money that they did not get, this crowd did get.

Mr. SASSER. Precisely. The money that the middle class did not get, these at the very top got it, and that is why you see the income over the decade of the 1980's of the top 1 percent in this country going up by 100 percent while their taxes were reduced by 8 percent. That is really what happened to us in the 1980's, and it is still happening to us. That is why there is no purchasing power in the hands of the middle class, and that is one reason we find ourselves in this prolonged recession.

Mr. SASSER. Just let me say to my colleagues, let me resound the note that began this debate, and that is we heard yesterday from the great middle class in the State of Pennsylvania, and I think they spoke for middle-income Americans all across this country. Mark Twain said:

> You can fool some of the people all of the time, and you can fool all of the people some of the time, but you cannot fool all of the people all the time.

I think yesterday the people of Pennsylvania sent the message that they are not fooled any longer. They know what has happened to them, and they want some changes, and fortunately for them, they sent to this body a very articulate, eloquent, dedicated, and energetic messenger, and I look forward to working with him to carry out the message they sent to us.

Mr. President, I yield the floor.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BINGAMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DIXON. Mr. President, what is the order of business at this time?

The PRESIDING OFFICER. The Senate is in morning business.

THE 1992 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HHS, EDUCATION, AND RELATED AGENCIES, H.R. 2707

Mr. DIXON. Mr. President, my understanding is that it is the hope of the leadership that the House will shortly conclude its consideration of the conference report on the appropriations for the Departments of Labor, HHS, Education, and related agencies bill, in which event it is my understanding, Mr. President, that it may be before us tonight for a vote. I simply want to say that I will vote to adopt the conference committee report on H.R. 2707.

As you may remember, I voted against H.R. 2707 when it was before the Senate on September 12. I voted against the bill for two reasons:

First, it exceeded the budget request by $4 billion; and

Second, floor amendments added to the bill further increased the budget.

My vote, however, at that time was wholly unrelated to the gag rule provision on the bill. This provision would delay for 1 year implementation of the administration's 1988 regulation which prohibits title X-funded clinics from answering questions and providing legal counseling about all options available to a woman regarding her pregnancy.

Although I continue to be troubled by the funding levels in H.R. 2707, I also continue to strongly favor repeal of the administration's gag rule. I am especially concerned today because it now appears that H.R. 2707 is the only moving vehicle on which to attach the gag rule repeal in order to immediately halt its implementation.

As you know, Mr. President, the Senate overwhelmingly approved S. 323—the Title X Pregnancy Counseling Act of 1991 to overturn the gag rule—a measure which I wholeheartedly supported. During consideration of S. 323, I voted against an amendment which would have codified the administration's gag rule. Additionally, during the 101st Congress, I voted for a provision in the family planning amendments legislation which would have lifted the gag rule.

Given the circumstance that S. 323 has received no action in the House—even though the House has gone on record as opposing the gag rule—and notwithstanding the spending levels in the conference report, I will vote for the report on H.R. 2707 because I strongly believe that a woman should be able to receive information and counseling regarding all legal and medical options relating to her pregnancy.

I call to the attention of my colleagues the fact that this is not a vote on the issue of abortion. H.R. 2707 makes no changes in existing law regarding abortion. By delaying implementation of the gag rule, information and counseling about legal and medical options may again be available to all women upon their request.

Mr. President, another provision of H.R. 2707 that is fundamentally important to me relates to the September 12, 1991, Medicaid interim final regulations on the question of which State revenues may qualify for use to match Federal Medicaid payments. I am pleased to see that the conferees and I agree that the Department of Health and Human Services should withdraw the rule immediately and work with Congress to develop more appropriate policies.

My colleagues may remember my floor statement of October 17, of this year in which I appealed to HHS to withdraw this arbitrary interpretation that will have a serious adverse effect on my own State of Illinois, and more than 30 other States. If implemented, the Medicaid rule would cost my State $320 million for the last 6 months of its fiscal year—from January 1 to June 30, 1992. Illinois could no longer deliver health care to its most needy citizens—poor families, including children, the elderly, and disabled.

Mr. President, I regret that H.R. 2707 is over budget. Make no mistake about it, standing alone without the vital gag rule repeal and Medicaid provision, I would vote against this conference report.

However, because the gag rule repeal provision is so vital to the women in my State, and to many others, and because the Medicaid provision is simply fundamental to the health care of the poor, as well as the overall State budget, I must vote for this report. These two issues are most compelling to my Illinois constituents.

Mr. President, I urge my colleagues to join with me and vote for the conference report on H.R. 2707.

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. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEFENSE AUTHORIZATION CONFERENCE REPORT

Mr. ROTH. Mr. President, I am concerned by the Soviet aid provisions in this year's defense authorization conference report. The conference committee undertook a major policy action, independent of legislative decisions made by either body. The conferees decided to authorize the expenditure of more than $1 billion of American taxpayers' hard-earned money to help the Soviet Union's economy. Given the current economic situation here at home, I do not believe that Americans want to do this right now, and neither do I.

So let us set the record straight. A group of conferees—not President Bush—have decided that it is more important to send $1 billion overseas to the Soviet Union, rather than to use it to help those in need here at home. These Members of Congress seem to have found more than $1 billion for an unemployment benefits bill for the Soviets.

At the same time, these same individuals cannot seem to find the money to pay for an unemployment benefits bill for Americans put out of work by the increase in the deficit and taxes that accompanied last year's budget agreement. What is more ludicrous about this concept is that the budget agreement apparently allows this over $1 billion peace dividend to be used to help those overseas, but not one penny can be used to help Americans.

Mr. President, I am not naive as to the true state of the world. Developments in the Soviet Union have not left us with a perfect world. I recognize that it is in our interest for the Soviet Union to make the transition to democracy, and that a continued deterioration in the Soviet economic situation could lead to great political instability in an area that contains over 10,000 nuclear weapons. But, Mr. President, I have studied what it would take to get their economy back on its feet, and I am certain that $1 billion is not going to do it. They need tens of billions of dollars, and there is only one source for such funding—the Soviet defense budget. Make no mistake about it, Mr. President, every $1 billion that we send to them removes the pressure on them to cut $1 billion out of their defense budget. It does not make sense to take money out of the United States defense budget so that the Soviets can maintain their defense budget. And this is not good for them or us, for it enables them to continue to waste scarce resources on their own defense establishment, while taking needed resources out of the American economy.

Mr. President, why give over $1 billion in aid to the Soviets when the only really significant levels of money can come from cuts in Soviet defense spending? Why should we take $1 billion out of our defense and allow the Soviets to spend $1 billion on their defense? Why should we take $1 billion out of the pockets of the American taxpayer, when we cannot seem to find the money needed for paying unemployment benefits of American workers? I suggest that we send the Defense authorization bill back to conference as soon as it is filed. The conferees need to fix this blunder.

I yield back the floor.

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. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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 a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:20 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the bill (S. 1563) to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1885. An act to amend the Securities Exchange Act of 1934 to protect investors in limited partnerships in rollup transactions, and for other purposes;

H.R. 2927. An act to provide for the establishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and for other purposes;

H.R. 3387. An act to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House; and

H.R. 3624. An act to amend the Tariff Act of 1930 to provide appropriate procedures for the appointment of the Chairman of the United States International Trade Commission.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1885. An act to amend the Securities Exchange Act of 1934 to protect investors in limited partnerships in rollup transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2927. An act to provide for the establishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3387. An act to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House; to the Committee on Energy and Natural Resources.

H.R. 3624. An act to amend the Tariff Act of 1930 to provide appropriate procedures for the appointment of the Chairman of the United States International Trade Commission; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with amendments:

S. 959. A bill to establish a commission to commemorate the 250th anniversary of the birth of Thomas Jefferson.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

David F. Bradford, of New Jersey, to be a member of the Council of Economic Advisors

Paul Wonnacott, of Maryland, to be a member of the Council of Economic Advisors; and

Susan Meredith Phillips, of Iowa, to be a member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1984.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of September 11, September 19, September 22, September 23, September 25, September 31, and October 24, 1991 at the end of the Senate proceedings.)

*Col. Richard C. Cosgrave, ANG, to be brigadier general (reference No. 425).

*Maj. Gen. Carmen J. Cavezza, USA, to be lieutenant general (reference No. 590).

*Maj. Gen. Charles E. Dominy, USA, to be lieutenant general (reference No. 591).

*Maj. Gen. Neal T. Jaco, USA, to be lieutenant general (reference No. 592).

*Lt. Gen. William H. Harrison, USA, to be placed on the retired list in the grade of lieutenant general (reference No. 593).

*Lt. Gen. Calvin A. H. Waller, USA, to be placed on the retired list in the grade of lieutenant general (reference No. 594).

*Brig. Gen. Robert E. Murray, USA, to be Assistant Judge Advocate General and to be major general (reference No. 595).

*In the Army there are 32 appointments to the grade of major general (list begins with David A. Bramlett) (reference No. 596).

*Col. Nancy R. Adams, USA, to be brigadier general (reference No. 597).

*Col. Michael J. Nardotti, Jr., USA, to be brigadier general (reference No. 598).

**Lt. Col. Sidney M. Gutierrez, USAF (astronaut), to be colonel (reference No. 605).

**In the Air Force and Air Force Reserve there are 24 appointments to the grade of colonel and below (list begins with Donald L. Mapes) (reference No. 606).

**In the Air Force there are 3 promotions to the grade of colonel and below (list begins with Bradford L. Riza) (reference No. 607).

**In the Air Force Reserve there are 25 promotions to the grade of lieutenant colonel (list begins with James W. Bailey) (reference No. 608).

**In the Air Force Reserve there are 21 promotions to the grade of lieutenant colonel (list begins with John L. Baker) (reference No. 609).

**In the Air Force there are 12 promotions to the grade of lieutenant colonel and below (list begins with Louis M. Ayers) (reference No. 610).

**In the Army there are 12 promotions to the grade of colonel and below (list begins with William C. Ohl, II) (reference No. 611).

**In the Army Reserve there are 44 promotions to the grade of colonel and below (list begins with Charles W. Andres) (reference No. 612).

**In the Army Reserve there are 13 appointments to the grade of colonel and below (list begins with Robert D. Jordan) (reference No. 613).

**In the Navy there are 2 promotions to the grade of commander (list begins with David M. Harlan) (reference No. 614).

**In the Navy and Naval Reserve there are 31 appointments to the grade of commander and below (list begins with Matthew A. Lisowski) (reference No. 615).

**In the Air Force there are 245 appointments to the grade of second lieutenant (list begins with Andrew J. Adams) (reference No. 616).

**In the Air Force there are 3,656 promotions to the grade of major (list begins with Gary J. Abbate) (reference No. 617).

**In the Army there are 102 promotions to the grade of colonel (list begins with Paul D. Amos) (reference No. 618).

**In the Army Reserve there are 305 promotions to the grade of colonel (list begins with Rachel A. Addison) (reference No. 619).

**In the Army Reserve there are 858 promotions to the grade of lieutenant colonel (list begins with Flora T. Abueva) (reference No. 620).

**In the Army there are 547 appointments to the grade of colonel and below (list begins with Curtis T. Anderson, II) (reference No. 621).

**In the Marine Corps there are 231 appointments to the grade of major and below

(list begins with Scott W. Evans) (reference No. 622).

**In the Navy there are 840 appointments to the grade of commander and below (list begins with Randall Scott Butler) (reference No. 623).

**In the Marine Corps there are 23 appointments to the grade of second lieutenant (list begins with William B. Bohn) (reference No. 649).

**In the Air Force Reserve there are 902 promotions to the grade of lieutenant colonel (list begins with David J. Agema) (reference No. 650).

**In the Army Reserve there are 32 appointments to the grade of major general and below (list begins with Richard B. Burleson) (reference No. 658).

**In the Army Reserve there are 49 promotions to the grade of colonel and below (list begins with Mark D. Ahner) (reference No. 660).

*Lt. Gen. Charles B. Eichelberger, USA, to be placed on the retired list in the grade of lieutenant general (reference No. 676).

*Lt. Gen. Ellis D. Parker, USA, to be placed on the retired list in the grade of lieutenant general (reference No. 677).

*In the Army there are 2 appointments to the grade of brigadier general (list begins with James J. James) (reference No. 678).

*Gen. William G.T. Tuttle, Jr., USA, to be placed on the retired list in the grade of general (reference No. 694).

*Lt. Gen. Jimmy D. Ross, USA, to be general (reference No. 695).

*Lt. Gen. Marvin D. Brailsford, USA, to be placed on the retired list in the grade of lieutenant general (reference No. 696).

*Lt. Gen. William G. Pagonis, USA, for reappointment to the grade of lieutenant general (reference No. 697).

*Lt. Gen. Leon E. Salomon, USA, for reappointment to the grade of lieutenant general (reference No. 698).

*Maj. Gen. Ira C. Owens, USA, to be lieutenant general (reference No. 699).

*Maj. Gen. Samuel N. Wakefield, USA, to be lieutenant general (reference No. 700).

*Vice Adm. Jeremy M. Boorda, USN, to be admiral (reference No. 718).

*Rear Adm. (lower half) Ronald J. Zlatoper, USN, to be Chief of Naval Personnel and to be vice admiral (reference No. 719).

**In the Marine Corps there are 2 appointments to the grade of lieutenant colonel (list begins with Laurence Farnen, Jr.) (reference No. 720).

**In the Navy and Naval Reserve there are 21 appointments to the grade of commander and below (list begins with Hugh L. Middleton) (reference No. 721).

**In the Air Force Reserve there are 26 promotions to the grade of lieutenant colonel (list begins with Stephen J. Bittner) (reference No. 731).

**In the Navy there is 1 promotion to the grade of captain (Astronaut Michael Allen Baker) (reference No. 732).

**In the Army there are 1,119 promotions to the grade of lieutenant colonel (list begins with Johnny R. Abbott) (reference No. 733).

Total: 9,201.

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. KASTEN (for himself, Mr. WALLOP, Mr. MACK, Mr. LOTT, Mr. NICKLES, Mr. SYMMS, Mr. SMITH, Mr. BURNS, and Mr. COATS):

S. 1920. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable tax credit for children, to provide tax incentives for economic growth, and for other purposes; to the Committee on Finance.

By Mr. BENTSEN (for himself, Mr. ROTH, Ms. MIKULSKI, Mr. BREAUX, Mr. BOREN, Mr. LIEBERMAN, Mr. PRYOR, Mr. DECONCINI, Mr. DASCHLE, Mr. DODD, Mr. INOUYE, Mr. BAUCUS, Mr. SYMMS, Mr. JOHNSTON, Mr. AKAKA, Mr. BURDICK, Mr. FORD, and Mr. ADAMS):

S. 1921. A bill to amend the Internal Revenue Code of 1986 to allow a $300 tax credit for children, to expand the use of individual retirement accounts, and for other purposes; to the Committee on Finance.

By Mr. HOLLINGS:

S. 1922. A bill to establish the position of Assistant Secretary of Commerce and Chief Economist; to the Committee on Commerce, Science, and Transportation.

By Mr. MACK:

S. 1923. A bill to extend the existing suspension of duty on chemical light activator blend; to the Committee on Finance.

By Mr. LOTT:

S. 1924. A bill to amend the Internal Revenue Code of 1986 to provide for individuals a capital gains preference based on the period the asset is held and to allow individuals to exclude certain amounts of interest from gross income; to the Committee on Finance.

By Mr. HOLLINGS:

S. 1925. A bill to remove a restriction from a parcel of land owned by the City of North Charleston, South Carolina, in order to permit a land exchange, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EXON:

S. 1926. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income of proceeds from United States savings bonds which are used to pay higher education expenses; to the Committee on Finance.

By Mr. FOWLER (for himself, Mr. HOLLINGS, Mr. LAUTENBERG, Mr. LEAHY, Mr. SASSER, Mr. DODD, Mr. ADAMS, Mr. AKAKA, Mr. NUNN, Mr. BRADLEY, Mr. BUMPERS, Mr. LEVIN, Mr. SANFORD, Mr. SIMON, Mr. ROBB, Mr. HEFLIN, Mr. GARN, Mr. SEYMOUR, Mr. SIMPSON, Mr. WARNER, Mr. DURENBERGER, Mr. CRANSTON, Mr. SPECTER, Mr. SYMMS, Mr. CHAFEE, Mr. ROTH, Mr. BROWN and Mr. DIXON):

S.J. Res. 225. Joint resolution to designate February 3, 1992, through February 9, 1992, as "National Police Officer and Firefighter Recognition Week"; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. REID):

S.J. Res. 226. Joint resolution designating the week of January 4, 1992, through January 10, 1992, as "Braille Literacy Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KASTEN (for himself, Mr. WALLOP, Mr. MACK, Mr. LOTT, Mr. NICKLES, Mr. SYMMS, Mr. SMITH, Mr. BURNS, and Mr. COATS):

S. 1920. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable tax credit for children, to provide tax incentives for economic growth, and for other purposes; to the Committee on Finance.

ECONOMIC GROWTH AND FAMILY TAX FREEDOM ACT OF 1991

Mr. KASTEN. Mr. President, there is now a consensus in Washington that tax cuts are necessary in order to both promote economic growth and provide tax relief to working families. Regrettably, none of the current tax cut proposals would achieve both of these objectives.

Senator LLOYD BENTSEN'S plan to restore individual retirement account tax deductions and create child care tax credits won't do much to reignite incentives for growth. And Senator PHIL GRAMM and Representative NEWT GINGRICH'S proposal provides incentives for economic growth, but fails to relieve the overtaxation of families.

Getting the economy moving again ought to be our top priority. Last year's increase in Federal income tax rates and spending contributed to the current recession which has cost 1.5 million jobs relative to the prior peak employment level.

If this slow growth continues, our economy faces a serious growth deficit. America's post-World War II trend is 3 percent GNP growth per year—when we fall below that, it means lost jobs, lost output and lost family income. For example, if the economy grows at the Office of Management and Budget's [OMB] projected 2.5 percent per year, it will mean 9 million fewer jobs by 1996, relative to normal growth.

For a long time, it has been the goal of both Democrats and Republicans to maintain economic growth and full employment. Statesmen as diverse as Calvin Coolidge, John F. Kennedy, and Ronald Reagan have achieved this through across-the-board tax cuts.

I think it's time for us to do this again. To continue to play by the rules of the 1990 budget summit agreement and Congress' flawed economic models simply weakens our efforts to promote economic recovery and family tax relief.

The budget deal has been an economic disaster. Thanks to the damaging impact of tax increases on economic growth, estimated tax revenues are lower—not higher—by some $130 billion over the next 5 years. Budget deficits are bigger—not smaller—doubling from an estimated 5 year cumulative deficit of $527 billion to over $1 trillion.

We must abandon the budget deal. Budget deficits are bad—but deficits in growth, employment, and family income are worse. The budget deal simply locks in higher spending and higher taxes and locks out initiatives to spur the economy. It is time for a new strategy.

There are thousands of unemployed workers in Wisconsin and millions

across this country who simply cannot wait another 6 months before Congress passes a growth package. They need growth incentives now—and more importantly, growth incentives that will work.

We should marry the best components of the Bentsen and Gramm-Gingrich plans—and take them a step further. The key to long-term growth is not simply putting more money in people's pockets, even though that is important. The key is to reignite the incentives to work, save, invest, and take risks.

Today, Representative VIN WEBER of Minnesota and I are introducing the Economic Growth and Family Tax Freedom Act of 1991 which builds on the successful approach of Coolidge, JFK, and Reagan in the following way:

First, it creates a new tax credit for dependent children. Expanding on the Bentsen plan, we provide a $300 nonrefundable tax credit for each child aged 6 to 8—and a $1,000 credit for each child under 6 years of age. The credit can be used to reduce both income and payroll taxes. It is preferable to the Bentsen credit which can only be used to reduce the income tax burden. The new tax credit would replace the current dependent care tax credits, which are available only to parents using paid daycare.

For too long, the Federal Tax Code has been biased against working families with children. Forty years ago, the typical American family of four had three-quarters of its income shielded from Federal income tax. Today, the same family has only one-quarter of its income shielded. Working families with young children are the most financially squeezed, and therefore, deserve more relief.

The strength of America's economy depends on the strength of America's families. Our Nation's productive capacity depends not only on the quantity of our physical capital but the quality of our human capital. The most important habits formed by young people have taken root not in school or on the street, but at home with mom and dad. That is why it is essential that we make families stronger by increasing their earning power. If we let families keep their resources to save and invest in their children through these new tax credits, we will set a solid foundation for long-term economic growth.

Second, our legislation cuts the capital gains tax to 15 percent for all taxpayers, and indexes it for inflation. This approach would not only spark new investment in small businesses, real estate, and other capital assets, but also eliminate the unfair taxation of phantom gains due to inflation. In addition, we call for the elimination of the capital gains tax on the sale of principal residences.

Third, it provides businesses with a new system of tax depreciation which effectively accelerates writeoffs for plant and equipment expenditures. A neutral cost recovery system would provide an equivalent economic stimulus of an immediate $90 billion tax cut for businesses that invest and modernize.

Fourth, it provides passive loss relief for real estate investors. This would correct the mistake made in the 1986 Tax Reform Act that denies real estate entrepreneurs the ability to deduct their losses from their income. The passive loss restrictions and the elimination of the capital gains differential are two primary reasons real estate values declined and contributed to the S&L mess.

Combined with the expanded IRA provisions that would allow penalty-free withdrawals of up to 25 percent from IRA's for first-time home purchases, college tuition, and emergency medical expenses in the Gramm-Gingrich bill, and stronger tax incentives for President Bush's proposed Federal enterprise zone legislation, this package of tax cuts provides dramatic incentives for economic growth, and significant tax relief for America's families.

According to former Treasury Department economist Gary Robbins, the Kasten-Weber tax incentive plan will create 1.4 million new jobs over the next 5 years.

These tax cuts would be financed by the revenues generated by the economic growth stimulus and the budgetary savings from a lower U.S. defense profile.

According to the Congressional Budget Office's economic rules of thumb, if this plan raises the level of growth 1 percentage point higher than forecast, the cumulative deficit reduction would be $250 billion by 1996—more than enough to finance the entire static revenue cost of the tax cuts.

We should also consider various options to limit the annual growth rate of Government spending to 4 percent, which would produce an additional $243 billion in deficit reduction over 5 years.

The argument that tax cuts will raise inflation and long-term interest rates is simply wrong. This is the same argument used by critics of the 1981 Reagan-Bush tax cuts. What actually happened? In the 1980's both interest rates and inflation rates plunged as the economy expanded. In fact, tax incentives that promote private savings and investment may actually reduce long-term market and inflation-adjusted interest rates.

The only way to reduce the Federal budget deficit is to put a lid on Federal spending growth and expand the size of the economy. I highly recommend to the Senate an analysis of the budgetary impact of my legislation by Lawrence A. Hunter, chief economist of the U.S. Chamber of Commerce entitled "Restoring Lost Economic Growth Potential, and Paying For It." I ask unanimous consent that Mr. Hunter's report be printed in the RECORD following my remarks:

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

(See exhibit 1.)

Mr. KASTEN. Mr. President, the Kasten-Weber tax incentive plan is the only plan that has significant grassroots support from small business, taxpayer, seniors, and profamily organizations. Our legislation has been endorsed by the following organizations: American Conservative Union, Americans for Tax Reform, American Legislative Exchange Council, American Small Business Association, Citizens Against a National Sales tax/VAT, Citizens Against Government Waste, Citizens for a Sound Economy, Concerned Women of America, Consumer Alert Advocate, Eagle Forum, Family Research Council, National Association of Homebuilders, National Small Business United, Seniors Coalition, Traditional Values Coalition, U.S. Business and Industrial Council, and U.S. Chamber of Commerce.

Mr. President, we have to extend progrowth tax relief to all income classes and all taxpayers. A temporary, watered down tax cutting package would be worse than doing nothing, because it would not spark the economy—and its subsequent failure would be used to discredit the genuine growth solutions that would actually work.

Wisconsin's families are concerned about high taxes, concerned about jobs, concerned about the value of their homes, and concerned about putting their kids through college. I share these concerns—and I have a plan to do something about them.

This economic crisis is a true watershed moment.

We can remain green-eyeshade budget accountants, or we can give the sluggish American economy what it really needs—a strong economic growth and family tax relief package that will unleash entrepreneurial capitalism, higher living standards, and newer and better jobs for millions of Americans.

I ask unanimous consent that the entire text of the Economic Growth and Family Tax Freedom Act of 1991 be printed in the RECORD along with the accompanying materials:

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

S. 1920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Economic Growth and Family Tax Freedom Act of 1991".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in

this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—NONREFUNDABLE TAX CREDIT FOR CHILDREN

Sec. 101. Nonrefundable tax credit for children.

TITLE II—REDUCING THE COST OF CAPITAL BY REDUCING CAPITAL GAINS TAX RATES, INDEXING THE BASIS OF CERTAIN ASSETS, AND EXCLUDING GAIN FROM SALES OF PRINCIPAL RESIDENCES

Sec. 201. Reduction in individual capital gains rate.
Sec. 202. Reduction in corporate capital gains rate.
Sec. 203. Reduction of minimum tax rate on capital gains.
Sec. 204. Indexing of certain assets for purposes of determining gain or loss.
Sec. 205. Indexing of limitation on capital losses of individuals.
Sec. 206. Exclusion of gain from sale of principal residence.
Sec. 207. Effective dates.

TITLE III—ADJUSTING DEPRECIATION RATES TO REFLECT INFLATION

Sec. 301. Depreciation adjustment for certain property placed in service in taxable years beginning after December 31, 1991.
Sec. 302. Phase-in of expensing for property placed in service in taxable years beginning after December 31, 1996.

TITLE IV—SAVINGS INCENTIVES

Sec. 401. Establishment of individual retirement plus accounts.
Sec. 402. Penalty-free IRA plus withdrawal for home purchase, higher education, and health costs.

TITLE V—TREATMENT OF PASSIVE LOSSES

Sec. 501. Treatment of certain real estate activities under limitations on losses from passive activities.

TITLE VI—ENTERPRISE ZONES

Sec. 600. Purpose.

Subtitle A—Designation of Enterprise Zones

Sec. 601. Designation of zones.
Sec. 602. Reporting requirements.
Sec. 603. Interaction with other Federal programs.

Subtitle B—Federal Income Tax Incentives

Sec. 611. Definitions and regulations; employee credit; capital gain exclusion; stock expensing.
Sec. 612. Alternative minimum tax.
Sec. 613. Adjusted gross income defined.
Sec. 614. Effective date.

Subtitle C—Regulatory Flexibility

Sec. 621. Definition of small entities in enterprise zone for purposes of analysis of regulatory functions.
Sec. 622. Waiver or modification of agency rules in enterprise zones.
Sec. 623. Federal agency support of enterprise zones.

Subtitle D—Establishment of Foreign-Trade Zones in Enterprise Zones

Sec. 631. Foreign-trade zone preferences.

Subtitle E—Repeal of Title VII of the Housing and Community Development Act of 1987

Sec. 641. Repeal.

TITLE I—NONREFUNDABLE TAX CREDIT FOR CHILDREN

SEC. 101. NONREFUNDABLE TAX CREDIT FOR CHILDREN.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by inserting after section 29 the following new section:

"SEC. 30. CREDIT FOR CHILDREN.

"(a) GENERAL RULE.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this chapter and chapter 21 for the taxable year an amount equal to the sum of—

"(1) $1,000 multiplied by the number of qualifying children of the taxpayer who have not attained the age of 6 as of the close of the calendar year in which the taxable year of the taxpayer begins, and

"(2) $300 multiplied by the number of qualifying children of the taxable year who have attained the age of 6 but have not attained the age of 19 as of the close of such calendar year.

"(b) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed by subsection (a) for a taxable year shall not exceed the excess (if any) of—

"(1) the sum of the regular tax (reduced by the sum of the credits allowable under subpart A and section 32) and the tax imposed by chapter 21, over

"(2) the tentative minimum tax,

for the taxable year.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' has the meaning given to such term by section 32(c)(1) (determined without regard to subparagraph (B) thereof).

"(2) QUALIFYING CHILD.—The term 'qualifying child' has the meaning given to such term by section 32(c)(3) (determined without regard to subparagraphs (C) and (E) thereof).

"(3) CERTAIN OTHER RULES APPLY.—Subsections (d) and (e) of section 32 shall apply."

(b) DEPENDENT CARE CREDIT NOT AVAILABLE FOR CHILDREN UNDER AGE 6.—Subparagraph (A) of section 21(b)(1) (defining qualifying individual) is amended by inserting "(other than an individual described in section 30(a)(1))" after "taxpayer".

(c) CONFORMING AMENDMENT.—The table of sections for such subpart B is amended by inserting after the item relating to section 25 the following new item:

"Sec. 30. Credit for children."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

TITLE II—REDUCING THE COST OF CAPITAL BY REDUCING CAPITAL GAINS TAX RATES, INDEXING THE BASIS OF CERTAIN ASSETS, AND EXCLUDING GAIN FROM SALES OF PRINCIPAL RESIDENCES

SEC. 201. REDUCTION IN INDIVIDUAL CAPITAL GAINS RATE.

(a) GENERAL RULE.—Subsection (h) of section 1 (relating to maximum capital gains rate) is amended to read as follows:

"(h) MAXIMUM CAPITAL GAINS RATE.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the taxable income reduced by the net capital gain, plus

"(B) a tax equal to the sum of—

"(i) 7.5 percent of so much of the net capital gain as does not exceed—

"(I) the maximum amount of taxable income to which the 15-percent rate applies under the table applicable to the taxpayer, reduced by

"(II) the taxable income to which subparagraph (A) applies, plus

"(ii) 15 percent of the net capital gain in excess of the net capital gain to which clause (i) applies."

(b) PHASEOUT OF PERSONAL EXEMPTIONS AND LIMITATION ON DEDUCTION OF ITEMIZED DEDUCTIONS NOT TO RESULT FROM NET CAPITAL GAIN.—

(1)(A) Subparagraphs (A) and (B) of section 151(d)(3) (relating to phaseout of exemption amount) are each amended by inserting "modified" before "adjusted gross income".

(B) Paragraph (3) of section 151(d) of such Code is amended by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (C) the following new subparagraph:

"(D) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means adjusted gross income reduced by net capital gain."

(2) Subsection (a) of section 68 (relating to overall limitation on itemized deductions) is amended by inserting "(reduced by net capital gain (determined in accordance with the last sentence of section 151(d)(3)(D)))" after "adjusted gross income".

(c) TECHNICAL AMENDMENTS.—

(1) Paragraph (1) of section 170(e) is amended by striking "the amount of gain" in the material following subparagraph (B)(ii) and inserting "13/28 (19/34 in the case of a corporation) of the amount of gain".

(2)(A) The second sentence of section 7518(g)(6)(A) is amended by striking "28 percent (34 percent in the case of a corporation)" and inserting "15 percent".

(B) The second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936, is amended by striking "28 percent (34 percent in the case of a corporation)" and inserting "15 percent".

SEC. 202. REDUCTION IN CORPORATE CAPITAL GAINS RATE.

(a) GENERAL RULE.—Section 1201 (relating to alternative tax for corporations) is amended by redesignating subsection (b) as subsection (c), and by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—If for any taxable year a corporation has a net capital gain, then, in lieu of the tax imposed by sections 11, 511, or 831(a) (whichever applies), there is hereby imposed a tax (if such tax is less than the tax imposed by such section) which shall consist of the sum of—

"(1) a tax computed on the taxable income reduced by the net capital gain, at the same rates and in the same manner as if this subsection had not been enacted, plus

"(2) a tax of 15 percent of the net capital gain.

"(b) TRANSITIONAL RULE.—In the case of a taxable year which includes December 31, 1991, the amount of the net capital gain for purposes of subsection (a) shall not exceed the net capital gain determined by only taking into account gains and losses properly taken into account for the portion of the taxable year on or after such date."

(b) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 852(b)(3)(D) is amended by striking "66 percent" and inserting "85 percent".

(2) Paragraphs (1) and (2) of section 1445(e) are each amended by striking "34 percent" and inserting "15 percent".

SEC. 203. REDUCTION OF MINIMUM TAX RATE ON CAPITAL GAINS.

Subparagraph (A) of section 55(b)(1) (relating to tentative minimum tax) is amended to read as follows:

"(A) the sum of—

"(i) 15 percent of the lesser of—

"(I) the net capital gain (determined with the adjustments provided in this part and (to the extent applicable) the limitations of sections 1(h)(2) and 1201(b)), or

"(II) so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount, plus

"(ii) 20 percent (24 percent in the case of a taxpayer other than a corporation) of the amount (if any) by which the excess referred to in clause (i)(II) exceeds the net capital gain (as so determined), reduced by".

SEC. 204. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

(a) IN GENERAL.—Part II of subchapter O of chapter 1 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

"(a) GENERAL RULE.—

"(1) INDEXED BASIS SUBSTITUTED FOR ADJUSTED BASIS.—Except as provided in paragraph (2), if an indexed asset which has been held for more than 1 year is sold or otherwise disposed of, for purposes of this title the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) EXCEPTION FOR DEPRECIATION, ETC.—The deduction for depreciation, depletion, and amortization shall be determined without regard to the application of paragraph (1) to the taxpayer or any other person.

"(b) INDEXED ASSET.—

"(1) IN GENERAL.—For purposes of this section, the term 'indexed asset' means—

"(A) stock in a corporation, and

"(B) tangible property (or any interest therein), which is a capital asset of property used in the trade or business (as defined in section 1231(b)).

"(2) CERTAIN PROPERTY EXCLUDED.—For purposes of this section, the term 'indexed asset' does not include—

"(A) CREDITOR'S INTEREST.—Any interest in property which is in the nature of a creditor's interest.

"(B) OPTIONS.—Any option or other right to acquire an interest in property.

"(C) NET LEASE PROPERTY.—In the case of a lessor, net lease property (within the meaning of subsection (h)(1)).

"(D) CERTAIN PREFERRED STOCK.—Stock which is fixed and preferred as to dividends and does not participate in corporate growth to any significant extent.

"(E) STOCK IN CERTAIN CORPORATIONS.—Stock in—

"(i) an S corporation (within the meaning of section 1361),

"(ii) a personal holding company (as defined in section 542), and

"(iii) a foreign corporation.

"(3) EXCEPTION FOR STOCK IN FOREIGN CORPORATION WHICH IS REGULARLY TRADED ON NATIONAL OR REGIONAL EXCHANGE.—Clause (iii) of paragraph (2)(E) shall not apply to stock in a foreign corporation the stock of which is listed on the New York Stock Exchange, the American Stock Exchange, or any domestic regional exchange for which quotations are published on a regular basis other than—

"(A) stock of a foreign investment company (within the meaning of section 1246(b)), and

"(B) stock in a foreign corporation held by a United States person who meets the requirements of section 1248(a)(2).

"(c) INDEXED BASIS.—For purposes of this section—

"(1) INDEXED BASIS.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, multiplied by

"(B) the applicable inflation ratio.

"(2) APPLICABLE INFLATION RATIO.—The applicable inflation ratio for any asset is the percentage arrived at by dividing—

"(A) the gross national product deflator for the calendar quarter in which the disposition takes place, by

"(B) the gross national product deflator for the calendar quarter in which the asset was acquired by the taxpayer (or, if later, the calendar quarter ending December 31, 1991).

The applicable inflation ratio shall not be taken into account unless it is greater than 1. The applicable inflation ratio for any asset shall be rounded to the nearest one-tenth of 1 percent.

"(3) GROSS NATIONAL PRODUCT DEFLATOR.—The gross national product deflator for any calendar quarter is the implicit price deflator for the gross national product for such quarter (as shown in the first revision thereof).

"(4) SECRETARY TO PUBLISH TABLES.—The Secretary shall publish tables specifying the applicable inflation ratios for each calendar quarter.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) TREATMENT AS SEPARATE ASSET.—In the case of any asset, the following shall be treated as a separate asset:

"(A) a substantial improvement to property,

"(B) in the case of stock of a corporation, a substantial contribution to capital, and

"(C) any other portion of an asset to the extent that separate treatment of such portion is appropriate to carry out the purposes of this section.

"(2) ASSETS WHICH ARE NOT INDEXED ASSETS THROUGHOUT HOLDING PERIOD.—

"(A) IN GENERAL.—The applicable inflation ratio shall be appropriately reduced for calendar months at any time during which the asset was not an indexed asset.

"(B) CERTAIN SHORT SALES.—For purposes of applying subparagraph (A), an asset shall be treated as not an indexed asset for any short sale period during which the taxpayer or the taxpayer's spouse sells short property substantially identical to the asset. For purposes of the preceding sentence, the short sale period begins on the day after the substantially identical property is sold and ends on the closing date for the sale.

"(3) TREATMENT OF CERTAIN DISTRIBUTIONS.—A distribution with respect to stock in a corporation which is not a dividend shall be treated as a disposition.

"(4) SECTION CANNOT INCREASE ORDINARY LOSS.—To the extent that (but for this paragraph) this section would create or increase a net ordinary loss to which section 1231(a)(2) applies or an ordinary loss to which any other provision of this title applies, such provision shall not apply. The taxpayer shall be treated as having a long-term capital loss in an amount equal to the amount of the ordinary loss to which the preceding sentence applies.

"(5) ACQUISITION DATE WHERE THERE HAS BEEN PRIOR APPLICATION OF SUBSECTION (A)(1) WITH RESPECT TO THE TAXPAYER.—If there has been a prior application of subsection (a)(1) to an asset while such asset was held by the taxpayer, the date of acquisition of such asset by the taxpayer shall be treated as not earlier than the date of the most recent such prior application.

"(6) COLLAPSIBLE CORPORATIONS.—The application of section 341(a) (relating to collapsible corporations) shall be determined without regard to this section.

"(e) CERTAIN CONDUIT ENTITIES.—

"(1) REGULATED INVESTMENT COMPANIES; REAL ESTATE INVESTMENT TRUSTS; COMMON TRUST FUNDS.—

"(A) IN GENERAL.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) RATIO OF 90 PERCENT OR MORE.—If the ratio for any calendar month determined under subparagraph (A) would (but for the subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) RATIO OF 10 PERCENT OR LESS.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) VALUATION OF ASSETS IN CASE OF REAL ESTATE INVESTMENT TRUSTS.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(E) QUALIFIED INVESTMENT ENTITY.—For purposes of this paragraph, the term 'qualified investment entity' means—

"(i) a regulated investment company (within the meaning of section 851),

"(ii) a real estate investment trust (within the meaning of section 856), and

"(iii) a common trust fund (within the meaning of section 584).

"(2) PARTNERSHIPS.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners.

"(3) SUBCHAPTER S CORPORATIONS.—In the case of an electing small business corporation, the adjustment under subsection (a) at the corporate level shall be passed through to the shareholders.

"(f) DISPOSITIONS BETWEEN RELATED PERSONS.—

"(1) IN GENERAL.—This section shall not apply to any sale or other disposition of property between related persons except to the extent that the basis of such property in the hands of the transferee is a substituted basis.

"(2) RELATED PERSONS DEFINED.—For purposes of this section, the term 'related persons' means—

"(A) persons bearing a relationship set forth in section 267(b), and

"(B) persons treated as single employer under subsection (b) or (c) of section 414.

"(g) TRANSFERS TO INCREASE INDEXING ADJUSTMENT OR DEPRECIATION ALLOWANCE.—If any person transfers cash, debt, or any other property to another person and the principal purpose of such transfer is—

"(1) to secure or increase an adjustment under subsection (a), or

"(2) to increase (by reason of an adjustment under subsection (a)) a deduction for depreciation, depletion, or amortization,

the Secretary may disallow part or all of such adjustment or increase.

"(h) DEFINITIONS.—For purposes of this section—

"(1) NET LEASE PROPERTY DEFINED.—The term 'net lease property' means leased real property where—

"(A) the term of the lease (taking into account options to renew) was 50 percent or more of the useful life of the property, and

"(B) for the period of the lease, the sum of the deductions with respect to such property which are allowable to the lessor solely by reason of section 162 (other than rents and reimbursed amounts with respect to such property) is 15 percent or less of the rental income produced by such property.

"(2) STOCK INCLUDES INTEREST IN COMMON TRUST FUND.—The term 'stock in a corporation' includes any interest in a common fund (as defined in section 584(a)).

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) CLERICAL AMENDMENT.—This table of sections for part II of subchapter O of such chapter 1 is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of certain assets for purposes of determining gain or loss."

(c) ADJUSTMENT TO APPLY FOR PURPOSES OF DETERMINING EARNINGS AND PROFITS.—Subsection (f) of section 312 (relating to effect on earnings and profits of gain or loss and of receipt of tax-free distributions) is amended by adding at the end thereof the following new paragraph:

"(3) EFFECT ON EARNINGS AND PROFITS OF INDEXED BASIS.—

For substitution of indexed basis for adjusted basis in the case of the disposition of certain assets after December 31, 1991, see section 1022(a)(1)."

SEC. 205. INDEXING OF LIMITATION ON CAPITAL LOSSES OF INDIVIDUALS.

Section 1211 (relating to limitation on capital losses) is amended by adding at the end thereof the following new subsection:

"(c) INDEXATION OF LIMITATION ON NONCORPORATE TAXPAYERS.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1991, the $3,000 and $1,500 amounts under subsection (b)(1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the applicable inflation adjustment for the calendar year in which the taxable year begins.

"(2) APPLICABLE INFLATION ADJUSTMENT.—For purposes of paragraph (1), the applicable inflation adjustment for any calendar year is the percentage (if any) by which—

"(A) the gross national product deflator for the last calendar quarter of the preceding calendar year, exceeds

"(B) the gross national product deflator for the last calendar quarter of 1990.

For purposes of this paragraph, the term 'gross national product deflator' has the meaning given such term by section 1022(c)(3)."

SEC. 206. EXCLUSION OF GAIN FROM SALE OF PRINCIPAL RESIDENCE.

(a) IN GENERAL.—Section 121 (relating to one-time exclusion of gain from sale of principal residence by individual who has attained age 55) is amended to read as follows:

"SEC. 121. EXCLUSION OF GAIN FROM SALE OF PRINCIPAL RESIDENCE.

"(a) GENERAL RULE.—Gross income does not include gain from the sale or exchange of property if such property has been owned and used by the taxpayer as the taxpayer's principal residence.

"(b) SPECIAL RULES.—

"(1) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—For purposes of this section, if the taxpayer holds stock as a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), then the use requirements of subsection (a) shall be applied to the house or apartment which the taxpayer was entitled to occupy as such stockholder.

"(2) INVOLUNTARY CONVERSIONS.—For purposes of this section, the destruction, theft, seizure, requisition, or condemnation of property shall be treated as the sale of such property.

"(3) PROPERTY USED IN PART AS PRINCIPAL RESIDENCE.—In the case of property only a portion of which has been owned and used by the taxpayer as the taxpayer's principal residence, this section shall apply with respect to so much of the gain from sale or exchange of such property as is determined, under regulations prescribed by the Secretary, to be attributable to the portion of the property so owned and used by the taxpayer."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 1033(h) is amended to read as follows:

"(3) For exclusion from gross income of gain from involuntary conversion of principal residence, see section 121."

(2) Subsection (1) of section 1034 is amended to read as follows:

"(1) TERMINATION.—This section shall not apply to any sale or exchange occurring after December 31, 1991, in taxable years ending after such date."

(3) Section 1038 is amended by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(4) Paragraph (7) of section 1250(d) is amended to read as follows:

"(7) DISPOSITION OF PRINCIPAL RESIDENCE.—Subsection (a) shall not apply to a disposition of property to the extent used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121)."

(5) Subsection (c) of section 6012 is amended by striking "one-time exclusion of gain from sale of principal residence by individual who has attained age 55" and inserting "exclusion of gain from sale of principal residence".

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 121 and inserting the following new item:

"Sec. 121. Exclusion of gain from sale of principal residence."

SEC. 207. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall apply to sales or exchanges occurring after December 31, 1991, in taxable years ending after such date.

(b) INDEXING OF LOSS LIMITATION.—The amendments made by section 205 shall apply to taxable years beginning after December 31, 1991.

TITLE III—ADJUSTING DEPRECIATION RATES TO REFLECT INFLATION

SEC. 301. DEPRECIATION ADJUSTMENT FOR CERTAIN PROPERTY PLACED IN SERVICE IN TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1991.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end thereof the following new subsection:

"(j) DEDUCTION ADJUSTMENT TO ALLOW EQUIVALENT OF EXPENSING FOR CERTAIN PROPERTY PLACED IN SERVICE IN TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1991.—

"(1) IN GENERAL.—In the case of tangible property (other than residential rental property and nonresidential real property) placed in service in a taxable year beginning after December 31, 1991, the deduction allowable under this section with respect to such property for any taxable year (after the taxable year during which the property is placed in service) shall be—

"(A) the amount so allowable for such taxable year without regard to this subsection, multiplied by

"(B) the applicable neutral cost recovery adjustment.

"(2) APPLICABLE NEUTRAL COST RECOVERY ADJUSTMENT.—For purposes of paragraph (1), the applicable neutral cost recovery adjustment for any calendar year is the number determined by—

"(A) dividing—

"(i) the gross national product deflator for the calendar quarter of the preceding calendar year which corresponds to the calendar quarter during which the property was placed in service by the taxpayer, by

"(ii) the gross national product deflator for the calendar quarter during which the property was placed in service by the taxpayer, and

"(B) then multiplying the number determined under subparagraph (A) by the number equal to 1.035 to the nth power where 'n' is the number of calendar years after the calendar year in which the property was placed in service by the taxpayer and before the 1st calendar year beginning with or within the taxable year for which the deduction under this subsection is being determined.

"(3) GROSS NATIONAL PRODUCT DEFLATOR.—For purposes of paragraph (2), the term 'gross national product deflator' has the meaning given such term by section 1022(c)(3)."

(b) CORRESPONDING MODIFICATION TO DEPRECIATION SCHEDULES.—Paragraphs (1)(A) and (2) of section 168(b) (relating to applicable depreciation method) are each amended by striking "200 percent" and inserting "125 percent".

(c) AMENDMENTS TO ALTERNATIVE MINIMUM TAXABLE INCOME.—

(1) NO INCREASE DUE TO INDEXING.—Subsections (a)(1)(A)(i) and (g)(4)(A) of section 56 (relating to adjustments in computing alternative minimum taxable income) are each amended by inserting "(as adjusted by section 168(j))" after "section 168(g)" each place it appears.

(2) PHASE-OUT OF ALTERNATIVE MINIMUM TAX DEPRECIATION DEDUCTION.—Section 56 is amended by adding at the end thereof the following new subsection:

"(i) PHASE-IN OF FULL DEPRECIATION DEDUCTION.—

"(1) IN GENERAL.—The depreciation deduction with respect to any property determined under subsections (a)(1) and (g)(4) for each taxable year shall be increased by the applicable percentage of the depreciation differential for such taxable year.

"(2) APPLICABLE PERCENTAGE.—The applicable percentage for any taxable year shall be determined in accordance with the following table:

"In the case of a taxable year which begins: After January 1 of:	And on or before January 1 of:	The applicable percentage is:
1992	1993	20
1993	1994	30
1994	1995	40
1995	1996	50
1996	1997	60
1997	1998	70
1998	1999	80
1999	2000	90
2000		100.

"(3) DEPRECIATION DEDUCTION DIFFERENTIAL.—With respect to any property, the depreciation deduction differential for any taxable year is equal to the excess of—

"(A) the depreciation deduction applicable for purposes of computing the regular tax for such taxable year, over

"(B) the depreciation deduction determined under subsections (a)(1) and (g)(4) for such taxable year."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 302. PHASE-IN OF EXPENSING FOR PROPERTY PLACED IN SERVICE IN TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1996.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end thereof the following new subsection:

"(k) PHASE-IN OF EXPENSING.—

"(1) IN GENERAL.—In the case of tangible property placed in service in a taxable year beginning after December 31, 1996—

"(A) the phase-in deductions with respect to such property shall be allowable under this section for the taxable year in which such property is placed in service, and

"(B) the applicable recovery period with respect to such property shall be reduced by the phase-in number of years.

"(2) PHASE-IN DEDUCTIONS AND YEARS.—For purposes of this subsection—

"(A) IN GENERAL.—The phase-in deductions with respect to any property are the aggregate deductions allowable under this section (determined without regard to this subsection and subsection (j)) for the first phase-in number of years in the applicable recovery period.

"(B) PHASE-IN NUMBER OF YEARS.—The phase-in number of years with respect to any property is the number of calendar years after 1996 and before the calendar year in which the property is placed in service.

"(3) ELECTION.—This subsection shall not apply to any property if the taxpayer elects not to apply this subsection to such property. Such an election, once made, shall be irrevocable."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

TITLE IV—SAVINGS INCENTIVES

SEC. 401. ESTABLISHMENT OF INDIVIDUAL RETIREMENT PLUS ACCOUNTS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after section 408 the following new section:

"408A. INDIVIDUAL RETIREMENT PLUS ACCOUNTS.

"(a) GENERAL RULE.—Except as provided in this section, an individual retirement plus account shall be treated for purposes of this title in the same manner as an individual retirement plan.

"(b) INDIVIDUAL RETIREMENT PLUS ACCOUNT.—For purposes of this title, the term 'individual retirement plus account' means an individual retirement plan which is designated at the time of the establishment of the plan as an individual retirement plus account. Such designation shall be made in such manner as the Secretary may prescribe.

"(c) CONTRIBUTION RULES.—

"(1) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 for a contribution to an individual retirement plus account.

"(2) CONTRIBUTION LIMIT.—

"(A) IN GENERAL.—Except in the case of rollover contributions, the aggregate amount which may be accepted as contributions to an individual retirement plus account shall not be greater than the excess (if any) of—

"(i) the nondeductible limit with respect to the individual for the taxable year under section 408(o) (after application of subparagraph (B)(ii) thereof), over

"(ii) the designated nondeductible contributions made by the individual for such taxable year to 1 or more individual retirement plans.

"(B) $1,000 INCREASE AFTER 1996.—In the case of any taxable year beginning after December 31, 1996, the amount determined under subparagraph (A)(i) (without regard to this subparagraph) shall be increased by $1,000.

"(C) SPECIAL RULE FOR MARRIED INDIVIDUALS.—The nondeductible limits under subparagraph (A) for an individual and for such individual's spouse shall be an amount equal to the excess (if any) of—

"(i) $2,000, over

"(ii) the sum of the amount allowed as a deduction under section 219 for contributions on behalf of such individual or such spouse, plus the amount determined under subparagraph (A)(ii) with respect to each.

In no event shall the sum of such limits exceed an amount equal to the sum of the compensation includible in the individual's and spouse's gross income for the taxable year, reduced by the sum of the amounts determined under clause (ii).

"(3) CONTRIBUTIONS AFTER AGE 70½.—Contributions may be made by an individual to an individual retirement plus account after such individual has attained the age of 70½.

"(4) LIMITATIONS ON ROLLOVER CONTRIBUTIONS.—No rollover contributions may be made to an individual retirement plus account unless such rollover contribution is a contribution of a distribution or payment out of—

"(A) another individual retirement plus account, or

"(B) an individual retirement plan which is not allocable to any amount transferred to such plan which represented any portion of the balance to the credit of an employee in a qualified trust (or any income allocable to such portion).

"(d) DISTRIBUTION RULES.—For purposes of this title—

"(1) IN GENERAL.—Except in the case of a qualified distribution, the rules of paragraphs (1) and (2) of section 408(d) shall apply to any distribution from an individual retirement plus account.

"(2) TREATMENT OF QUALIFIED DISTRIBUTION.—In the case of a qualified distribution from an individual retirement plus account—

"(A) the amount of such distribution shall not be includible in gross income; and

"(B) section 72(t) shall not apply.

"(3) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified distribution' means any distribution—

"(i) made on or after the date on which the individual attains age 59½,

"(ii) made to a beneficiary (or to the estate of an individual) on or after the death of the individual, or

"(iii) attributable to the employee's being disabled (within the meaning of section 72(m)(7)).

"(B) DISTRIBUTIONS WITHIN 5 YEARS.—No distribution shall be treated as a qualified distribution if—

"(i) it is made within the 5-taxable year period beginning with the 1st taxable year in which the individual made a contribution to an individual retirement plus account, or

"(ii) in the case of a distribution properly allocable to a rollover contribution (or income allocable thereto), it is made within 5 years of the date on which such rollover contribution was made.

"(4) SPECIAL RULES RELATING TO ROLLOVERS FROM REGULAR INDIVIDUAL RETIREMENT ACCOUNTS.—

"(A) IN GENERAL.—Except as provided in this paragraph, any amount paid or distributed out of an individual retirement plan on or before the earlier of—

"(i) the date on which the individual attains age 55, or

"(ii) June 30, 1993,

shall not be included in gross income (and section 72(t) shall not apply to such amount) if the individual receiving such amount transfers, within 60 days of receipt, the entire amount received to an individual retirement plus account.

"(B) TREATMENT OF TAX-FAVORED AMOUNTS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), there shall be included in gross income (but section 72(t) shall not apply to) the portion of any amount transferred which bears the same ratio to such amount as—

"(I) the aggregate amount of contributions to individual retirement plans with respect to which a deduction was allowable under section 219, bears to

"(II) the aggregate balance of such plans.

"(ii) TIME FOR INCLUSION.—Any amount described in clause (i) shall be included in gross income ratably over the 4-taxable year period beginning with the taxable year in which the amount was paid or distributed out of the individual retirement plan.

"(e) ROLLOVER CONTRIBUTIONS.—For purposes of this section, the term 'rollover contributions' means contributions described in sections 402(a)(5), 402(a)(7), 403(a)(4), 403(b)(8), and 408(d)(3).

"(f) DETERMINATIONS.—For purposes of this section, any determinations with respect to aggregate contributions to, or the balance of, individual retirement plus accounts shall be made as of the close of the calendar year preceding the calendar year in which the taxable year begins."

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 408 the following new item:

"Sec. 408A. Individual retirement plus accounts."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 402. PENALTY-FREE IRA PLUS WITHDRAWAL FOR HOME PURCHASE, HIGHER EDUCATION, AND HEALTH COSTS.

(a) GENERAL RULE.—Subparagraph (A) of section 408A(d)(3) (as added by section 401) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end thereof the following new clause:

"(iv) which is a qualified special purpose distribution (within the meaning of subsection (e)).

(b) QUALIFIED SPECIAL PURPOSE DISTRIBUTION DEFINED.—Section 408A (as so added) is amended by redesignating subsections (e) and (f) as (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(e) QUALIFIED SPECIAL PURPOSE DISTRIBUTION FROM IRA PLUS ACCOUNTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified special purpose distribution' means—

"(A) a qualified first-time homebuyer distribution, or

"(B) an applicable medical or educational distribution.

"(2) 25 PERCENT ACCOUNT LIMIT.—

"(A) IN GENERAL.—A distribution shall not be treated as a qualified special purpose distribution to the extent it exceeds the amount (if any) by which—

"(i) 25 percent of the sum of—

"(I) the aggregate balance of individual retirement plus accounts established on behalf of an individual, plus

"(II) the aggregate amounts previously treated as qualified special purpose distributions, exceeds

"(ii) the amount determined under clause (i)(II).

"(B) LIMITATION NOT TO APPLY FOR PURPOSES OF SECTION 72(t).—Section 72(t) shall not apply to any distribution which would be a qualified distribution but for the limitations of subparagraph (A).

"(3) DISTRIBUTIONS FROM IRA PLUS ACCOUNTS USED TO PURCHASE A HOME BY FIRST-TIME HOMEBUYER.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by a first-time homebuyer (or by a parent or grandparent of a first-time homebuyer) from an individual retirement plan to the extent such payment or distribution is used by the individual receiving the payment or distribution before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence for such first-time homebuyer.

"(B) BASIS REDUCTION.—The basis of any principal residence described in subparagraph (A) shall be reduced by any amount excluded from the gross income of such first-time homebuyer (or parent or grandparent thereof) by reason of this section.

"(C) RECOGNITION OF GAIN AS ORDINARY INCOME.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, except as provided in clause (ii)—

"(I) gain (if any) on the sale or exchange of a principal residence to which subparagraph (A) applies shall, to the extent of the amount excluded from gross income under this section, be treated as ordinary income by such individual, and

"(II) section 72(t) shall apply to such amount.

"(ii) EXCEPTION.—Clause (i) shall not apply to any taxable year to the extent of any amount which, before the due date (without extensions) for filing the return for such year, the taxpayer contributes to an individual retirement plus account. Such amount shall not be taken into account for purposes of any provision of this title relating to excess contributions.

"(iii) COORDINATION WITH OTHER PROVISIONS.—In the event all or part of the gain referred to in clause (i) is treated as ordinary income under any other provision of this subtitle, such provision shall be applied before clause (i).

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If—

"(i) any amount is paid or distributed from an individual retirement plus account to an individual for purposes of being used as provided in subparagraph (A), and

"(ii) by reason of a delay in the acquisition of the residence, such amount cannot be so used,

the amount so paid or distributed may be paid into an individual retirement plus account as provided in section 408(d)(3)(A)(i) without regard to section 408(d)(3)(B), and, if so paid into such other plan, such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

"(E) DEFINITIONS.—For purposes of this paragraph—

"(i) QUALIFIED ACQUISITION COSTS.—The term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(ii) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this paragraph applies.

"(iii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

"(iv) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(4) APPLICABLE MEDICAL DISTRIBUTIONS FROM IRA PLUS ACCOUNTS.—For purposes of paragraph (1), the term 'applicable medical distributions' means any distributions made to an individual (not otherwise taken into account under this subsection) to the extent such distributions do not exceed the amount allowable as a deduction under section 213 for amounts paid during the taxable year for medical care (without regard to whether the individual itemized deductions for the taxable year). For purposes of determining the amount so allowable, any child or grandchild of the taxpayer shall be treated as a dependent of the taxpayer.

"(5) DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLUS ACCOUNTS FOR EDUCATIONAL EXPENSES.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'applicable educational distributions' means distributions to an individual to the extent that the amount of such distributions (not otherwise treated as qualified special purpose distributions, determined after application of paragraph (4)) does not exceed the qualified higher education expenses of the individual for the taxable year.

"(B) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(I) the taxpayer,

"(II) the taxpayer's spouse, or

"(III) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,

at an eligible educational institution (as defined in section 135(c)(3)).

"(ii) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

TITLE V—TREATMENT OF PASSIVE LOSSES

SEC. 501. TREATMENT OF CERTAIN REAL ESTATE ACTIVITIES UNDER LIMITATIONS ON LOSSES FROM PASSIVE ACTIVITIES.

(a) IN GENERAL.—Subsection (c) of section 469 (relating to passive activity losses and credits limited) is amended by adding at the end the following new paragraphs:

"(7) TAXPAYERS ENGAGED IN THE REAL PROPERTY BUSINESS.—In the case of a taxpayer engaged in the real property business, the determination of what constitutes an activity and whether an activity is a passive activity shall be made by treating the taxpayer's rental real property operations, undertakings, and activities in the same manner as nonrental trade or business operations, undertakings, and activities.

"(8) INDIVIDUALS ENGAGED IN THE REAL PROPERTY BUSINESS.—For purposes of paragraph (7), an individual is engaged in the real property business if—

"(A) such individual spends at least 50 percent of such individual's working time in real property operations; and

"(B) such individual spends more than 500 hours during the taxable year in real property operations.

"(9) REAL PROPERTY OPERATIONS.—For purposes of paragraph (8), the term 'real property operations' means any real property development, redevelopment, construction, reconstruction, acquisition, conversion, rental, operation, management, leasing, brokerage, appraisal, and finance operations.

"(10) WORKING TIME.—For purposes of paragraph (8), the term 'working time' means any time spent as an employee, sole proprietor, S corporation shareholder, partner in a partnership, or beneficiary of a trust or estate.

"(11) CLOSELY HELD C CORPORATIONS ENGAGED IN THE REAL PROPERTY BUSINESS.—For purposes of paragraph (7), a closely held C corporation is engaged in the real property business if—

"(A) 1 or more shareholders owning stock representing more than 50 percent (by value) of the outstanding stock of such corporation materially participate in the aggregate real property activities of such corporation; or

"(B) such corporation meets the requirements of section 465(c)(7)(C) (without regard to clause (iv)) with respect to the aggregate real property activities of such corporation."

(b) PASSIVE ACTIVITY INCLUDES CERTAIN RENTAL ACTIVITIES.—

(1) IN GENERAL.—Paragraph (2) of section 469(c) is amended to read as follows:

"(2) PASSIVE ACTIVITY INCLUDES CERTAIN RENTAL ACTIVITIES.—Except for rental activities treated in the same manner as nonrental trade or business activities pursuant to paragraph (7), each rental activity is a passive activity without regard to whether or not the taxpayer materially participates in the rental activity."

(2) CONFORMING AMENDMENT.—Paragraph (4) of such section 469(c) is amended to read as follows:

"(4) MATERIAL PARTICIPATION NOT REQUIRED FOR PARAGRAPH (3).—Paragraph (3) shall be applied without regard to whether or not the taxpayer materially participates in the activity."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

TITLE VI—ENTERPRISE ZONES

SEC. 600. PURPOSE.

It is the purpose of this title to provide for the establishment of enterprise zones in order to stimulate entrepreneurship, particularly by zone residents, the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote revitalization of economically distressed areas primarily by providing or encouraging—

(1) tax relief at the Federal, State, and local levels;

(2) regulatory relief at the Federal, State, and local levels; and

(3) improved local services and an increase in the economic stake of enterprise zone residents in their own community and its development, particularly through the increased involvement of private, local, and neighborhood organizations.

Subtitle A—Designation of Enterprise Zones

SEC. 601. DESIGNATION OF ZONES.

(a) GENERAL RULE.—Chapter 80 (relating to general rules) is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Designation of Enterprise Zones

"Sec. 7880. Designation.

"SEC. 7880. DESIGNATION.

"(a) DESIGNATION OF ZONES.—

"(1) DEFINITION.—For purposes of this title, the term 'enterprise zone' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as an enterprise zone (hereinafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior,

designates as an enterprise zone.

"(2) AUTHORITY TO DESIGNATE.—The Secretary of Housing and Urban Development is authorized to designate enterprise zones in accordance with the provisions of this section.

"(3) LIMITATIONS ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—Before designating any area as an enterprise zone and not later than 4 months following the date of the enactment of this section, the Secretary of Housing and Urban Development shall prescribe by regulation, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area, and

"(ii) the procedures for designation as an enterprise zone, including a method for comparing courses of action under subsection (d) proposed for nominated areas, and the other factors specified in subsection (e)

"(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development shall designate nominated areas as enterprise zones only during the 48-month period beginning on the later of—

"(i) the first day of the first month following the month in which the effective date of the regulations described in subparagraph (A) occurs, or

"(ii) June 30, 1992.

"(C) NUMBER OF DESIGNATIONS.—

"(i) IN GENERAL.—The Secretary of Housing and Urban development may designate—

"(I) not more than 50 nominated areas as enterprise zones under this section and

"(II) not more than 15 nominated areas as enterprise zones during the first 12-month period beginning on the date determined under subparagraph (B), not more than 30 by the end of the second 12-month period, not more than 45 by the end of the third 12-month period, and not more than 50 by the end of the fourth 12-month period.

"(ii) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated as enterprise zones, at least one-third must be areas that are—

"(I) within a local government jurisdiction or jurisdictions with a population of less than 50,000 (as determined using the most recent census data available);

"(II) outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)); or

"(III) determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

"(D) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designations under this section unless—

"(i) the local government and the State in which the nominated area is located have the authority to—

"(I) nominate such area for designation as an enterprise zone,

"(II) make the State and local commitments under subsection (d), and

"(III) provide assurances satisfactory to the Secretary of Housing and Urban development that such commitments will be fulfilled, and

"(ii) a nomination therefor is submitted by such State and local governments in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall prescribe by regulation.

"(4) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

"(b) TIME PERIOD FOR WHICH DESIGNATION IS IN EFFECT—

"(1) IN GENERAL.—Any designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 24th calendar year following the calendar year in which such date occurs,

"(B) the termination date specified by the State and local governments as provided in the nomination submitted in accordance with subsection (a)(3)(D)(ii),

"(C) such other date as the Secretary of Housing and Urban Development shall specify as a condition of designation, or

"(D) the date upon which the Secretary of Housing and Urban Development revokes such designation.

"(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development, after consultation with the officials described in subsection (a)(1)(B), may revoke the designation of an area if the Secretary of Housing and Urban Development determines that the State or a local government in which the area is located is not complying substantially with the agreed course of action for the area.

"(c) AREA AND ELIGIBILITY REQUIREMENTS—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate a nominated area as an enterprise zone only if it meets the requirements of paragraphs (2) and (3).

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of the local government;

"(B) the boundary of the area is continuous; and

"(C) the area—

"(i) has a population, as determined by the most recent census data available, of not less than—

"(I) 4,000 if any portion of such area (other than a rural area described in subsection (a)(3)(C)(ii)) is located within a metropolitan statistical area (as designated by the Director of the Office of Management and Budget) with a population of 50,000 or more; or

"(II) 1,000 in any other case; or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(3) ELIGIBILITY REQUIREMENTS.—For purposes of paragraph (1), a nominated area meets the requirements of this paragraph if the State or local governments in which the nominated area is located certifies, and the Secretary of Housing and Urban Development accepts such certification, that—

"(A) the area is one of pervasive poverty, unemployment and general distress;

"(B) the unemployment rate for the area, as determined by the appropriate available data, was not less than 1.5 times the national unemployment rate for the period;

"(C) the poverty rate (as determined by the most recent census data available) for each populous census tract (or where not tracted, the equivalent county division as defined by the Bureau of the Census for the purpose of defining poverty areas) within the area was not less than 1.5 times the national poverty rate for the period to which such data relate; and

"(D) the area meets at least one of the following criteria:

"(i) Not less than 70 percent of the households living in the area have incomes below 80 percent of the median income of households of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974).

"(ii) The population of the area decreased by 20 percent or more between 1970 and 1980 (as determined from the most recent census available).

"(4) ELIGIBILITY REQUIREMENTS FOR RURAL AREAS.—For purposes of paragraph (1), a nominated area that is a rural area described in subsection (a)(3)(C)(ii) meets the require-

ments of paragraph (3) if the State and local governments in which it is located certify and the Secretary, after such review of supporting data as he deems appropriate, accepts such certification, that the area meets—

"(A) the criteria set forth in subparagraphs (A) and (B) of paragraph (3); and

"(B) not less than one of the criteria set forth in the other subparagraphs of paragraph (3).

"(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

"(1) IN GENERAL.—No nominated area shall be designated as an enterprise zone unless the State and the local government or governments of the jurisdictions in which the nominated area is located agree in writing that, during any period during which the nominated area is an enterprise zone, such governments will follow a specified course of action designed to reduce the various burdens borne by employers or employees in such area.

"(2) COURSE OF ACTION.—The course of action under paragraph (1) may include, but is not limited to—

"(A) the reduction or elimination of tax rates or fees applying within the enterprise zone,

"(B) actions to reduce, remove, simplify, or streamline governmental requirements applying within the enterprise zone,

"(C) an increase in the level or efficiency of local services within the enterprise zone, for example, crime prevention, and drug enforcement prevention and treatment,

"(D) involvement in the program by private entities, organizations, neighborhood associations, and community groups, particularly those within the nominated area, including a commitment from such private entities to provide jobs and job training for, and technical, financial or other assistance to, employers, employees, and residents of the nominated area,

"(E) mechanisms to increase equity ownership by residents and employees within the enterprise zone,

"(F) donation (or sale below market value) of land and buildings to benefit low and moderate income people,

"(G) linkages to—

"(i) job training,

"(ii) transportation,

"(iii) education,

"(iv) day care,

"(v) health care, and

"(vi) other social service support,

"(H) provision of supporting public facilities, and infrastructure improvements,

"(I) encouragement of local entrepreneurship; and

"(J) other factors determined essential to support enterprise zone activities and encourage livability or quality of life.

"(3) LATER MODIFICATION OF A COURSE OF ACTION.—The Secretary of Housing and Urban Development may by regulation prescribe procedures to permit or require a course of action to be updated or modified during the time that a designation is in effect.

"(e) PRIORITY OF DESIGNATION.—In choosing nominated areas for designation, the Secretary of Housing and Urban Development shall give preference to the nominated areas—

"(1) with respect to which the strongest and highest quality contributions have been promised as part of the course of action, taking into consideration the fiscal ability of the nominating State and local governments to provide tax relief,

"(2) with respect to which the nominating State and local governments have provided the most effective and enforceable guarantees that the proposed course of action will actually be carried out during the period of the enterprise zone designation,

"(3) with respect to which private entities have made the most substantial commitments in additional resources and contributions, including the creation of new or expanded business activities, and

"(4) which best exhibit such other factors determined by the Secretary of Housing and Urban Development, including relative distress, as are consistent with the intent of the enterprise zone program and have the greatest likelihood of success.

"(f) GEOGRAPHIC DISTRIBUTION.—In making designations, the Secretary of Housing and Urban Development will take into consideration a reasonable geographic distribution of enterprise zones.

"(g) DEFINITIONS.—For the purposes of this title—

"(1) GOVERNMENTS.—If more than one government seeks to nominate an area as an enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

"(2) STATE.—The term 'State' shall also include the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other possession of the United States.

"(3) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State,

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development, and

"(C) the District of Columbia."

"(h) CROSS REFERENCES FOR—

"(1) definitions, see section 1391,

"(2) treatment of employees in enterprise zones, see section 1392, and

"(3) treatment of investments in enterprise zones, see sections 1393 and 1394."

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 80 is amended by adding at the end thereof the following new item:

"SUBCHAPTER D. Designation of enterprise zones."

SEC. 602. REPORTING REQUIREMENTS.

Not later than the close of the second calendar year after the calendar year in which the Secretary of Housing and Urban Development first designates areas as enterprise zones, and at the close of each second calendar year thereafter, the Secretary of Housing and Urban Development shall submit to the Congress a report on the effects of such designation in accomplishing the purposes of this title.

SEC. 603. INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) COORDINATION WITH RELOCATION ASSISTANCE.—The designation of an enterprise zone under section 7880 of the Internal Revenue Code of 1986 (as added by this title) shall not—

(1) constitute approval of a Federal or federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601)); or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such title.

(b) COORDINATION WITH ENVIRONMENTAL POLICY.—Designation of an enterprise zone under section 7880 of the Internal Revenue Code of 1986 shall not constitute a Federal action for purposes of applying the procedural requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4341) or other provisions of Federal law relating to the protection of the environment.

Subtitle B—Federal Income Tax Incentives

SEC. 611. DEFINITIONS AND REGULATIONS; EMPLOYEE CREDIT; CAPITAL GAIN EXCLUSION; STOCK EXPENSING.

(a) GENERAL RULE.—Chapter 1 (relating to normal tax and surtax rules) is amended by inserting after subchapter T the following new subchapter:

"Subchapter U—Enterprise Zones

"Sec. 1391. Definitions and regulatory authority.

"Sec. 1392. Credit for enterprise zone employees.

"Sec. 1393. Enterprise zone capital gain.

"Sec. 1394. Enterprise zone stock.

"SEC. 1391. DEFINITIONS AND REGULATORY AUTHORITY.

"(a) ENTERPRISE ZONE.—

"(1) IN GENERAL.—For purposes of this subchapter, the term 'enterprise zone' means any area which the Secretary of Housing and Urban Development designates pursuant to section 7880(a) as a Federal enterprise zone for purposes of this title.

"(2) TERMINATION OF ENTERPRISE ZONE.—An area will cease to constitute an enterprise zone once its designation as such terminates or is revoked under section 7880(b).

"(b) ENTERPRISE ZONE BUSINESS.—

"(1) IN GENERAL.—For purposes of this subchapter, the term 'enterprise zone business' means an activity constituting the active conduct of a trade or business within an enterprise zone, and with respect to which—

"(A) at least 80 percent of the gross income in each calendar year is attributable to the active conduct of a trade or business within an enterprise zone,

"(B) less than 10 percent of the property (as measured by unadjusted basis) constitutes stocks, securities, or property held for use by customers,

"(C) less than 10 percent of the property constitutes collectibles (as defined in section 408(m)(2)), unless such collectibles constitute property held primarily for sale to customers in the ordinary course of the active trade or business,

"(D) substantially all of the property (whether owned or leased) is located within an enterprise zone, and

"(E) substantially all of the employees work within an enterprise zone.

"(2) RELATED ACTIVITIES TAKEN INTO ACCOUNT.—Except as otherwise provided in regulations, all activities conducted by a taxpayer and persons related to the taxpayer shall be treated as one activity for purposes of paragraph (1).

"(3) SPECIAL RULES.—

"(A) RENTAL REAL PROPERTY.—For purposes of paragraph (1), real property located within an enterprise zone and held for use by customers other than related persons shall be treated as the active conduct of a trade or business for purposes of paragraph (1)(A) and as not subject to paragraph (1)(B).

"(B) TERMINATION OF ENTERPRISE ZONE BUSINESS.—An activity shall cease to be an enterprise zone business if—

"(i) the designation of the enterprise zone in which the activity is conducted terminates or is revoked pursuant to section 7880(b);

"(ii) more than 50 percent (by value) of the activity's property or services are obtained from related persons other than enterprise zone businesses; or

"(iii) more than 50 percent of the activity's gross income is attributable to property or services provided to related persons other than enterprise zone businesses.

"(c) ENTERPRISE ZONE PROPERTY.—

"(1) IN GENERAL.—For purposes of this subchapter, the term 'enterprise zone property' means any property used in the active conduct of an enterprise zone business.

"(2) TERMINATION OF ENTERPRISE ZONE.—The treatment of property as enterprise zone property under subparagraph (A) shall not terminate upon the termination or revocation of the designation of the enterprise zone in which the property is located, but instead shall terminate immediately after the first sale or exchange of such property occurring after the expiration or revocation.

"(d) RELATED PERSONS.—For purposes of this subchapter, a person shall be treated as related to another person if—

"(1) the relationship of such persons is described in section 267(b) or 707(b)(1), or

"(2) such persons are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52).

For purposes of paragraph (1), in applying section 267(b) or 707(b)(1), '33 percent' shall be substituted for '50 percent'.

"(e) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of title VI of the Economic Growth and Family Tax Freedom Act of 1991, including—

"(1) providing that Federal tax relief is unavailable to an activity that does not stimulate employment in, or revitalization of, enterprise zones,

"(2) providing for appropriate coordination with other Federal programs that, in combination, might enable activity within enterprise zones to be more than 100 percent subsidized by the Federal government, and

"(3) preventing the avoidance of the rules in this subchapter.

"SEC. 1392. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

"(a) GENERAL RULE.—In the case of a taxpayer who is an enterprise zone employee, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 5 percent of so much of the qualified wages of the taxpayer for the taxable year as does not exceed $10,500.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ENTERPRISE ZONE EMPLOYEE.—The term 'enterprise zone employee' means an individual—

"(A) performing services during the taxable year that are directly related to the conduct of an enterprise zone business,

"(B) substantially all of the services described in paragraph (1)(A) are performed within an enterprise zone, and

"(C) the employer for whom the services described in paragraph (1)(A) are performed is not the Federal government, any State government or subdivision thereof, or any local government.

"(2) WAGES.—The term 'wages' has the meaning given to such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such subsection).

"(3) QUALIFIED WAGES.—The term 'qualified wages' means all wages of the taxpayer, to the extent attributable to services described in paragraph (1).

"(c) LIMITATIONS.—

"(1) PHASE-OUT OF CREDIT.—The amount of the credit allowable to a taxpayer under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) $525, over

"(B) 10.5 percent of so much of the taxpayer's total wages (whether or not constituting qualified wages) as exceeds $20,000.

"(2) PARTIAL TAXABLE YEAR.—If designation of an area as an enterprise zone occurs, expires, or is revoked pursuant to section 7880 on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a short taxable year, the limitations specified in subsection (c)(1) shall be adjusted on a pro rata basis (based upon the number of days).

"(d) REDUCTION OF CREDIT TO TAXPAYERS SUBJECT TO ALTERNATIVE MINIMUM TAX.—The credit allowed under this section for the taxable year shall be reduced by the amount (if any) of tax imposed by section 55 (relating to the alternative minimum tax) with respect to such taxpayer for such year.

"(e) CREDIT TREATED AS SUBPART C CREDIT.—For purposes of this title, the credit allowed under subsection (a) shall be treated as a credit allowed under subpart C of part IV of subchapter A of this chapter.

"SEC. 1393. ENTERPRISE ZONE CAPITAL GAIN.

"(a) GENERAL RULE.—Gross income does not include the amount of any gain constituting enterprise zone capital gain.

"(b) DEFINITION.—For purposes of this section—

"(1) IN GENERAL.—The term 'enterprise zone capital gain' means gain—

"(A) treated as long-term capital gain,

"(B) allocable in accordance with the rules under subsection (b)(5) of section 338 to the sale or exchange of enterprise zone property, and

"(C) properly attributable to periods of use in an enterprise zone business.

"(2) LIMITATIONS.—Enterprise zone capital gain does not include any gain attributable to—

"(A) the sale or exchange of property not constituting enterprise zone property with respect to the taxpayer throughout the period of twenty-four full calendar months immediately preceding the sale or exchange,

"(B) any collectibles (as defined in section 408(m)), or

"(C) sales or exchanges to persons controlled by the same interests.

"(c) BASIS.—Amounts excluded from gross income pursuant to subsection (a) shall not be applied in reduction to the basis of any property held by the taxpayer.

"SEC. 1394. ENTERPRISE ZONE STOCK.

"(a) GENERAL RULE.—At the election of any individual, the aggregate amount paid by such taxpayer during the taxable year for the purchase of enterprise zone stock on the original issue of such stock by a qualified issuer shall be allowed as a deduction.

"(b) LIMITATIONS.—

"(1) CEILING.—The maximum amount allowed as a deduction under subsection (a) to a taxpayer shall not exceed $100,000 for any taxable year, nor $500,000 during the taxpayer's lifetime.

"(A) EXCESS AMOUNTS.—If the amount otherwise deductible by any person under subsection (a) exceeds the limitation under this paragraph (1)—

"(i) the amount of such excess shall be treated as an amount paid in the next taxable year, and

"(ii) the deduction allowed for any taxable year shall be allocated among the enterprise zone stock purchased by such person in accordance with the purchase price per share.

"(2) RELATED PERSON.—

"(A) IN GENERAL.—The taxpayer and all individuals related to the taxpayer shall be treated as one person for purposes of the limitations described in subsection (b)(1).

"(B) EXCESS AMOUNTS.—The limitations described in subsection (b)(1) shall be allocated among the taxpayer and related persons in accordance with their respective purchases of enterprise zone stock.

"(3) PARTIAL TAXABLE YEAR.—If designation of an area as an enterprise zone occurs, expires, or is revoked pursuant to section 7880 on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a short taxable year, the limitations specified in subsection (b)(1) shall be adjusted on a pro rata basis (based upon the number of days).

"(c) DISPOSITIONS OF STOCK.—

"(1) GAIN TREATED AS ORDINARY INCOME.—Except as otherwise provided in regulations, if a taxpayer disposes of any enterprise zone stock with respect to which a deduction was allowed under subsection (a), the amount realized upon such disposition shall be treated as ordinary income and recognized notwithstanding any other provision of this subtitle.

"(2) INTEREST CHARGED IF DISPOSITION WITHIN 5 YEARS OF PURCHASE.—

"(A) IN GENERAL.—If a taxpayer disposes of any enterprise zone stock before the end of the 5-year period beginning on the date such stock was purchased by the taxpayer, the tax imposed by this chapter for the taxable year in which such disposition occurs shall be increased by the amount determined under subparagraph (B).

"(B) ADDITIONAL AMOUNT.—For purposes of subparagraph (A), the additional amount shall be equal to the amount of interest (determined at the rate applicable under section 6621(a)(2)) that would accrue—

"(i) during the period beginning on the date the stock was purchased by the taxpayer and ending on the date such stock was disposed of by the taxpayer,

"(ii) on an amount equal to the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this subsection (a) with respect to the stock so disposed of.

"(d) DISQUALIFICATION.—

"(1) ISSUER OR STOCK CEASES TO QUALIFY.—If a taxpayer elects the deduction under subsection (a) with respect to enterprise zone stock, and either—

"(A) the issuer with respect to which the election was made ceases to be a qualified issuer, or

"(B) the proceeds from the issuance of the taxpayer's enterprise zone stock fail or otherwise cease to be invested by the issuer in enterprise zone property, then, notwithstanding any provision of this subtitle other than paragraph (2) to the contrary, the taxpayer shall recognize as ordinary income the amount of the deduction allowed under subsection (a) with respect to the issuer's enterprise zone stock.

"(2) SPECIAL RULES.—

"(A) LIQUIDATION.—Where enterprise zone property acquired with proceeds from the issuance of enterprise zone stock is sold or exchanged pursuant to a plan of complete liquidation, the treatment described in paragraph (1) shall be inapplicable.

"(B) TERMINATION OF ENTERPRISE ZONE.—The treatment of an activity as an enterprise zone business shall not cease for purposes of paragraph (1) solely by reason of the termination or revocation of the designation

of the enterprise zone with respect to the activity.

"(C) PARTIAL DISQUALIFICATION.—Where some, but not all, of the property acquired by the issuer with the proceeds of enterprise zone stock ceases to constitute enterprise zone property, the treatment described in paragraph (1) shall be modified as follows—

"(i) the total amount recognized as ordinary income by all shareholders of the issuer shall be limited to an amount of deduction allowed up to the unadjusted basis of property ceasing to constitute enterprise zone property,

"(ii) the amount recognized shall be allocated among enterprise zone stock with respect to which the election in subsection (a) was made in the reverse order in which such stock was issued, and

"(iii) the amount recognized shall be apportioned among taxpayers having made the election in subsection (a) in the ratios in which the stock described in paragraph (2)(C)(ii) was purchased.

"(3) ADDITIONAL AMOUNT.—If income is recognized pursuant to paragraph (1) at any time before the close of the 5th calendar year ending after the date the enterprise zone stock was purchased, the tax imposed by this chapter with respect to such income shall be increased by an amount equal to the amount of interest (determined at the rate applicable under section 6621(a)(2)) that would accrue—

"(A) during the period beginning on the date the stock was purchased by the taxpayer and ending on the date of the disqualification event described in paragraph (1),

"(B) on an amount equal to the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this subsection (a) with respect to the stock so disqualified.

"(e) DEFINITIONS.—For purposes of this section—

"(1) ENTERPRISE ZONE STOCK.—The term 'enterprise zone stock' means common stock issued by a qualified issuer, but only to the extent that the amount of proceeds of such issuance are used by such issuer no later than twelve months followed issuance to acquire and maintain an equal amount of newly acquired enterprise zone property.

"(2) QUALIFIED ISSUER.—

"(A) IN GENERAL.—The term 'qualified issuer' means any subchapter C corporation which—

"(i) does not have more than one class of stock,

"(ii) is engaged solely in the conduct of one or more enterprise zone businesses,

"(iii) does not own or lease more than $50,000,000 of total property (including money), as measured by the unadjusted basis of the property, and

"(iv) more than 20 percent of the total voting power and 20 percent of the total value of the stock of such corporation is owned by individuals, partnerships, estates or trusts.

"(B) LIMITATION ON TOTAL ISSUANCES.—A qualified issuer may issue no more than an aggregate of $50,000,000 of enterprise zone stock.

"(C) AGGREGATION.—For purposes of applying the limitations under paragraph (2), the issuer and all related persons shall be treated as one person.

"(3) AMOUNT PAID.—For purposes of subsection (a), the amount 'paid' by a taxpayer for any taxable year shall not include the issuance of evidences of indebtedness of the taxpayer (whether or not such indebtedness is guaranteed by another person), nor amounts paid by the taxpayer after the close of the taxable year.

"(f) ISSUANCES IN EXCHANGE FOR PROPERTY.—If enterprise zone stock is issued in exchange for property, then notwithstanding any provision of subchapter C of this chapter to the contrary—

"(1) the issuance shall be treated for purposes of this subtitle as the sale of the property at its then fair market value to the corporation, and a contribution to the corporation of the proceeds immediately thereafter in exchange for the enterprise zone stock, and

"(2) the issuer's basis for the property shall be equal to the fair market value of such property at the time of issuance.

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a taxpayer elects the deduction under subsection (a), the taxpayer's basis (without regard to this subsection) for the enterprise zone stock with respect to such election shall be reduced by the deduction allowed or allowable.

"(h) LIMITATIONS ON ASSESSMENT AND COLLECTION.—If a taxpayer elects the deduction under subsection (a) for any taxable year, then—

"(1) the period for assessment and collection of any deficiency attributable to any part of the deduction shall not expire before one year following expiration of such period of the qualified issuer that includes the circumstances giving rise to the deficiency, and

"(2) such deficiency may be assessed before expiration of the period described in paragraph (1) notwithstanding any provisions of this subtitle to the contrary.

"(i) CROSS REFERENCE.—

"For treatment of the deduction under subsection (a) for purposes of the alternative minimum tax, see section 56."

(b) TECHNICAL AMENDMENT.—Subsection (a) of section 1016 (relating to adjustments to basis) is amended by striking out "and" at the end of paragraph (23); by striking out the period at the end of paragraph (24) and inserting in lieu thereof "; and"; and by adding at the end thereof the following new paragraph:

"(25) to the extent provided in section 1394(g), in the case of stock with respect to which a deduction was allowed or allowable under section 1394(a)."

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by inserting after the item relating to subchapter T the following new item:

"SUBCHAPTER U. Enterprise zones."

SEC. 612. CORPORATE ALTERNATIVE MINIMUM TAX.

Section 56(g)(4)(B) (relating to adjustments based on adjusted current earnings of corporations) is amended by adding the following new clause at the end thereof:

"(iii) EXCLUSION OF ENTERPRISE ZONE CAPITAL GAIN.—Clause (i) shall not apply in the case of any enterprise zone capital gain (as defined in section 1393(b)), and such gain shall not be included in income for purposes of computing alternative minimum taxable income."

SEC. 613. ADJUSTED GROSS INCOME DEFINED.

Section 62(a) (relating to the definition of adjusted gross income) is amended by inserting after paragraph (13) the following new paragraph:

"(14) ENTERPRISE ZONE STOCK.—The deduction allowed by section 1394."

SEC. 614. EFFECTIVE DATE.

The amendments made by this subtitle shall apply to taxable years ending after December 31, 1991.

Subtitle C—Regulatory Flexibility

SEC. 621. DEFINITION OF SMALL ENTITIES IN ENTERPRISE ZONE FOR PURPOSES OF ANALYSIS OF REGULATORY FUNCTIONS.

Section 601 of title 5, United States Code, is amended by—

(1) striking out "and" at the end of paragraph (5); and

(2) striking out paragraph (6) and inserting in lieu thereof the following:

"(6) the term 'small entity' means—

"(A) a small business, small organization, or small governmental jurisdiction defined in paragraphs (3), (4), and (5) of this section, respectively; and

"(B) any qualified enterprise zone business; any unit of government that nominated an area which the Secretary of Housing and Urban Development designates as an enterprise zone (within the meaning of section 7880 of the Internal Revenue Code of 1986) that has a rule pertaining to the carrying out of any project, activity, or undertaking within such zone; and any not-for-profit enterprise carrying out a significant portion of its activities within such a zone; and

"(7) the term 'qualified enterprise zone business' means any person, corporation, or other entity—

"(A) which is engaged in the active conduct of a trade or business within an enterprise zone (within the meaning of section 7880 of the Internal Revenue Code of 1986); and

"(B) for whom at least 50 percent of its employees are qualified employees (within the meaning of section 1392(b)(1) of such Code)."

SEC. 622. WAIVER OR MODIFICATION OF AGENCY RULES IN ENTERPRISE ZONES.

(a) Chapter 6 of title 5, United States Code, is amended by redesignating sections 611 and 612 as sections 612 and 613, respectively, and inserting the following new section immediately after section 610:

"§ 611. Waiver or modification of agency rules in enterprise zones

"(a) Upon the written request of any government which nominated an area that the Secretary of Housing and Urban Development has designated as an enterprise zone under section 7880 of the Internal Revenue Code of 1986, an agency is authorized, in order to further the job creation, community development, or economic revitalization objectives with respect to such zone, to waive or modify all or part of any rule which it has authority to promulgate, as such rule pertains to the carrying out of projects, activities, or undertakings within such zone.

"(b) Nothing in this section shall authorize an agency to waive or modify any rule adopted to carry out a statute or Executive order which prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, familial status, national origin, age, or handicap.

"(c) A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If such a request is made to any agency other than the Department of Housing and Urban Development, the requesting government shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

"(d) In considering a request, the agency shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitaliza-

tion within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area which would be affected by the change. The agency shall approve the request whenever it finds, in its discretion, that the public interest which the proposed change would serve in furthering such job creation, community development, or economic revitalization outweighs the public interest which continuation of the rule unchanged would serve. The agency shall not approve any request to waive or modify a rule if that waiver or modification would—

"(1) violate a statutory requirement (including any requirements of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U.S.C. 201 et seq.)); or

"(2) be likely to present a significant risk to the public health, including environmental or occupational health or safety, or of environmental pollution.

"(e) If a request is disapproved, the agency shall inform all the requesting governments, and the Department of Housing and Urban Development, in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

"(f) Agencies shall discharge their responsibilities under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

"(g) A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of this title. To facilitate reaching its decision on any requested waiver or modification, the agency may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The agency shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section, the time such waiver or modification takes effect and its duration, and the scope of applicability of such waiver or modification.

"(h) In the event that an agency proposes to amend a rule for which a waiver or modification under this section is in effect, the agency shall not change the waiver or modification to impose additional requirements unless it determines, consistent with standards contained in subsection (d), that such action is necessary. Such determinations shall be published with the proposal to amend such rule.

"(i) No waiver or modification of a rule under this section shall remain in effect with respect to an enterprise zone after the enterprise zone designation has expired or has been revoked.

"(j) For purposes of this section, the term 'rule' means (1) any rule as defined in section 551(4) of this title or (2) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of this title."

(b) The analysis for chapter 6 of title 5, United States Code, is amended by redesignating the items relating to sections 611 and 612 as items relating to sections 612 and 613, respectively, and by inserting after the item relating to section 610 the following new item:

"611. Waiver or modification of agency rules in enterprise zones."

(c) Section 601(2) of such title 5 is amended by inserting "(except for purposes of section 611" immediately before "means".

(d) Section 613 of such title 5, as redesignated by subsection (a), is amended—

(1) in subsection (a) by inserting "(except section 611)" immediately after "chapter"; and

(2) in subsection (b) by inserting "as defined in section 601(2)" immediately before the period at the end of the first sentence.

SEC. 623. FEDERAL AGENCY SUPPORT OF ENTERPRISE ZONES.

In order to maximize all agencies' support of enterprise zones, the Secretary of Housing and Urban Development is authorized to convene regional and local coordinating councils of any appropriate agencies to assist State and local governments to achieve the objectives agreed to in the course of action under section 7880 of the Internal Revenue Code of 1986.

Subtitle D—Establishment of Foreign-Trade Zones in Enterprise Zones

SEC. 631. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN REVITALIZATION AREAS.—In processing applications for the establishment of foreign-trade zones pursuant to an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", approved June 18, 1934 (48 Stat. 998), the Foreign-Trade Zone Board shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a foreign-trade zone within an enterprise zone designated pursuant to section 7880 of the Internal Revenue Code of 1986.

(b) APPLICATION PROCEDURE.—In processing applications for the establishment of ports of entry pursuant to "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes", approved August 1, 1914 (38 Stat. 609), the Secretary of the Treasury shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a port of entry which is necessary to permit the establishment of a foreign-trade zone within an enterprise zone so designated.

(c) APPLICATION EVALUATION.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with enterprise zones so designated, the Foreign-Trade Zone Board and the Secretary of the Treasury shall approve the applications, to the maximum extent practicable, consistent with their respective statutory responsibilities.

Subtitle E—Repeal of Title VII of the Housing and Community Development Act of 1987

SEC. 641. REPEAL.

Title VII of the Housing and Community Development Act of 1987 is hereby repealed.

A PROPOSAL FOR ECONOMIC GROWTH AND FAMILY TAX FREEDOM

(By U.S. Senator Bob Kasten and U.S. Representative Vin Weber)

PRO-FAMILY TAX RELIEF

$300 non-refundable tax credit for children age 6–18.

$1000 non-refundable tax credit for children under age 6.

PRO-GROWTH TAX INCENTIVES

Capital gains:

15% top rate, 7.5% for lower bracket individuals.

15% for corporations.

Indexed for inflation.

One year holding period.

0% tax on sale of principal residence.

Neutral cost recovery system:

Time value of money plus inflation.

Present value equivalent to expensing.

IRA-plus:

Non-deductible IRA contributions tax free at withdrawal.

Penalty-free IRA withdrawal for home purchase, education, and medical expenses.

Passive loss:

Passive loss relief to material participants in real estate.

Enterprise zones.

KASTEN-WEBER TAX INCENTIVE PLAN

Policy	5 Yr cost (billions)	
	Static	Dynamic [1]
Pro-family incentives	−$100.0	−$100.0
Pro-growth incentives:		
Capital gains	−53.1	+63.7
Neutral cost recovery	−58.0	+37.5
IRA-plus	+13.8	+13.8
Passive loss	−3.2	−3.2
Enterprise zones	−1.8	
Total	−202.3	+11.8

[1] Estimate by Gary Robbins of National Center for Policy Analysis.

SPECIFIC PROVISIONS OF KASTEN PROPOSAL

PRO-FAMILY TAX RELIEF

A $300 tax credit is provided for children age 6–18, and a $1,000 tax credit is provided for those under age 6. This two-tiered approach provides tax relief for families with small children. Inflation has eroded the value of the dependent exemption over the last 40 years, and a credit is the most direct way to provide relief to families. The credit is nonrefundable, but it can be used against both income tax and payroll tax liability. Those who utilize the $1,000 credit are not eligible for the Dependent Care Tax Credit.

CAPITAL GAINS

The legislation reduces the capital gains tax to 15 percent (7.5 percent for those in the lower tax bracket) for both individuals and corporations. Indexing is provided to protect investors from taxation on inflation gains. In addition, a 0 percent capital gains tax is provided upon sale of a principal residence. This proposal will help small business owners, farmers, and homeowners by reducing the cost of capital. It will also greatly benefit the poor and unemployed by creating up to 2.5 million additional jobs for the economy. A dynamic analysis by Gary Robbins of the National Center for Policy Analysis, shows an increase of $63.5 billion in revenue due to growth in the GNP and increased sales caused by a cut in the capital gains tax.

NEUTRAL COST RECOVERY SYSTEM

Under current law the investor is allowed to deduct a scheduled percentage from business profits to arrive at taxable profits. However, the amounts written off after the first year represent only a partial tax offset for depreciation due to inflation and the time value of money.

Neutral cost recovery provides the present value equivalent of expensing. It would adjust current depreciation schedules so that depreciation after the first year is equivalent to its first year value.

This system will provide an immediate incentive effect that is better than, but similar to giving a $90 billion tax cut on new investment. There are two reasons that this system is better. First, neutral cost recovery is only available to new investment. Second, NCR has a short-term revenue impact, which will be more than offset by the additional economic growth.

ALTERNATIVE MINIMUM TAX REFORM AND DEPRECIATION

The legislation provides that the "neutral cost recovery adjustment" will not be added back into the Alternative Minimum Taxable Income base. The underlying rationale for the neutral cost recovery adjustment to regular tax depreciation is even more compelling for the AMT. Under the AMT the taxpayer never recovers the full cost of capital invested. Furthermore, the rate at which the investment is recovered is slower than under the regular tax and the time period over which the investment is recovered is substantially longer than under the regular tax system. In addition, the legislation recognizes the inherent inequities of recapturing the benefit of regular tax accelerated depreciation. It would completely phase out the depreciation adjustment under the AMT by the year 2000, thus, ensuring that all equipment and machinery gets full capital cost recovery.

IRA-PLUS

The legislation provides for the IRA-plus which permits individuals to make nondeductible contributions to IRA's, where interest would accumulate, compound and be distributed tax free at retirement. This proposal allows for the use of up to 25 percent of the account for education, first time home purchases, and medical emergencies.

PASSIVE LOSS REVISION

The collapse in real estate values has been a leading cause of the S&L crisis. Continuing the unfair policy on passive losses will further depress real estate values and drive up the costs of the S&L bailout.

The legislation changes the law governing passive loss restrictions to provide the same treatment under passive loss rules for those engaged in the real estate business as those involved in other types of businesses. Since the 1986 Tax Reform Act, any loss from rental property, except in very limited circumstances, cannot be used to offset other income. This puts those involved in the real estate sector of the economy at a tremendous disadvantage. Specifically, the legislation provides that once an individual meets a threshold test that establishes he or she to be "engaged in the real property business," then he or she would be allowed to prove that they materially participate in their rental activity under the same test all other taxpayers now use to prove material participation in their businesses.

ENTERPRISE ZONES

Enterprise zones offer special tax incentives to companies that are willing to locate and create jobs in economically depressed areas. Up to 50 zones would be selected over a 4-year period, and one-third of the zones would be in rural areas. The Federal tax incentives provided for zones would include an employee credit, elimination of the capital gains tax on zone investments and property, and stock expensing.

EXHIBIT 1

RESTORING LOST ECONOMIC GROWTH POTENTIAL, AND PAYING FOR IT

(By Lawrence A. Hunter, acting chief economist)

Between 1954 and 1988, the economy has grown at an average of 3 percent per year. Although the actual level of GNP growth diverged dramatically from this 3 percent trend from year to year, losses incurred during downturns have always been recouped, keeping the long-run growth path on track. For instance, the losses incurred during the 1981–82 recession were fully recouped by the burst of economic growth that occurred in the mid-80's. But beginning in the summer of 1988, the economy's growth path began diverging from its historical trend. If the Blue Chip consensus of private forecasters is correct, economic losses from trend growth will continue to mount, resulting in a permanent "growth gap" and a dramatic reduction in the American standard of living.

Not coincidentally, the development of this growth gap coincides with a dramatic paradigm shift away from growth-enhancing policies toward policies of economic austerity, higher taxes, runaway spending and reregulation. Political economists are seldom provided with a more unambiguous test of two opposing policy regimes. With the implementation of the Reagan economic recovery program beginning in 1983, the country took off on a five-year resurgence of economic activity unprecedented in the post-war era. By contrast, current policies have resulted in the second slowest 4-year growth period since the Great Depression.

In both economic and human terms, the cost of such anti-growth policies is dramatic: According to the Administration's own forecast, by the end of 1992 GNP will be 6%, or $808 billion, lower than it otherwise would have been if the economy had followed its long-term trend, resulting in about $3,000 less in after-tax income for a family of four in 1992. By the end of 1996, again under the Bush Administration's forecast, the total average loss in disposable income will be $19,924 per family of four. Under the more realistic Blue Chip scenario, by the end of 1996, the cumulative loss in real GNP will equal $2.193 trillion. In addition, there will be 9 million fewer jobs. Unless dramatic policy changes are made, these economic losses will not be made up, and the growth gap could continue to widen.

The objective of any economic growth package must be to lift the heavy hand of taxation that stifles capital formation and frightens entrepreneurial spirits. It must also be broad based, offering tax relief for families, workers, savers, investors and entrepreneurs. One package which meets these criteria is the "Economic Growth and Family Tax Freedom" plan being proposed by Senator Bob Kasten and Representative Vin Weber. It's components include: family tax relief providing a $300 nonrefundable tax credit for children between the ages of 6 and 18, and a $1,000 credit for children under the age of 6; a reduction in the capital gains tax to a top rate of 15% for individuals and corporations, and to 7.5% for lower bracket individuals; a Neutral Cost Recovery System; an IRA-Plus plan; repeal of the passive loss limitation for all active participants; and, creation of enterprise zones.

The positive economic impact of such a package would be substantial. According to former Treasury economist Gary Robbins, such a combination of tax incentives would increase GNP by an average of 1 percent per year over the next 5 years, while creating 1.4 million new jobs. The addition of $1.1 trillion to cumulative GNP generated by this plan would help return the economy to its long-run growth path. While that is not enough to eliminate the 5-year growth gap of $2.2 trillion and return GNP to its historical trend, it gets us halfway to that goal.

An additional boost to both job creation and middle class tax relief would result from a reduction in Social Security taxes. A 2 percentage point cut in the payroll tax (1 percent each for both workers and employers) has been proposed by Senator Malcolm Wallop and Representatives Tom DeLay and Robin Tallon in the Economic Growth and Jobs Creation Act (S. 381 and H.R. 960).

But how do we 'pay for' any economic growth package? Higher offsetting taxes are out of the question: The one lesson everyone should have learned from last year's disastrous budget agreement is that it is impossible to tax our way out of the deficit. Genuine deficit reduction can only be achieved through sustained economic growth and spending restraint. On the spending side, Senator Lloyd Bentsen has suggested reducing defense outlays by approximately $55 billion over the next five years. Senator Jim Sasser has suggested a 6 percent peace dividend that amounts to about $70 billion. In addition to such defense budget savings, an effective economic growth package would generate a permanent economic growth dividend.

It should be possible to even improve on the 1 percent per year growth generated by Kasten/Weber: The forty-year growth trend is 3.0 percent a year and the recent trend, prior to the onset of the slowdown three years ago, is about 3.3 percent. The average rate of growth during the first year of recovery from a recession is about 5.5 percent. With these historical averages, an average annual growth rate of 4 percent a year over the next five years should be a reasonable expectation. But to be conservative in our estimates, let's assume that we achieve no more than an increase in the annual rate of economic growth from the 2.5 percent average forecasted by the Blue Chip Consensus to 3.5 percent. Such an objective is not unreasonable.

If we set as our objective a one percent increase in the rate of economic growth, the Congressional Budget Office estimates that the increased economic growth alone would reduce the deficit by a whopping $258 billion over the five year period. In other words, by CBO's own estimates, it should be possible to reduce taxes on average by $52 billion a year over 5 years, spurring new growth and producing more new jobs without increasing the deficit. If we add a $70 billion peace dividend, that means it should be possible to reduce taxes by $328 billion over 5 years, or almost $66 billion a year with no adverse effect on the long-term deficit.

A tax package along the lines outlined above falls well within these limits: The total cost of the Kasten/Weber package would be $200 billion or $40 billion a year—well within the bounds of a modest peace/growth dividend. The remaining $123 billion could fund a scaled-down, 1 percent cut in the Social Security tax. An increase in the average annual growth rate of 1.5 percentage points to 4.5 percent growth—still very conservative by mid-eighties standards—could finance even larger tax cuts, without an increase in the deficit. The full Wallop/DeLay/Tallon FICA rollback, which would cost $263 billion (on a static basis), could be paid for with an additional economic growth dividend beyond our conservative 1 percent increase in GNP estimate.

But a return to pro-growth tax policies alone cannot cure economic problems caused by a combination of destructive tax, spending and regulatory policies. To fully eliminate the growth gap and return to trend economic growth will require courageous policies which, in addition to reducing tax burdens, also roll back excessive regulations and control runaway federal spending.

Mr. WALLOP. Mr. President, several months ago, we celebrated the 10th anniversary of the passage of the Kemp-

Roth tax cuts. This effort to reduce the tax burden on middle America stimulated one of the longest economic booms in our Nation's history. We shook off the malaise of the late 1970's, and proceeded to march forward confidently and boldly. The country had real leadership which had a clear idea of what was necessary to put us back on the right course. As a result, we had 90 months of uninterrupted growth, and created nearly 20 million new jobs.

The Kemp-Roth-Reagan tax cuts had meaning much beyond reviving a moribund economy. Our success in demonstrating the potential of free markets, individual achievement, and limited government was a symbolic "shot heard 'round the world." We unleashed a spirit of liberation which has been felt from Warsaw to Lusaka.

In a bizarre twist of logic, the critics of our economic success declare that the current economic stagnation is a result of this original Reagan economic growth package. To gauge how accurate our critics are, contemplate this comment by one of their economic gurus back in 1982. Lester Thurow declared that "the engines of economic growth have shut down here across the globe. And they are likely to stay that way for many years to come." He made his comments just as the United States was beginning one of the longest periods of peacetime growth in our history.

Just as they were completely wrong back then, our critics still cannot get it right. The real culprits behind the slowdown in our economy are that continuing problem of the modern liberal welfare state, high taxes, and expansion of an intrusive government. Ironically, these are the very policies endorsed by our critics.

Let me review for a moment what happened over the past decade, and why we need an economic growth package now. In 1981, Congress enacted the Economic Recovery Tax Act in response to the economic malaise generated by the policies of the Carter administration. ERTA reduced the tax burden on working Americans—which had reached historic highs as a percent of our gross national product. This fiscal stimulus of tax cuts coincided with a sensible monetary policy on the part of the Federal Reserve Board. Our economy blossomed under the Reagan revolution.

By the mid-1980's, the counter-revolution was underway. Through the budget reconciliation process, Congress enacted some of the largest tax increases in our history. Every effort to restrain Federal spending was rebuffed—with the exception of defense spending which was held to no growth since 1985. The so-called Tax Reform Act of 1986 replicated the horrors of Frankenstein by replacing good ideas with perverted ideas. True tax reform was sacrificed to the goals of punishing success and erecting new complexities in the Tax Code to discourage risk taking.

Despite the fact that the Reagan policies increased the gross national product by 100 percent during his Presidency and that tax revenues were still $140 billion higher than they would have been if taxes had remained at historic average levels, the contras continued their efforts to promote high taxes, big government, and economic stagnation. And, they have succeeded.

Last year's budget summit was a triumph for those who believe in Government intervention, who want to increase the tax burden on middle and higher income families, who dislike entrepreneurs and free markets. It was a disaster for freedom. And, it has extended the economic downturn.

Today, I join with colleagues in the Senate to introduce a package of tax reforms which will provide tax relief to working families and provide tax incentives for economic growth. This proposal combines elements of previous growth packages. From the Wallop-DeLay bill, we have absorbed reforms of the capital gains tax and the cost recovery system. From other proposals, we have absorbed tax credits for working families with children.

It is a good package, one that will stimulate investment, promote the development of small businesses, and reduce the tax burden for working families. It is, simply, a progrowth, profamily, pro-America economic policy.

Yet, we remain stymied by the liberal "increase taxes" philosophy that dominates the Congress. Today we have heard much talk about a wake up call from America from yesterday's elections. Those of us who have been awake for the past 10 years are ready to move forward with new economic growth programs. I hope the Rip Van Winkles in the Congress finally come out of their slumber and join us.

I ask unanimous consent that a statement by Larry Kudlow, formerly of the Council of Economic Advisers, on what is needed to stimulate the economy be printed in the RECORD at the conclusion of my remarks. His comments focus on many of the provisions in the Kasten-Mack-Wallop package.

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

STATEMENT BY LAWRENCE A. KUDLOW

I am pleased to testify before the Republican Conference Task Force on Economic Growth and Job Creation.

After surveying the financial markets and the economy, it is my view that we are clearly entering into recovery, but there are a number of disturbing signs which suggest a relatively weak rate of recovery by historical standards. In addition, there are very few signs of significant new business formation and job creation, or of any animal spirits or entrepreneurial juices, all of which provided the backbone of the outstanding economic recovery performance of the 1980's.

Because of a spate of Federal, state and local tax and regulatory increases in recent years, the potential of the economy to grow in the 1990s has been significantly limited. Consequently, without a reduction of economic policy, the actual level of real output in the next five years seems likely to remain below the post World War II path associated with long-term 3% real economic growth.

The numbers here are startling. Both the Office of Management and Budget (OMB) and the Congressional Budget Office (CBO) are forecasting subpar recovery rates. Compared to the long run 3% post war growth trendline, OMB's implied estimate is an output loss of $273 billion from the trendline in 1996 and a cumulative $1.6 trillion loss over the 1991–96 period, assuming their 2.6% real GNP growth forecast.

For CBO the numbers are even worse: a $366 billion loss in 1996 and a cumulative $1.8 trillion loss over the five year period using a 2.3% average growth path. No responsible economic policymaker should accept this subpar record. By my calculations, the loss of jobs implied by CBO's and OMB's growth projections relative to the long-term trend baseline comes to a whopping 6 million. It is precisely this point which must be immediately addressed in order to prevent a protracted period of U.S. economic stagnation.

RECOVERY THUS FAR

For nearly 12 months broad stock market indicators have been gradually signaling economic recovery. In real inflation-adjusted terms, the Dow Jones has increased by 15%, the S&P 500 by 19% and the Nasdaq by 37%. These forward-looking stock market movements are principally reflecting the sharp decline of inflation and interest rates, which provide the equivalent economic impact of a significant tax cut.

Inflation has declined from 7% in 1990 Q4 to just 3% in the third quarter of 1991, and as a result short and long-term interest rates are approaching 20-year lows. These inflation and interest rate developments have been capitalized into higher asset values, thus providing businesses and families with a more solid resource base from which to make more aggressive spending and investment decisions. The rise of financial assets prices and the decline of inflation and interest rates are powerful recovery stimulants which have to a greater extent been ignored by excessively pessimistic media reports and punditry analysts. Since 1990 Q4, real household net worth has increased by an estimated $600 billion to slightly above its prerecession high. Never has the U.S. experienced major interest rate declines and stock market advances during recession which did not correctly signal future recovery.

Following on the tax-cutting effects of lower inflation, lower interest rates and higher financial asset values, recent statistical trends on the economy are showing a recovery pattern for consumer spending, business activity and housing. If we looked at the same variables during the last half of 1990, the trends were clearly downward. So there has been a statistical inflection point, and there is a recovery out there, although the magnitude of this recovery pattern is somewhat indecisive and lackluster in comparison with the recovery of the early 1980's. Here are some of the highlights:

DATA SCOREBOARD

Economic indicator	Percent change at annual rate from trough	Trough month
Industrial production	6.0	March.

DATA SCOREBOARD—Continued

Economic indicator	Percent change at annual rate from trough	Trough month
Purchasing managers' survey	[1] 17.3	37.7 percent in January. 55 percent in September.
Durable goods orders	31.6	March.
Durable goods shipments	22.5	Do.
Real PCE	3.9	January.
Housing starts	34.7	Do.
Building permits	34.9	Do.
Existing home sales	21.6	Do.
New home sales	57.7	Do.
Leading indicators index	8.4	Do.
Median existing home prices:		
Nominal	12.8	February.
Real	10.3	Do.

[1] Basis points.

HOLES IN THE STORY

The principle factor behind the relatively sluggish recovery performance so far is the failure to reignite new business formation, which is the backbone of the entrepreneurial economy and one of the best indicators of risk-taking animal spirits. Dun & Bradstreet new business incorporations peaked in the 1986-1988 period at around 66,000 per month, or 788,000 per year, moving up from around 41,000 per month or 488,000 per year in the early 1980s. Through June of 1991 this measure remains 12% below its prior peak and shows no rebound so far. Related to this, nonfarm proprietors' income—which measures the strength of self-employed business people—is also showing virtually no sign of recovery. In real terms this measure is growing at only 1.6% over the last four quarters, following a 1987 peak of 11% and a 1983 peak of 17%.

The continuing weakness of new business formation and proprietors' income holds the key to the weak payroll employment figures reported so far this year. Since its trough in April, nonfarm payrolls have increased by only 0.55 at an annual rate, and this anemic rise can be directly traced to the lack of new business creation. When the 1982 1990 expansion generated over 18 million new jobs, more than 90% of these new jobs were created by small businesses and new businesses. people forget that the largest American companies have been downsizing and restructuring for years; it was not this established corporate sector which created the job surge of the last decade.

Not only has overall employment growth stagnated, but minority employment appears to have come to a halt. Black unemployment, for example, which dropped from 21% in 1983 to 10.6% in May 1990, stands currently at 12.1% through September 1991. For Hispanics, the unemployment rate dropped from 15.7% in 1982 all the way to 6.8% in 1989, but during this recession has increased to 11.1%. From 1982 through 1987 Hispanic new business creation rose by 80.5%, and new businesses owned by blacks increased by 37.6%. While more recent data are not yet available, the disappointing unemployment rates in these minority areas suggest that minority entrepreneurship has sagged.

SUMMING UP THE ECONOMY

Taking all this into account, my outlook for the next six quarters suggests a 3% recovery rate for real GNP.

While this is certainly an improvement over the 0.6% average annual rate of GNP growth over the past ten quarters, stretching from 1988 Q4 to 1991 Q2, it nonetheless compares quite unfavorably with historical performance over the past eight post-war cycles, where real GNP growth averaged 5.7% during the first six recovery quarters. In other words, even a relatively optimistic view suggests that the US economy will post only about one-half the rate of a normal recovery cycle.

WHAT'S WRONG HERE? IT'S NOT THE FED

While administration spokesmen continually bash the Federal Reserve for easier money, the fact remains that monetary policy has been near perfect in recent years. By modernizing Fed policy in the direction of a domestic commodity price rule, including gold, to restore a predictable standard of value, Greenspan & Co. have managed to bring interest rates down to nearly 20-year lows without reigniting inflation or inflation expectations.

Since the spring of 1989 the federal funds rate has fallen by nearly 50%, from just under 10% to just over 5%. Longer-term rates such as the Treasury ten-year note has dropped from roughly 9½% to around 7½%. Fixed rate mortgage yields have fallen below 9%, while adjustable rate mortgages have recently dipped under 7%. This has all been made possible by a substantial decline of reported inflation, with the year-to-year change in the Consumer Price Index falling from 6.4% to 3.4%, and the Producer Price Index from 7% to 0.7%. Gold prices this year have been ranging steadily between $350 and $375, while the widely followed CRB futures index has ranged between 210 and 220. Meanwhile the exchange rate of the dollar has also been steadily fluctuating in a relatively narrow range.

Going forward, it is essential that the Fed continue to target inflation sensitive market prices in order to maintain long-term credibility and confidence in the Fed's goal to achieve price stability. In particular, I believe the movement of long-term interest rates—which are subject to the financial markets' expectations of longer run inflation—are even more important than short term rates with respect to future economic growth. Long-term rates are crucial to business and individual investment decisions, debt burdens and balance sheets, and of course the important housing sector. Stable or lower long-term rates can be achieved only through stable long-run price expectations.

The best part of macroeconomic policy in recent years has been the steady conduct of monetary policy. By bringing down price expectations and interest rates, the *Federal Reserve has in effect generated a powerful tax cut effect to promote economic growth*. This is the single largest factor in my anticipation of at least mild economic recovery. However, should the Fed be forced into an easy money position, then long-term interest rates and inflation would soon rise, creating a tax increase effect which would abort the recovery and send us back into double dip recession. Hopefully the Fed will continue its adherence to market price-level targeting, which is the only way to effectively balance money supply and money demand.

As an important sidebar, a properly crafted tax-cut program will make the Fed's counter-inflation job easier. Supply-side tax cuts will increase the output of goods and services, thereby rendering the same growth of money supply less inflationary, since it will be chasing more goods.

WHAT'S WRONG HERE? FISCAL POLICY

A series of mistaken fiscal decisions in recent years has created an atmosphere which is anti-entrepreneurial, anti-risk taking and anti-growth. A whole series of misbegotten steps helped set the recessionary stage. In 1989 a Savings and Loan bill made the problem worse, devalued the franchises and sent a chilling re-regulatory signal. Then came the breakdown of the capital gains tax relief plan. Then in 1990 came a highly burdensome and expensive Clean Air Act, along with a spate of burdensome environmental regulations or regulatory threats including the spotted owl, toxic waste, nuclear waste, disabilities, and CAFE fuel standards.

Environmental regulation has increased at a significant pace, now comprising 38% the entire regulatory budget. The EPA budget has increased by 31% in the last three years and staffing has expanded by 23%, according to a recent study sponsored by Washington University. After sharp cutbacks during the Reagan administration, Federal Register pages have increased from 55,000 towards 70,000. All this has created tall barriers and substantially higher costs for all forms of commerce and investment.

Then came the disastrous November 1990 budget deal, ending a six-month period where senior officials in the White House and the Congress continuously discussed in public various tax raising schemes, all of which had a debilitating effect on consumer and business confidence, calling a halt to the vital animal spirits and entrepreneurial juices which are so essential to the workings of a vibrant free-enterprise economy. Taking its cue from the Federal debate, more than half the states and numerous cities around the country substantially increased taxes on income, sales and property.

If the economy is to revive and reach its full potential in the 1990s, recent fiscal policy decisions must be completely reversed. I believe this is possible, and I remain an optimist with respect to the current opportunity to take strong steps toward an across-the-board tax cut program which would encompass all income classes and business categories, and which would be financed by added revenue generation from accelerating economic growth as well as budgetary cost savings from a suitably lower U.S. defense budget profile. Some proposals from a working group in which I am participating:

Capital gains rate reduction, indexation and tax-free rollover provision.

To assist middle income taxpayers, a sizable increase in the earned income tax credit (EITC).

Increased personal exemptions and child care tax credits.

For businesses, an investment tax credit (ITC) which will effectively accelerate capital cost recovery and lower the corporate tax rate.

For commercial real estate, restoration of the active investor loss provision, which would permit full-time real estate professionals to deduct expenses against losses.

Expanded Bentsen-Roth IRAs.

Repeal of the luxury tax.

Enterprise zones.

OPTIMISM AND LEADERSHIP

I do not pretend to have all the wisdom on a comprehensive tax cutting package. Undoubtedly there are other permutations and combinations or new ideas which will make good economic and political sense. But I believe that these proposals as well as others would constitute a solid pro-growth incentivizing reform package which importantly would provide across-the-board tax relief to all segments of the population.

This is a key point. For as much as I favor capital gains tax relief, which would help new business creation, would provide enhanced capital access for the have nots, especially those in poverty-stricken urban areas, and would raise real estate asset values and

thus reduce the cost of the S&L and bank bailout programs, and would lower capital costs in line with our foreign competitors, I do not believe that capital gains reform by itself constitutes a serious tax policy.

A key ingredient yes. But by itself, as a single issue standing alone, it is not a tax reform program which would clearly stimulate economic recovery throughout the nation in a way that all citizens and taxpayers can clearly and readily understand. It strikes me that many of us have forgotten that the original Kemp-Roth concept more than 10 years ago clearly provided tax rate relief to all Americans. Because of the evenhandedness of the original Kemp-Roth proposal, the more people that found out about it favored it, and this is why its early legislative defeats continued to generate wider and broader support, eventually ending in victory.

Additionally, I do not believe that an attitude of excessive economic pessimism is necessarily the cleverest way of achieving much needed tax relief to spur economic growth. Nor do I believe that permanent tax reduction should be tied to some near term numerical point estimate of the economy. We ought not to be proposing Keynesian quick fixes. Instead, we should seek tax relief because it is good tax policy which would grow the economy and create capital and jobs over the longer term. Indeed, a pro-growth tax package such as this could well push real GNP growth to 4%-5% in 1992 and 1993. The Dow could reach 4000.

Finally, I believe that optimism is an essential tool. Optimism is the very essence of leadership. We have a vision of enhanced individual creativity and inventiveness and opportunity and prosperity for all income levels, business segments and geographic locations. I firmly believe that the public at large has an innate sense of optimism that problems can be solved; but the electorate is waiting to line up and follow the right leadership and the right vision. So far, neither Republicans nor Democrats at the national level have fully opened their arms to embrace a growing anti-corruption, anti-tax and anti-government revolt which is clearly brewing at the local level. In this sense we have a unique opportunity to flesh out an optimistic vision of tax cutting and governmental reform.

By Mr. BENTSEN (for himself, Mr. ROTH, Ms. MIKULSKI, Mr. BREAUX, Mr. BOREN, Mr. LIEBERMAN, Mr. PRYOR, Mr. DECONCINI, Mr. DASCHLE, Mr. DODD, Mr. INOUYE, Mr. BAUCUS, Mr. SYMMS, Mr. JOHNSTON, Mr. AKAKA, Mr. BURDICK, Mr. FORD and Mr. ADAMS):

S. 1921. A bill to amend the Internal Revenue Code of 1986 to allow a $300 tax credit for children, to expand the use of individual retirement accounts, and for other purposes; to the Committee on Finance.

TAX FAIRNESS AND SAVINGS INCENTIVE ACT OF 1991

Mr. BENTSEN. Mr. President, over the past decade, the average American family with children saw their taxes go up while their incomes fell 5 percent, or nearly $1,600 after inflation. In most cases two paychecks were not enough. With available jobs less rewarding, financially and otherwise, American families had to borrow heavily and cut savings to historic lows.

Our savings rate is not the only thing that has been dropping. Consumer confidence plummeted last month to levels almost as low as in the depths of the recession. The attitude of middle-income Americans, skeptical after economic policies of the 1980's ran roughshod over them, can perhaps be summed up by paraphrasing the country/western song: "They got the gold mine but we got the shaft." It's no wonder that consumer confidence is lagging and it's not news that this economy won't turn around until it is restored.

We are today introducing legislation to give a tax cut to middle-income families with children who saw their taxes go up over the past decade while their incomes were falling. Our legislation would give these families a tax credit of $300 for every child under age 19. This would reduce the income taxes a family of four making $35,000 pays by 25 percent. That would not only help build consumer confidence, it would boost our economy in other ways, too.

The bill will also expand the individual retirement account [IRA] to encourage all Americans to save more. The IRA proposal contained in this bill is virtually identical to the Bentsen-Roth IRA, which has 78 Senate cosponsors. The IRA component of this bill will improve on the traditional IRA in a number of ways. It will provide all Americans with the option to choose between tax deductible contributions to traditional IRAs or contributions to a new type of IRA. Contributions to the new type of IRA would not be deductible, but earnings would not be taxed when they are withdrawn.

The proposal would also allow penalty-free withdrawals from IRA's (and from so-called 401(k) and 403(b)) salary reduction plans) for first-time home purchases. This provision will also give a kick to lagging home sales and our economy by immediately freeing up for first home purchases some of the $400 billion now locked into IRA accounts. We count on housing to start a recovery yet housing sales are falling, despite the lowest mortgage rates in 14 years. Taxpayers would also be allowed to make penalty free withdrawals for college education expenses and financially devastating medical expenses.

Our tax cut would not increase the Federal deficit. It would be paid for by a modest 5 percent cut in defense spending over 5 years. With press reports that the Joint Chiefs of Staff are considering spending cuts of as much as 8 percent, it is clear our proposal would claim only a share of the peace dividend for middle income Americans. The collapse of the Soviet Union means we can make more significant savings in defense spending than contemplated in last year's budget agreement. Middle-income Americans, who bore the burden of paying for the buildup in defense spending, deserve a portion of the peace dividend. Even after this cut, defense spending would be $1.387 trillion over the next 5 years. That is 94 percent of what we spent over the past 5 years.

The $300 tax credit will provide a significant amount of tax relief to middle-income taxpayers, who bear most of the burden imposed by our Federal tax laws. In addition, it will give our economy a boost at a time it is sluggish. While the tax cuts would go into effect next January 1, the defense cuts that pay for it wouldn't begin until fiscal 1993 and they would be phased in gradually over a -year period. This adds up to a fiscal stimulus of as much as $15 billion in the current fiscal year.

The IRA, on the other hand, is aimed at addressing three pressing national problems: the extremely low U.S. national savings rate, the inadequate rate of savings for future higher education expenses, and the inability of many young Americans to save enough for the down payment on their first home. Most economists, after arguing the point for a number of years, now acknowledge that IRAs produce new savings—though they are still arguing over how much. And it should be noted that the savings IRA's generate don't just sit there, they become the capital our economy needs to sustain growth.

While the immediate concern is to overcome consumer pessimism and increase families' disposable income, we must also deal with the extremely low rate of U.S. private national savings in order to sustain economic growth. This legislation squarely addresses both of these concerns. One piece of legislation cannot totally compensate for the economic hardship experienced by middle-income Americans over the last decade, but this legislation will take us several steps in the right direction and represents a starting point by which we can begin the legislative process.

It is our intention not only to introduce this legislation but to push for action on it by the Finance Committee. Today we take the first step toward the goal of enacting the Bentsen-Roth-Mikulski middle-income tax cut bill. I urge my colleagues to join with us in working toward this goal.

Mr. BAUCUS addressed the Chair.

Mr. FORD addressed the Chair.

Mr. BENTSEN. We already have some 18 cosponsors of it, and we have just announced it. I welcome additional cosponsors to this legislation. I ask unanimous consent to add the text of my legislation in the RECORD.

Mr. BAUCUS. Mr. President, will the Senator yield? I would like to add my name as a cosponsor.

Mr. BENTSEN. I am delighted to have the distinguished Senator from Montana.

Mr BAUCUS. It is a very important bill.

Mr. BENTSEN. I ask unanimous consent to put the text of our legislation in the RECORD.

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

The Senator from Kentucky still controls 2 minutes.

Mr. FORD. Mr. President, I am already a cosponsor of the legislation of the distinguished Senator, and I look forward to its passage.

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

S. 1921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Tax Fairness and Savings Incentive Act of 1991".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—TAX CREDIT FOR CHILDREN

SEC. 101. TAX CREDIT FOR CHILDREN.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to personal credits) is amended by inserting after section 25 the following new section:

"SEC. 25A. CREDIT FOR CHILDREN.

"(a) GENERAL RULE.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to $300 multiplied by the number of qualifying children of the taxpayer for the taxable year.

"(b) COST-OF-LIVING ADJUSTMENTS.—

"(1) IN GENERAL.—If the cost-of-living amount for any calendar year is equal to or greater than $50, then the dollar amount under subsection (a) (as previously adjusted under this subsection) for any taxable year beginning in any subsequent calendar year shall be increased by $50.

"(2) COST-OF-LIVING AMOUNT.—The cost-of-living amount for any calendar year is the excess (if any) of—

"(A) $300, increased by the cost-of-living adjustment for such calendar year, over

"(B) the dollar amount in effect under subsection (a) for taxable years beginning in such calendar.

"(3) COST-OF-LIVING ADJUSTMENT.—For purposes of this subsection, the cost-of-living adjustment for any calendar year shall be determined in the same manner as under section 219(g)(3).

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' has the meaning given to such term by section 32(c)(1) (determined without regard to subparagraph (B)).

"(2) QUALIFYING CHILD.—

"(A) IN GENERAL.—The term 'qualifying child' has the meaning given to such term by section 32(c)(3), determined without regard to—

"(i) subparagraph (C)(ii) thereof, and

"(ii) in the case of qualified military personnel, subparagraph (E) thereof.

"(B) QUALIFIED MILITARY PERSONNEL.—For purposes of subparagraph (A), the term 'qualified military personnel' means military personnel residing outside the United States as a result of governmental orders directing such personnel to a permanent change of station in a foreign nation outside the territorial authority of the United States.

"(3) CERTAIN OTHER RULES APPLY.—Subsections (d) and (e) of section 32 shall apply."

(b) CONFORMING AMENDMENT.—The table of sections for such subpart A is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Credit for children."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

TITLE II—SAVINGS AND INVESTMENT INCENTIVES

Subtitle A—Retirement Savings Incentives

PART I—RESTORATION OF IRA DEDUCTION

SEC. 201. RESTORATION OF IRA DEDUCTION.

(a) IN GENERAL.—Section 219 (relating to deduction for retirement savings) is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subsection (f) of section 219 is amended by striking paragraph (7).

(2) Paragraph (5) of section 408(d) is amended by striking the last sentence.

(3) Section 408(o) is amended by adding at the end thereof the following new paragraph:

"(5) TERMINATION.—This subsection shall not apply to any designated nondeductible contribution for any taxable year beginning after December 31, 1991."

(4) Subsection (b) of section 4973 is amended by striking the last sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 202. INFLATION ADJUSTMENT FOR DEDUCTIBLE AMOUNT.

(a) IN GENERAL.—Section 219, as amended by section 201, is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) COST-OF-LIVING ADJUSTMENTS.—

"(1) IN GENERAL.—If the cost-of-living amount for any calendar year is equal to or greater than $500, then each applicable dollar amount (as previously adjusted under this subsection) for any taxable year beginning in any subsequent calendar year shall be increased by $500.

"(2) COST-OF-LIVING AMOUNT.—The cost-of-living amount for any calendar year is the excess (if any) of—

"(A) $2,000, increased by the cost-of-living adjustment for such calendar year, over

"(B) the applicable dollar amount in effect under subsection (b)(1)(A) for taxable years beginning in such calendar year.

"(3) COST-OF-LIVING ADJUSTMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The cost-of-living adjustment for any calendar year is the percentage (if any) by which—

"(i) the CPI for such calendar year, exceeds

"(ii) the CPI for 1991.

"(B) CPI FOR ANY CALENDAR YEAR.—The CPI for any calendar year shall be determined in the same manner as under section 1(f)(4).

"(4) APPLICABLE DOLLAR AMOUNT.—For purposes of this subsection, the term 'applicable dollar amount' means the dollar amount in effect under any of the following provisions:

"(A) Subsection (b)(1)(A).

"(B) Subsection (c)(2)(A)(i).

"(C) The last sentence of subsection (c)(2)."

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(2) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(3) Section 408(j) is amended by striking "$2,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 203. COORDINATION OF IRA DEDUCTION LIMIT WITH ELECTIVE DEFERRAL LIMIT.

(a) IN GENERAL.—Section 219(b) (relating to maximum amount of deduction) is amended by adding at the end thereof the following new paragraph:

"(4) COORDINATION WITH ELECTIVE DEFERRAL LIMIT.—The amount determined under paragraph (1) or subsection (c)(2) with respect to any individual for any taxable year shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals of the individual which are excludable from gross income for the taxable year under section 402(g)(1), over

"(B) the amount so excluded."

(b) CONFORMING AMENDMENT.—Section 219(c) is amended by adding at the end thereof the following new paragraph:

"(3) CROSS REFERENCE.—

"For reduction in paragraph (2) amount, see subsection (b)(4)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

PART II—NONDEDUCTIBLE TAX-FREE IRAs

SEC. 211. ESTABLISHMENT OF NONDEDUCTIBLE TAX-FREE INDIVIDUAL RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after section 408 the following new section:

"SEC. 408A. SPECIAL INDIVIDUAL RETIREMENT ACCOUNTS.

"(a) GENERAL RULE.—Except as provided in this section, a special individual retirement account shall be treated for purposes of this title in the same manner as an individual retirement plan.

"(b) SPECIAL INDIVIDUAL RETIREMENT ACCOUNT.—For purposes of this title, the term 'special individual retirement account' means an individual retirement plan which is designated at the time of establishment of the plan as a special individual retirement account.

"(c) TREATMENT OF CONTRIBUTIONS.—

"(1) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 for a contribution to a special individual retirement account.

"(2) CONTRIBUTION LIMIT.—The aggregate amount of contributions for any taxable year to all special individual retirement accounts maintained for the benefit of an individual shall not exceed the excess (if any) of—

"(A) the maximum amount allowable as a deduction under section 219 with respect to such individual for such taxable year, over

"(B) the amount so allowed.

"(3) SPECIAL RULES FOR QUALIFIED TRANSFERS.—

"(A) IN GENERAL.—No rollover contribution may be made to a special individual retire-

ment account unless it is a qualified transfer.

"(B) LIMIT NOT TO APPLY.—The limitation under paragraph (2) shall not apply to a qualified transfer to a special individual retirement account.

"(d) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as provided in this subsection, any amount paid or distributed out of a special individual retirement account shall not be included in the gross income of the distributee.

"(2) EXCEPTION FOR EARNINGS ON CONTRIBUTIONS HELD LESS THAN 5 YEARS.—

"(A) IN GENERAL.—Any amount distributed out of a special individual retirement account which consists of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution shall be included in the gross income of the distributee for the taxable year in which the distribution occurs.

"(B) ORDERING RULE.—

"(i) FIRST-IN, FIRST-OUT RULE.—Distributions from a special individual retirement account shall be treated as having been made—

"(I) first from the earliest contribution (and earnings allocable thereto) remaining in the account at the time of the distribution, and

"(II) then from other contributions (and earnings allocable thereto) in the order in which made.

"(ii) ALLOCATIONS BETWEEN CONTRIBUTIONS AND EARNINGS.—Any portion of a distribution allocated to a contribution (and earnings allocable thereto) shall be treated as allocated first to the earnings and then to the contribution.

"(iii) ALLOCATION OF EARNINGS.—Earnings shall be allocated to a contribution in such manner as the Secretary may by regulations prescribe.

"(iv) CONTRIBUTIONS IN SAME YEAR.—Under regulations, all contributions made during the same taxable year may be treated as 1 contribution for purposes of this subparagraph.

"(C) CROSS REFERENCE.—

"For additional tax for early withdrawal, see section 72(t).

"(3) QUALIFIED TRANSFER.—

"(A) IN GENERAL.—Paragraph (2) shall not apply to any distribution which is transferred in a qualified transfer to another special individual retirement account.

"(B) CONTRIBUTION PERIOD.—For purposes of paragraph (2), the special individual retirement account to which any contributions are transferred shall be treated as having held such contributions during any period such contributions were held (or are treated as held under this subparagraph) by the special individual retirement account from which transferred.

"(4) SPECIAL RULES RELATING TO CERTAIN TRANSFERS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, in the case of a qualified transfer to a special individual retirement account from an individual retirement plan which is not a special individual retirement account—

"(i) there shall be included in gross income any amount which, but for the qualified transfer, would be includible in gross income, but

"(ii) section 72(t) shall not apply to such amount.

"(B) TIME FOR INCLUSION.—In the case of any qualified transfer which occurs before January 1, 1994, any amount includible in gross income under subparagraph (A) with respect to such contribution shall be includible ratably over the 4-taxable year period beginning in the taxable year in which the amount was paid or distributed out of the individual retirement plan.

"(e) QUALIFIED TRANSFER.—For purposes of this section, the term 'qualified transfer' means a transfer to a special individual retirement account from another such account or from an individual retirement plan but only if such transfer meets the requirements of section 408(d)(3)."

(b) EARLY WITHDRAWAL PENALTY.—Section 72(t), as amended by section 221(c), is amended by adding at the end thereof the following new paragraph:

"(8) RULES RELATING TO SPECIAL INDIVIDUAL RETIREMENT ACCOUNTS.—In the case of a special individual retirement account under section 408A—

"(A) this subsection shall only apply to distributions out of such account which consist of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution, and

"(B) paragraph (2)(A)(i) shall not apply to any distribution described in subparagraph (A)."

(c) EXCESS CONTRIBUTIONS.—Section 4973(b) is amended by adding at the end thereof the following new sentence: "For purposes of paragraphs (1)(B) and (2)(C), the amount allowable as a deduction under section 219 shall be computed without regard to section 408A."

(d) CONFORMING AMENDMENT.—The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 408 the following new item:

"Sec. 408A. Special individual retirement accounts."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

Subtitle B—Penalty-Free Distributions

SEC. 221. DISTRIBUTIONS FROM CERTAIN PLANS MAY BE USED WITHOUT PENALTY TO PURCHASE FIRST HOMES OR TO PAY HIGHER EDUCATION OR FINANCIALLY DEVASTATING MEDICAL EXPENSES.

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

"(D) DISTRIBUTIONS FROM CERTAIN PLANS FOR FIRST HOME PURCHASES OR EDUCATIONAL EXPENSES.—Distributions to an individual from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii)—

"(i) which are qualified first-time homebuyer distributions (as defined in paragraph (6)); or

"(ii) to the extent such distributions do not exceed the qualified higher education expenses (as defined in paragraph (7)) of the taxpayer for the taxable year."

(b) FINANCIALLY DEVASTATING MEDICAL EXPENSES.—

(1) IN GENERAL.—Section 72(t)(3)(A) is amended by striking "(B),".

(2) APPLICATION OF MEDICAL RULES TO CERTAIN RELATIVES.—Section 72(t)(2)(B) is amended by adding at the end thereof the following new sentence: "For purposes of this subparagraph, a child, grandchild, or lineal ascendant of the taxpayer shall be treated as a dependent of the taxpayer in applying section 213."

(c) DEFINITIONS.—Section 72(t) is amended by adding at the end thereof the following new paragraphs:

"(6) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—For purposes of paragraph (2)(D)(i)—

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is such individual or the spouse, child, or grandchild of such individual.

"(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph—

"(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 2-year period ending on the date of acquisition of the principal residence to which this paragraph applies.

"(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If—

"(i) any amount is paid or distributed from an individual retirement plan to an individual for purposes of being used as provided in subparagraph (A), and

"(ii) by reason of a delay in the acquisition of the residence, the requirements of subparagraph (A) cannot be met,

the amount so paid or distributed may be paid into an individual retirement plan as provided in section 408(d)(3)(A)(i) without regard to section 408(d)(3)(B), and, if so paid into such other plan, such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

"(7) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(D)(ii)—

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse, or

"(iii) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,

at an eligible educational institution (as defined in section 135(c)(3)).

"(B) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135."

(d) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking "or" at the end of subclause (III), by

striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) the date on which qualified first-time homebuyer distributions (as defined in section 72(t)(6)) or distributions for qualified higher education expenses (as defined in section 72(t)(7)) are made, and".

(2) Section 403(b)(11) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) for qualified first-time homebuyer distributions (as defined in section 72(t)(6)) or for the payment of qualified higher education expenses (as defined in section 72(t)(7)).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after the date of the enactment of this Act.

SEC. 222. CONTRIBUTIONS MUST BE HELD AT LEAST 5 YEARS IN CERTAIN CASES.

(a) IN GENERAL.—Section 72(t), as amended by section 211(b), is amended by adding at the end thereof the following new paragraph:

"(9) CERTAIN CONTRIBUTIONS MUST BE HELD 5 YEARS.—

"(A) IN GENERAL.—Paragraph (2)(A)(i) shall not apply to any amount distributed out of an individual retirement plan (other than a special individual retirement account) which is allocable to contributions made to the plan during the 5-year period ending on the date of such distribution (and earnings on such contributions).

"(B) ORDERING RULE.—For purposes of this paragraph, distributions shall be treated as having been made—

"(i) first from the earliest contribution (and earnings allocable thereto) remaining in the account at the time of the distribution, and

"(ii) then from other contributions (and earnings allocable thereto) in the order in which made.

Earnings shall be allocated to contributions in such manner as the Secretary may prescribe.

"(C) SPECIAL ACCOUNTS.—For rules applicable to special individual retirement accounts under section 408A, see paragraph (8)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions (and earnings allocable thereto) which are made after December 31, 1991.

TITLE III—REDUCTION IN DEFENSE SPENDING

SEC. 301. DEFICIT NEUTRALITY.

(a) LIMITATION ON AMOUNTS OF PROPOSED OUTLAYS AND BUDGET AUTHORITY FOR BUDGET FUNCTION 050 IN THE PRESIDENT'S BUDGET.—A budget submitted by the President under section 1105(a) of title 31, United States Code, for fiscal year 1993, 1994, 1995, 1996, or 1997 shall not propose outlays or budget authority for budget function 050 such that the aggregate amount of outlays or budget authority for that budget function for that year, added to the amounts of outlays or budget authority proposed for that budget function for all years during that period, would exceed—

(1) $1,391,180,000,000 in outlays; or

(2) $1,414,550,000,000 in budget authority.

(b) POINT OF ORDER.—Section 301 of the Congressional Budget Act of 1974 (12 U.S.C. 632) is amended by adding at the end thereof the following new subsection: "(j) DEFENSE SPENDING LIMITS.—It shall not be in order in either the Senate or the House of Representatives to consider a concurrent resolution on the budget for fiscal year 1993, 1994, 1995, 1996, or 1997 that includes outlays or budget authority for budget function 050 such that the aggregate amount of outlays or budget authority for that budget function for that year, added to the amounts of outlays or budget authority proposed for that budget function for all years during that period, would exceed—

"(1) $1,391,180,000,000 in outlays; or

"(2) $1,414,550,000,000 in budget authority.".

(c) REDUCTION OF MAXIMUM DEFICIT AMOUNTS.—

(1) IN GENERAL.—Notwithstanding any other law, the maximum deficit amounts under section 601(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(1)) shall be adjusted in accordance with paragraph (2) for the purposes of the President's budget submitted pursuant to section 1105(a) of title 31, United States Code, and for the purposes of any concurrent resolution on the budget.

(2) ADJUSTMENTS.—

(A) 1993.—For fiscal year 1993, the maximum deficit amount shall be—

(i) increased by an amount equal to any deficit increase resulting from the amendments to the Internal Revenue Code of 1986 made by this Act; and

(ii) reduced by an amount equal to—

(I) the outlay total for function 050 proposed in the budget or concurrent resolution in question, minus

(II) the outlay total for function 050 for that fiscal year proposed in the budget submitted by the President for fiscal year 1992.

(B) 1994 AND 1995.—For each of fiscal years 1994 and 1995, the maximum deficit amount shall be—

(i) increased by an amount equal to any deficit increase in each such fiscal year, respectively, resulting from the amendments to the Internal Revenue Code of 1986 made by this Act; and

(ii) reduced by an amount equal to—

(I) the outlay total for function 050 proposed in the budget or concurrent resolution in question in question, minus

(II) the outlay total for function 050 for each such fiscal year, respectively, proposed in the budget submitted by the President for fiscal year 1992.

(e) NO SEQUESTRATION.—Notwithstanding any other law, there shall be no sequestration under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) as a result of any reduction in tax revenues caused by application of the provisions of and amendments made by this Act.

Mr. ROTH. Mr. President, I am pleased to join my colleague, Senator BENTSEN, today in introducing a proposal to cut American's taxes by $72.5 billion over the next 5 years. The fact that 18 Senators have joined with us in a bipartisan effort to reduce taxes is encouraging to me—as it should be to all Americans concerned about strengthening our economy. I believe this show of support demonstrates that a consensus is developing here in Washington concerning the best way—the proven way—to get the American economy running again. That, of course, is to give consumers more of their hard-earned money.

Americans have good reason to be optimistic that a meaningful tax cut will be passed in the near future because of this effort today. This bill, I believe, is the starting point. It will encourage Congress to build the momentum necessary to enact a tax package that provides real reductions for the taxpayers—reductions they want, reductions they need. I believe this bill can provide a foundation for debate and consensus that will enable Congress and the White House to provide and pass a broad-based tax cut—a tax cut that can and will be completely financed by reductions in Government spending. This bill will give Americans something to call their representatives about. And frankly, I think they should. I think all Americans should encourage Congress and the White House to stay in Washington until they can enact real measures that will result in real growth. The time for rhetoric has passed. The time for action has arrived.

The proposal offered by Chairman BENTSEN, and embraced by me, will not only give taxpayers the confidence they need, but it will require Congress—once and for all to put its financial house in order.

There is no doubt about it, consumers today are nervous. They are nervous for justifiable reasons. With a feeling of helplessness they have watched Congress continue, year after year, to make all the wrong decisions, creating program after program, raising taxes after taxes, throwing good money after bad, and catering to special interests. They have watched all of this while in their own private battles, they have struggled to keep their homes, their jobs, and their families together. Government should not exacerbate their problems. Government should solve their problems. Good government would. But this Government has not.

Last year, in answer to $200 billion deficits, and a sluggish economy, the Congress passed a $165 billion tax increase over 5 years, the largest tax increase in U.S. history. I was adamant in my opposition. It was a ruse. I knew it. The American people knew. And worst of all, Congress knew it. It was supposed to cut the deficit, its proponents said, but today—today, after the largest tax increase in history, we face the largest deficits ever—$350 billion for the current fiscal year. What more evidence does this body need before it will finally admit that deficits are not solved with tax increases. This tax increase wreaked havoc on the economy. It deepened the recession, and what is worse, it was not the only tax increase Americans had to worry about. Tax increases plagued State and local governments from coast to coast. And what was the result?

Unemployment has reached 6.8 percent. Federal Reserve Chairman Greenspan says the Nation's recovery has "turned demonstrably sluggish." There is hardly a Member in this body who could not tell you of a major employer in their State—one that we probably all know as a household name—that is

not reporting significant layoffs. Retailers are running for cover in the face of another poor Christmas season, and our financial institutions remain on weak footing, hoping for good news.

Well, Mr. President, this is it. And I believe that every Member in this body should embrace this initiative as I have embraced it—to get the process started. It is time to get the ball rolling, again. It is time to begin the process that will give the American people confidence. Every successful dieter knows that the moment comes when they have to close the refrigerator and take control of their appetite—not for a cosmetic short-term gain, but for the rest of their life. Well, it is the same with this Congress. We must make the decision to change spending habits. We must have one central objective—that is to make America first among equals in the emerging global economy. And the first step is to give Americans the confidence that their Government is responsibly moving in the right direction. And that direction begins by reducing taxes.

More than any single factor, the Roth-Kemp tax cuts in 1981 sparked the longest economic expansion in America's history. They led to record-setting revenues in the Treasury. They led to jobs, record-setting housing starts, education, charitable giving, and a sense of security that our Nation had lost years earlier. Had Congress controlled its appetite to spend at that time, our Nation would not be in the red, as it is. Instead, Congress financed more spending than at any other time in history. That is what got us to the point we are in now. Even after Roth-Kemp, six straight tax increases could not keep up with Congress' appetite. Rather, those tax increases fueled it. For every $1 Congress raised in taxes, it increased its spending $1.59.

That time has come to take a lesson from our past. That is what this bill proposes.

I must say that I do not agree with everything in this package that is being introduced today. Personally, I would have preferred the tax plan that I introduced on October 24, S. 1865, which would have cut taxes by over $150 billion through serious, but realistic cuts in defense and domestic spending. I felt that that package was better prepared to provide jobs, opportunity and growth for the economy. I believed, and I still do, that a tax cut of at least $150 billion over 5 years is necessary in order to turn this economy around. I also feel that all Americans—who so willingly financed a strong defense for so many years—should be the first to get their money back when it is no longer needed, due to changing world conditions. Consequently, I would have preferred that our bipartisan tax cut include strong economic incentives, like those I proposed in my 20/10 Roth Defense Rebate last year. Similar provisions exist in the bill I introduced last month.

But, Mr. President, I understand—and I appreciate—the democratic process. Many ideas come to this floor, and through negotiation we give and take—tightening here, loosening there. In the interest of taking action of promoting—action that is needed today—I am joining with the chairman of the Finance Committee. It is true that not all Americans will be completely satisfied with this legislation—a combination of the $300 child credit and the Bentsen-Roth IRA. Consequently, I also plan to continue pushing the four points of my plan, S. 1865, that differ from what we propose today. In short, these differences include, a tax-rate reduction for practically all Americans of 10 to 20 percent, an incremental investment tax credit, a provision to extend unemployment benefits, and a measure to phase out the earnings limitation test for senior Americans. Additionally, the bill I proposed 2 weeks ago includes the very important Bentsen-Roth Super IRA.

Still, this is a good proposal, to offer a $300 child credit and the Bentsen-Roth IRA. It is a solid foundation on which we can build a workable bipartisan consensus. It offers us a starting point for real, and I hope lasting, gains. The Finance Committee will have the opportunity to make changes it feels are essential. Likewise, the Armed Services Committee will have the chance to deliberate on what structural changes should be made in the Defense Department. If it can overcome parochial interests that have prevented it from killing unneeded weapons programs in the past, it will be able to adjust spending for the recent and dramatic changes that have occurred in the world, and particularly in the Soviet Union.

Much of the press reports regarding this idea of using the savings from the end of the cold war to finance a tax cut have been negative. They have argued that the money should be used in some other way. The big spenders—of course—and I guess the American people just have to accept the fact that there will always be big spenders in Congress—they continue to argue that defense savings should go to take care of their special interest groups. Many conservatives have argued that the budget agreement from last year must be adhered to and that if there is any savings it will be small and should be used to reduce the deficit. But these ideas are old. They are wrong.

The idea of adhering to the budget agreement and using any savings to reduce our bloated deficit is equally ridiculous. Only last week I released a Joint Economic Committee report that shows that for every dollar that Congress increases taxes on Americans, it increases spending by $1.59. Thus, given a new sum of tens of billions of dollars, history shows that—unless we act quickly—Congress will use the opportunity to spend more, creating even greater and more expensive programs that lock us into our intransigent deficit. And for those who do not believe we should open up the budget agreement, I think you ought to be realistic. This world is ever-changing, and the likelihood that we could keep the budget agreement closed for 5 years was an impossibility right from the start. In fact, I dare say that if it is not opened now to provide incentives for economic growth, it will be very soon to raise taxes once again. We must do the former, not the latter.

Mr. President, the time is now. Congress has an opportunity to act, and act responsibly. And this time, let us do it right away. No high profile, behind closed doors budget summit in airplane hangars outside of Washington to distract the public. No. In my view this bill should go through the normal course of legislation—the way the Constitution provides—with an ongoing, honest public airing of the debate. Only in this way can decisions be made in the open and by the proper committees of jurisdiction. Only in this way can Congress improve the perception of how it works as an institution. I look forward to the following days, and perhaps weeks, of debate, and I am happy to join the chairman of the Finance Committee to initiate this critical process.

Mr. DECONCINI. Mr. President, there can no longer be any doubt that this economy is stalled. A double dip recession is no longer just a possibility; it is a reality. Those getting hardest hit by the recession are the group who always gets hardest hit—middle-income Americans.

There are a number of things we can, and should, do to alleviate the negative effects of the recession. One bill which Congress keeps having to do and redo is to extend unemployment benefits. The President continues to show his lack of concern for the millions of unemployed by vetoing this legislation. We will continue passing it until he gives in and signs the bill.

Another important item is to provide some tax relief for middle-income Americans. That is why I have cosponsored Senator BENTSEN's middle-income tax cut bill. It is the right proposal at the right time.

There are three components to Senator BENTSEN's proposal. First, he proposes a $300 tax credit for each child under 18. Estimates are that this proposal will reduce taxes by 25 percent for a family of four with a $35,000 income. This is a significant and effective way to provide support for middle-income Americans.

Second, this bill would restore the $2,000 fully deductible IRA. I opposed the 1986 Tax Reform Act for many reasons, among which was the ridiculous

limiting of this most valuable savings tool. Restoring individual retirement accounts will not only encourage all Americans to save—which boosts the economy—but will also assure the Nation that our future retirees will have adequately planned for their later years. In addition to restoring the IRA, this bill will allow early penalty-free withdrawals for first home purchases, college education expenses, and serious medical expenses.

Finally, the third part of this bill finds a responsible tool to pay for these tax provisions. By cutting the defense budget by a mere 5 percent over the next 5 years, we can pay for these tax programs and the defense budget will still be funded at a level $1.387 trillion over that 5 year period. The changed world order certainly gives us assurance that we can afford a 5 percent reduction in our defense spending.

I hope that we will move swiftly on this legislation and pass it before we adjourn for the year. The American people deserve a break, the economy needs a boost, and this bill will provide that opportunity.

Mr. DASCHLE. Mr. President, I'm proud to join my respected colleague, Senator LLOYD BENTSEN, in offering legislation to provide tax relief for middle-income America.

It is time for this bill, Mr. President. It is time for this bill, and it is time for the debate it will create. In fact, it is long past time.

For 15 years, the American people have watched their effective tax rates go up. And they have watched the effective tax rates of the super-rich go down.

For 15 years, the American people have watched the power and pay of the very rich skyrocket, while theirs has been in decline.

Since 1977, the effective tax rate for the wealthiest 1 percent of families in America has actually decreased, not by a little, but by a whopping 17.6 percent. At the same time, virtually all of the 80 percent of our families with middle or lower incomes have seen their effective tax rates increase.

I do not claim that the legislation we introduce today is perfect. Nor does Senator BENTSEN. What he seeks to do is to break the logjam, to end the paralysis created by the search for consensus perfection.

Senator BENTSEN's action today elevates the debate on tax fairness for middle-class Americans from the theoretical to the real. It bangs the gavel on the start of a debate Americans want to hear, a debate that matters to them and to their country.

There is no nit-picking in this debate. It is about the income and the well-being of every citizen of this nation.

So, let the debate begin.

I believe working American families need the $300 children's tax credit the Bentsen bill would provide. The administration does not.

I believe enhancing the value of this credit for lower middle-income families by making it refundable is a good idea, if it can be financed Senator BENTSEN has told me he is open to looking at this idea. The administration is not.

I believe restoring the up-front deduction to encourage the average American to save in an Individual Retirement Account is important to our future. The administration does not.

I am convinced that tax relief for middle-income Americans is an antidote to the recession the President says does not exist. I think he is fooling himself when he says the only thing wrong with the economy is that Americans just think they are hurting, when they really are not.

The fact is that Americans don't think they are hurting. They know they are.

The Bentsen bill provides a start toward fairness. It puts a few more dollars in the pockets of the ordinary folks whose hard work makes this country run. Those are the dollars we need to pull us out of recession. They are "trickle-up" dollars; dollars we can give to average families simply by making the tax system fairer, the way it should have been to start with; and dollars they can then spend to get our economy going again.

That's what this bill is all about—fairness and economic progress. if we can make it better, let's do it. But I say to all of you here this afternoon—and I say with particular emphasis to the President of the United States—do not stand on the sidelines. Don't pretend nothing is wrong or that America cannot afford to help the middle class.

We cannot afford not to help. We have no choice but to act.

This is not a game for some other time, as the President would have us believe. The economy is faltering now. Middle-income families are being shortchanged now. The time to act is now.

Mr. ADAMS. Mr. President, I rise today to join the distinguished chairman of the Senate Finance Committee, Senator BENTSEN, in introducing a tax relief plan for American families.

The time has come to recognize that the last 11 years have not been kind to American families. While the Reagan-Bush tax cuts were lining the pockets of the wealthy, middle-income families—the heart and soul of our Nation—have been struggling to keep up. Low-income families have fallen further behind.

For the last 11 years, we have been led by supply side trickle-down economic theory of the Reagan-Bush administrations. I think it's time to put money back into the hands of people who know the value of a dollar, the working men and women across our country.

Three out of four families—all but the poorest fifth and richest fifth—now pay more in taxes than under presupply side tax rates. Seventy-five percent of American families were hoodwinked by the Reagan-Bush administrations into believing they would fare better under their tax policies. Any way you slice it, the middle class has suffered.

This legislation is an excellent place in which to begin the debate on giving working families the relief they need. Its simplicity is its strength. This bill will establish a $300 tax credit per child in the family. No bells, no whistles, just straight tax relief. For a family of four earning $35,000 a year, this bill will reduce income taxes by 25 percent. This means more money to meet day-to-day needs, buy a new car, or just put away for a rainy day.

This legislation will also bring back the tax incentives for Individual Retirement Accounts [IRA]. At a time when our national savings rate is at historical lows, we must respond with initiatives to promote savings. The IRA proposal included in this bill also allows for penalty-free withdrawal for first time home buyers, paying for a child's education, and medical emergency. This is exactly the type of flexibility American families need during a severe and prolonged recession. No one can predict what the future needs of their families will be. But knowing they have alternatives to meet emergencies is surely a comforting thought.

Some will try to paint this bill a Federal bank buster. Let's put that argument to rest right here. This bill will not add to the deficit. It will not break the Federal bank. It is paid for by a 5 percent reduction in defense spending over the next 5 years.

Given the dramatic restructuring of the world order, it is entirely appropriate, and I believe essential, to rethink our national priorities. Even after a 5-percent reduction in defense spending, overall spending for national defense will still be $1.4 trillion over the next 5 years or 94 percent of defense spending over the last 5 years. Do we need to maintain this high level of defense spending? I think not.

I am confident that working men and women across the country would prefer a larger tax refund next year than building another stealth bomber to fight a phantom enemy.

This bill is a good place in which to begin the debate. I don't think it is perfect. I am concerned about the overall distributional effects. Does it do enough for those most at risk in our society? Does it guarantee the poor won't slip further into poverty? Does it go too far for the beneficiaries of Reagan-Bush tax policies? I have shared these concerns with the Senator BENTSEN and he has assured me that these issues will be openly discussed. I thank him for his willingness to look

at my concerns, and look forward to working with him to address these issues.

I commend the chairman for crafting a tax relief bill based on a true understanding of how the middle class has fared over the last 10 years. I am proud to join him as an original cosponsor.

Mr. President, this is the opening bell to a important fight that will carry over into next year. It will not be easy going, but I believe with this legislation, we have begun down the path to true tax relief based upon compassion for all American families.

By Mr. EXON:

S. 1926. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income of proceeds from U.S. savings bonds which are used to pay higher education expenses; to the Committee on Finance.

EXCLUSION OF INCOME FROM SAVINGS BONDS USED TO PAY HIGHER EDUCATION EXPENSES

Mr. EXON. Mr. President, today I am introducing legislation to take another step forward in providing affordable, quality education for America's young men and women. This bill will provide an expansion of the tax exemption on interest earned on savings bonds if the bonds are used for higher education expenses.

In 1988, Congress passed landmark legislation exempting from taxation the interest earned on U.S. savings bonds purchased by parents and spouses who used them to provide for the higher education expenses of their children. During the last two Congresses I have introduced legislation to expand the number of family members who could invest in this way and be eligible for the tax exemption. However, because of uncertain cost estimates and the difficulty of passing even the modest bill we passed in 1988, it was not possible to proceed. Now that the cost of expanding this existing benefit has been determined to be minimal, I am prepared to move ahead. As it is now, grandma and grandpa cannot purchase savings bonds on behalf of their grandchildren for their higher education. Neither can Aunt Pearl or Uncle Henry. Parents and spouses are the only ones who can currently benefit from this tax exemption. I would like to see the exemption expanded to encourage anyone interested to help out with educational expenses.

I have received inquiries since the original bill was passed expressing strong interest in the program, only to be disappointed to find out that as a friend or relative, they were ineligible for the exemption. Middle-income students are finding fewer and fewer ways to finance their higher education. If we can encourage family members or friends of families to help out, then maybe we can take some of the burden off of the Government to help lower- and middle-income students. Helping students with their education may also expand their choices of where to attend college. With assistance from friends or family, students can have a wider range of choices on what schools they would like to attend.

How much and how many people we help with grants is continually being debated. We either help more students with fewer dollars or fewer students with more dollars. And who do we help with these grants? Only those from very poor families? What about the middle-income student? The cost of education has nearly doubled in the last 10 years and yet we are helping fewer students all the time, lower income and middle income alike. I hope we are not returning to the days when only the wealthy could afford education. That may have been enough when the world around us was not so complex. It's not enough now.

We cannot expect America to compete in a technological world without an educated society. A higher education means more and more every day. Increasingly those competing for well-paying jobs are expected to have graduate degrees. What are we saying to students when we won't even help them receive their undergraduate degrees?

The alternative to receiving help in the form of grants or bonds from friends and relatives are loans. Many faced with the thought of going to school for 4 years, ending up tens of thousands of dollars in debt get so discouraged they don't even bother furthering their education.

With this legislation we are also encouraging families to increase their personal savings, encouraging them to plan for the future. U.S. savings bonds are a familiar and proven investment. I believe that the traditional method of saving by taking payroll deductions for bonds is an affordable way to encourage savings. As a Nation we need to begin saving more. This bill expands those who may be saving and saving for an important reason—someone's education. Rewarding individuals who do so by allowing them to designate what that savings can be used for gives those people a sense of pride and accomplishment. The net cost of the proposal to the Treasury is actually offset by lower borrowing costs. According to the Treasury Department, the Government saves $70 million for every $1 billion sold in savings bonds.

Another advantage of educational loans is that they are portable. The student can decide where he or she wants to go to school without restrictions. Savings plans that may be offered by a State may have restrictions that the savings can only be used for education within that State. Students should be allowed to go to any school which they feel will best fit their needs as a student. Local or State schools do not always fill those needs.

Mr. President, I don't expect my bill to solve all the problems of funding for higher education. The costs for higher education are soaring and every little bit helps. I believe it is time we start taking one step at a time to make sure that our children have the education they need to continue leading America into the 21st century. We must do everything that we can to encourage anyone interested to invest in America's future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCOME FROM UNITED STATES SAVINGS BONDS TO PAY HIGHER EDUCATION EXPENSES.

(a) IN GENERAL.—Section 135(c)(2)(A) of the Internal Revenue Code of 1986 (defining qualified higher education expenses) is amended to read as follows:

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition and fees required for enrollment or attendance at an eligible education institution."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to redemptions made in taxable years beginning after December 31, 1991.

By Mr. FOWLER (for himself, Mr. HOLLINGS, Mr. LAUTENBERG, Mr. LEAHY, Mr. SASSER, Mr. DODD, Mr. ADAMS, Mr. AKAKA, Mr. NUNN, Mr. BRADLEY, Mr. BUMPERS, Mr. LEVIN, Mr. SANFORD, Mr. SIMON, Mr. ROBB, Mr. HEFLIN, Mr. GARN, Mr. SEYMOUR, Mr. SIMPSON, Mr. WARNER, Mr. DURENBERGER, Mr. CRANSTON, Mr. SPECTER, Mr. SYMMS, Mr. CHAFEE, Mr. ROTH, Mr. BROWN, and Mr. DIXON):

S.J. Res. 225. Joint resolution to designate February 3, 1992, through February 9, 1992, as "National Police Officer and Firefighter Recognition Week"; to the Committee on the Judiciary.

NATIONAL POLICE OFFICER AND FIREFIGHTER RECOGNITION WEEK

• Mr. FOWLER. Mr. President, I rise today to introduce a joint resolution to designate February 3, 1992, through February 9, 1992, as "National Police Officer and Fire Fighter Awareness Week."

Supported by every national police and fire prevention organization in America, this measure is designed to provide an appropriate forum for recognizing the contributions made by police officers and firefighters every day in their quest to protect the public.

As foot soldiers in the daily fight against crime and drugs, and the constant battles against fire and disasters, America's domestic public safety personnel deserve a demonstration of na-

tional gratitude equal to that which has been bestowed upon the men and women of our Armed Forces.

Mr. President, imagine if you will, driving at speeds averaging 100 miles per hour through urban streets or down a crowded freeway in hot pursuit of a bank robber, only to stop and exchange several rounds of gunfire.

Try and imagine yourself walking gingerly to safety across a cracking wood floor on the 10th floor of a burning building with a baby in your arms.

Imagine the feeling of anxiety as you burst into a dark house during a drug raid, not knowing what is waiting inside; or feeling the heat of fire all around you as you desperately try to find a person whose screams are blaring at you through the dense smoke.

Mr. President, these scenes may sound like something out of a television show, but they are common examples of the type of unselfish acts that our brave law enforcement officers and firefighters perform daily throughout this country.

These brave public servants work diligently to provide this Nation with the highest level of domestic security in the world, risking life and limb to protect the citizens of America.

The time is now to show our highest appreciation to our police officers and firefighters, and what better way to do so than by having a national celebration honoring these pillars of our community?

I am joined today by 26 proud cosponsors in hoping that each and every Senator will not only become a cosponsor of this measure, but that they will also work with local police and firefighting officials in their own States to organize appropriate celebrations to recognize the hard work of these valuable public servants.●

By Mr. DODD (for himself and Mr. REID):

S.J. Res. 226. Joint resolution designating the week of January 4, 1992, through January 10, 1992, as "Braille Literacy Week"; to the Committee on the Judiciary.

BRAILLE LITERACY WEEK

● Mr. DODD. Mr. President, on behalf of myself and Senator REID, I am pleased to introduce today a resolution designating the week of January 4, 1992, as "National Braille Literacy Week." This designation, which coincides with the birth of Louis Braille, would serve to heighten public awareness of the importance of braille literacy.

Braille is a system of dots that enables the blind to read and write independently. Braille also aids the visually impaired, for whom it is not always effective or efficient to struggle reading print because of low reading speeds and high levels of fatigue. Standardized in 1932, braille has enabled blind and visually impaired individuals to compete in employment, succeed in education, and live independent lives.

In recent years, braille literacy has been on the decline. It is estimated that 10 percent of the blind population cannot read or write in braille. The number of braille readers served by the American Printing House for the blind dropped from 9,008 in 1965 to 5,630 in 1970 while the total number of individuals served rose from 18,627 to 48,071 readers. Libraries with braille collections are discontinuing braille services, and the teaching of braille has been neglected. Many assume that cassette tapes, computers, reading machines, and magnification devices make braille obsolete. Teaching professionals often lack knowledge of braille as well.

Our Nation must reverse this downward trend. Reading machines such as Optacon, computer access programs, and cassette tapes are useful, but they cannot replace braille as a uniform medium for communication. There is a great need for production of a wide variety of commonly available print documents in braille. Adults who are blind or visually impaired need instruction in braille. Blind children who can benefit from braille instruction also need access to highly qualified teachers. In fact, many States have recognized that teachers of the blind are subject to few requirements regarding proficiency in or teaching of braille, and, as a result, are enacting legislation to ensure that blind and visually impaired school age students are taught braille if that is an appropriate medium for them.

National Braille Literacy Week will publicize the importance of braille to blind and visually impaired people, which will undoubtedly bring about greater recognition of braille as a legitimate and effective medium. It is my hope that this recognition will increase braille literacy and encourage the expansion of print documents in braille. An increase in braille literacy will enable many blind and visually impaired individuals to experience the gratification and freedom of reading and writing independently.

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. 226

Whereas Braille, the system of raised dots used by the blind to read and write, is an elegant and effective medium of literacy;

Whereas blind and visually impaired children and adults must be afforded the opportunity to achieve literacy so that they can compete in employment, succeed in education, and live independent, fruitful lives;

Whereas recording devices, the optacon, and other reading machines and computer access programs have enabled blind individuals to gain access to a wide variety of printed material but such devices cannot be a replacement for a medium that allows an individual to read and write independently;

Whereas the teaching of braille has been neglected over the past several decades;

Whereas in many States, legislation is being considered or has already been enacted to ensure that blind and visually impaired school age students are taught Braille if it is the appropriate medium to provide literacy for those students: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The week of January 4, 1992, through January 10, 1992, is designated as "Braille Literacy Week".

SEC. 2. PROCLAMATION BY THE PRESIDENT.

The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe Braille Literacy Week with appropriate ceremonies and activities.

SEC. 3. PROCLAMATIONS BY STATE AND OTHER OFFICIALS.

Each State governor, the chief executive of the District of Columbia, each chief executive of each territory or possession of the United States, and each chief executive of each political subdivision of each State, territory or possession is urged to issue a proclamation or other appropriate official statement calling upon the citizens of the State, the District of Columbia, the territory, the possession, or the political subdivision to observe Braille Literacy Week with appropriate ceremonies and activities.

SEC. 4. CEREMONIES AND ACTIVITIES.

The ceremonies and activities referred to in sections 2 and 3 should include educational activities—

(1) to celebrate the contributions of the inventor of Braille, Louis Braille, who was born on January 4, 1809;

(2) to heighten public awareness of the importance of Braille literacy among children and adults who are blind; and

(3) to heighten public awareness of the great need for the production of a wide variety of commonly available print documents in Braille.●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 455

At the request of Mr. MITCHELL, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 455, a bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 765

At the request of Mr. BREAUX, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 765, a bill to amend the Internal

Revenue Code of 1986 to exclude the imposition of employer social security taxes on cash tips.

S. 1087

At the request of Mr. HARKIN, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 1087, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the Pledge of Allegiance to the Flag.

S. 1175

At the request of Mr. KERRY, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 1175, a bill to make eligibility standards for the award of the Purple Heart currently in effect applicable to members of the Armed Forces of the United States who were taken prisoners or taken captive by a hostile foreign government or its agents or a hostile force before April 25, 1962, and for other purposes.

S. 1257

At the request of Mr. BOREN, the name of the Senator from Kentucky [Mr. FORD] 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. 1354

At the request of Mr. HARKIN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1354, a bill to amend title II of the Social Security Act to increase the amount of remuneration an election official or worker may receive and be excluded from an agreement between a State and the Secretary providing for the extension of benefits under such title to State employees.

S. 1357

At the request of Mr. BREAUX, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor 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. 1723

At the request of Mr. REID, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 1723, a bill to amend the Older Americans Act of 1965 to establish music therapy services for older individuals, to establish music therapy demonstration projects, and for other purposes.

S. 1741

At the request of Mr. ROBB, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1741, a bill to provide for approval of a license for telephone communications between the United States and Vietnam.

S. 1793

At the request of Mr. D'AMATO, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of 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.

S. 1810

At the request of Mr. DURENBERGER, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1810, a bill to amend title XVIII of the Social Security Act to provide for corrections with respect to the implementation of reform of payments to physicians under the medicare program, and for other purposes.

S. 1827

At the request of Mr. BOND, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Nevada [Mr. BRYAN], the Senator from New York [Mr. D'AMATO], the Senator from California [Mr. CRANSTON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Florida [Mr. MACK], the Senator from Delaware [Mr. ROTH], the Senator from Florida [Mr. GRAHAM], the Senator from Texas [Mr. GRAMM], the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. SANFORD], the Senator from Colorado [Mr. WIRTH], the Senator from West Virginia [Mr. BYRD], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Colorado [Mr. BROWN], the Senator from Montana [Mr. BURNS], the Senator from Oklahoma [Mr. BOREN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Louisiana [Mr. BREAUX], the Senator from Indiana [Mr. COATS], the Senator from Maine [Mr. COHEN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Idaho [Mr. CRAIG], the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Washington [Mr. GORTON], the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Mississippi [Mr. LOTT], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Arizona [Mr. MCCAIN], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Dakota [Mr. PRESSLER], the Senator from Wyoming [Mr. SIMPSON], the Senator from New Hampshire [Mr. SMITH], the Senator from Alaska [Mr. STEVENS], the Senator from Idaho [Mr. SYMMS], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1827, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the White House.

S. 1836

At the request of Mr. DURENBERGER, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1836, a bill to provide economic incentives through Medicaid bonus funds to promote State alternative dispute resolution systems, to assist States in the creation and evaluation of alternative dispute resolution systems, to encourage State-based quality improvement programs, and to provide comprehensive reform of State tort law to curb excesses in the current liability system, and for other purposes.

S. 1886

At the request of Mr. MCCONNELL, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Georgia [Mr. FOWLER], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of S. 1886, a bill to delay until September 30, 1992, the issuance of any regulations by the Secretary of Health and Human Services changing the treatment of voluntary contributions and provider-specific taxes by States as a source of a State's expenditures for which Federal financial participation is available under the medicaid program and to maintain the treatment of intergovernmental transfers as such a source.

SENATE JOINT RESOLUTION 194

At the request of Mr. GRAMM, the names of the Senator from Wyoming [Mr. WALLOP], the Senator from Utah [Mr. GARN], the Senator from Wyoming [Mr. SIMPSON], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from New Hampshire [Mr. RUDMAN], the Senator from California [Mr. SEYMOUR], the Senator from Colorado [Mr. BROWN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 194, a joint resolution to designate 1992 as the "Year of the Gulf of Mexico."

SENATE JOINT RESOLUTION 198

At the request of Mr. AKAKA, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 198, a joint resolution to recognize contributions Federal civilian employees provided during the attack on Pearl Harbor and during World War II.

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. BOREN, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Concurrent Resolution 57, a concurrent resolution to establish a Joint Committee on the Organization of Congress.

At the request of Mr. DOMENICI, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of Senate Concurrent Resolution 57, supra.

SENATE RESOLUTION 213

At the request of Mr. GORE, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Senate Resolution 213, a resolution expressing the sense of the Senate regarding United States policy toward Yugoslavia.

AMENDMENTS SUBMITTED

INDOOR AIR QUALITY ACT

SEYMOUR AMENDMENT NO. 1307

Mr. SEYMOUR proposed an amendment to the bill (S. 455) to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors, as follows:

On page 7 of the bill, strike lines 12 through 13 and insert the following: "square feet in area, any building occupied by the Library of Congress, and any building that is included in the definition of Capitol Buildings under section 193m(1) of title 40, United States Code;".

MITCHELL AMENDMENT NO. 1308

Mr. MITCHELL proposed an amendment to amendment No. 1307 proposed by Mr. SEYMOUR to the bill S. 455, supra, as follows:

In the amendment on page 1, line 3, between the "," and "and" insert the following: "the White House and the Vice-Presidential residence,".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Wednesday, November 13, 1991, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from James Randolph, nominee for Assistant Secretary for Fossil Energy and Gregg Ward, nominee for Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy.

For further information, please contact Rebecca Murphy at (202) 224-7562.

AUTHORITY FOR COMMITTEES TO MEET

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, November 6, 1991, to hold a hearing on Asian organized crime: Part II.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Wednesday, November 6, 1991, at 10 a.m. to vote on the nominations of Robert Clarke to be Comptroller of the Currency and David Bradford and Paul Wonnacott to be members of the Council of Economic Advisers.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 6, at 2:15 p.m. to hold a hearing on the current political situation in Zaire.

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

SELECT COMMITTEE ON POW/MIA AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on POW/MIA Affairs is authorized to meet today, November 6, 1991, at 10 a.m. in 216 of the Senate Hart Office Building to continue to examine the Government's process of investigation of POW/MIAs which is currently in place, and to determine whether or not live Americans are being held against their will in Southeast Asia.

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

ADDITIONAL STATEMENTS

UKRAINE SEEKS NUCLEAR-FREE STATUS

• Mr. DECONCINI. Mr. President, with the dramatic changes in Europe over the last few years, we are in the midst of truly historic times. One of the most interesting developments we are witnessing is the rebirth of Ukraine, the second-largest of the former Soviet republics. This 52-million-person resource-rich republic would constitute the fourth largest country in Europe. The emergence of Ukraine has been viewed with curiosity and even some concern. Much of this concern, I believe, is based on the lack of knowledge about Ukraine and its people, and of the intentions of its government. For too long Ukraine was isolated and its people suppressed by the Soviet Central Government. The people of Ukraine have suffered from decades of communism, collectivization and centralization. Relatively little was, and for that matter, still is known about this nation and about the aspiration of its people.

Now, with the unraveling of the Soviet Union, Ukraine is coming into its own. On August 22, the Ukrainian parliament declared independence, which will be confirmed by a December 1 referendum. Even prior to the independence declaration, the Ukrainian parliament, under pressure from the democratic opposition, was taking steps toward achieving democratic, peaceful self-determination. Ukraine has found itself taking on the attributes of independence and has begun to make the difficult choices necessary to achieve genuine statehood. Despite perceptions among some in the West, Ukraine is clearly serious about independence. And that has raised certain concerns.

Mr. President, confusion has arisen with respect to Ukraine's intentions in the nuclear and military sphere. Ukraine supports centralized defense control over nuclear weapons on its territory. Ukraine opposes the division of nuclear forces between republics and the transfer to nuclear weapons from one territory to another. At the same time, Ukraine, according to an October 24 statement of the Ukrainian parliament, insists on its right to monitor the elimination of nuclear weapons deployed on its territory. Ukraine, according to the statement, will pursue a policy aimed at complete annihilation of nuclear weapons and their basing components deployed on the territory of Ukraine. It intends to accomplish this within a minimum timeframe.

It is important to recognize that Ukraine's goal is the complete destruction of nuclear weapons on its territory. Ukraine does not believe that it is in its own or anyone else's interests to transfer the nuclear weapons off its territory. The Ukrainian parliament's statement notes that Ukraine, as one of the successors to the former U.S.S.R. will observe provisions of the 1991 START Treaty on strategic offensive nuclear weapons and is prepared to begin talks with Russia, Kazakhstan, and Byelorussia with the participation of relevant structures of the former U.S.S.R. regarding destruction of strategic nuclear weapons covered by the treaty. Ukraine, according to the statement, will take measures to destroy all other nuclear weapons deployed on its territory. Indeed, Mr. President, our own State Department has applauded the Ukrainian parliament's actions in reducing nuclear weapons and resolving to make Ukraine nuclear-free and neutral.

Ukraine's plan to create a 400,000-member republican army has also raised eyebrows. While this is a considerable number, in fact, such an army

would represent a sizable decrease over the Soviet force of 1.2 million presently stationed on Ukrainian territory. On the other hand, I appreciate United States and Western concerns. Frankly, I question the decision on the need for a 400,000 person military—one still larger than that of most of the countries of Europe. I would note that France, with roughly the same population, has a standing army of 460,000. Ukraine has expressed its willingness to negotiate within the CSCE and other multilateral fora, and I would encourage the Ukrainian government to engage in a dialog with the CSCE participating states on this and other security matters. I would expect that in light of the changing security situation precipitated by the demise of the Soviet Union and Ukraine's evolving relations with neighboring states, as well as the costs involved, Ukraine may reassess its security needs.

Mr. President, Ukraine is on the way to achieving real statehood, a goal which I enthusiastically support. The tasks the Ukrainian government faces in its drive for independence are difficult. To build on the ruins of an empire which denied human rights, human initiative, and human dignity is a formidable challenge. It is incumbent upon us to support the legitimate efforts of the people of Ukraine to control their own destiny and to assist their efforts in building a peaceful, democratic, economically healthy state based on the rule of law.•

S. 1117, A BILL TO ESTABLISH THE BUREAU OF LAND MANAGEMENT FOUNDATION

• Mr. BINGAMAN. Mr. President, I am pleased the Senate passed S. 1117 last night, on November 5, which will establish the Bureau of Land Management Foundation. It will provide the means for private individuals and corporations to make donations for the benefit of the Bureau of Land Management, to encourage and augment activities to support programs administered by this agency. Currently, other land management agencies—the Forest Service, the National Park Service, and the Fish and Wildlife Service—all have the private nongovernmental, nonprofit corporations this legislation provides for the Bureau of Land Management. The Bureau of Land Management is the only major agency without such a support organization, and deserves no less than these other agencies.

The Bureau of Land Management is very important to us in New Mexico. It manages some of the most critical natural and cultural resources in the State. It is vital that this agency have all the tools available to carry out its resource management. This bill provides a very important tool for the BLM throughout the country. The Foundation will encourage, accept, and administer donations of money and real property by corporations and individuals who are interested in furthering the resource management purposes of the Bureau of Land Management. It will undertake educational and technical assistance activities to further those purposes. It will serve to promote cooperation among the BLM, the private sector, and other governmental and educational agencies. The agency and the land it manages for the Nation will benefit by this action.•

By Mr. SIMPSON (for himself and Mr. WALLOP):

S. 1889. A bill to designate the U.S. Courthouse located at 111 South Wolcott in Casper, WY, as the "Ewing T. Kerr United States Courthouse"; to the Committee on Environment and Public Works.

EWING T. KERR UNITED STATES COURTHOUSE

• Mr. SIMPSON. Mr. President, I am so very pleased to join my colleague, MALCOLM WALLOP, as we pay tribute to a very marvelous, fine man and someone I have called friend for a lifetime—Judge Ewing T. Kerr. For today we will introduce a bill which will designate the Federal courthouse in Casper, WY, as the "Ewing T. Kerr United States Courthouse."

Although Judge Kerr was born in Bowie, TX, in 1900, it did not take him long to see the light and move north to Wyoming. He landed in Cheyenne 1 year after the streets of the frontier town had been paved. First came the roads—then came Judge Kerr. Things were looking up for both. In 1927 Ewing Kerr was admitted to practice law in Wyoming so he placed his shingle on the door and began to build a lifetime reputation as a brilliant, steady, thoughtful, and dedicated member of the legal profession. The following year, in 1928 he began to rise through the ranks of his profession and he served as the assistant U.S. attorney from 1928 to 1933. His career was now soaring and in 1938 Gov. Nels H. Smith appointed him as Wyoming's Attorney General.

He served with clear distinction as attorney general until he heard a different kind of call—the call to serve his country in the Army, which he did for 3 years. After his military service he again practiced law and soon was appointed as a Federal district judge, obtaining senior status in this position in 1975, and it is in this capacity that he still serves his community, his State, and his country.

I have quickly stated only the briefest facts of quite a remarkable legal career but I have not even begun to scratch the surface of what makes this man so remarkable and so fully deserving of this special tribute and this unique honor. For Judge Kerr is a learned man, a dedicated legal scholar, and a distinguished judge—yes, he is all of this but he is also so very much more.

Though his legal career has been a remarkable one—I would be so remiss if I did not mention the lives he has touched through the years as he put his thoughts, beliefs, and his concern for his fellow man into action through his participation in a wide variety of different civic and charitable organizations. Almost from the day he arrived in Cheyenne in 1927 he began a commitment to public service that he has honored to this very day.

He has worked over long years to help the chamber of commerce, the Red Cross, the Salvation Army, various fraternal groups, his beloved Rotary Club, and his church. And he has done it all in a genuine spirit of kindness, compassion and consideration for others which is truly remarkable. When his predecessor retired he gave Judge Kerr some very valuable advice. "Stay active in community affairs," advised the jurist, "for it will make you a better judge." That predecessor was already very aware of Judge Kerr's active involvement in his community—and I have a hunch he was just advising Judge Kerr to "keep it up". And he surely did, as he has, and he always will.

In his early days he also loved to involve himself in the workings of local and national politics as much as possible. He learned at a tender age that democracy is not a spectator sport and he became involved early and often as a young attorney in Wyoming. If a cause or an organization was ever in need of his special talents, some counsel or advice, or just some time and his valuable assistance—he was always ready and available to serve.

And now—even though the Judge has attained senior status—he has in no way retired. He maintains his outside interests, serves his community, still gives a speech now and then—to the delight of his audiences—and takes an active role in raising his two dear granddaughters. A visit to the Kerr household means confronting old law books, books of history, art and literature, and an assortment of bikes, skateboards, roller skates, and an incredible array of the trappings of childhood.

Nothing personally pleases me more than taking this moment to "give credit where credit is due" and so I am very proud to be a part of this effort. No one is more deserving of this tribute than the Judge—a man who has been so important and such a vital part of his community, his State, and his country. His long and distinguished years of service to the legal and judicial community, combined with his innate civility and kindness, his compassion, his willingness to serve, his intellect and his devotion to duty and the pursuit of the truth all make him so very worthy of the honor of naming the Federal courthouse in Casper, WY, the "Ewing T. Kerr United States Courthouse." We do this to honor a man who has made so many important contributions to our lives that we will remember his name for years to come as it graces this Federal building. This is just our very small way of saying,

"Thank you, Judge Kerr. You made a difference in every way in all our lives—especially in mine—and you will never be forgotten. We love you."

He swore me into the Federal District Court in the District of Wyoming in August of 1958 and I shall never forget his remarks to "our class." They were timeless, moving, and memorable and I ask unanimous consent to insert them into the RECORD at this time along with the text of the bill.

God bless you, kind sir.

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

S. 1899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Ewing T. Kerr has dedicated 64 years of his life to the practice of law in the State of Wyoming;

(2) over a period of 36 years, as a Federal district judge, Ewing T. Kerr has embodied the spirit of public service and has been dedicated to upholding the law of the land; and

(3) Ewing T. Kerr deserves recognition, honor, and gratitude.

SEC. 2. DESIGNATION.

The United States Courthouse located at 111 South Wolcott in Casper, Wyoming, is designated as the "Ewing T. Kerr United States Courthouse".

SEC. 3. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the United States Courthouse referred to in section 1 is deemed to be a reference to the Ewing T. Kerry United States Courthouse.

[In the District Court of the United States, District of Wyoming]

ADMISSIONS TO THE BAR

Before The Honorable Ewing T. Kerr, Judge of the Court.

PROCEEDINGS

August 5, 1958, Tuesday, 11:15 AM.

The COURT: Are there any preliminary matters such as admissions?

DEAN HAMILTON: If it please the Court, there is in Court this morning Ten (10) persons who have been admitted to practice in Wyoming. I should like to present them to the Court.

The COURT: Yes, you will come in and stand before the Clerk.

DEAN HAMILTON: If it please the Court, the people who are before you, Samuel Anderson, James Applegate, John Brorby, John Francis Lynch, Morris Massey, Peter Mulvaney, Alan Simpson, Daniel Svilar, Arnold Taschirgi and Lesa Willie.

These people have been admitted to the practice before the highest Court in Wyoming. I am very pleased and honored to move that they be admitted to practice before the Court.

The COURT: You vouch for them?

DEAN HAMILTON: I vouch for their moral character.

The COURT: The Clerk will give the oath.

The CLERK: You, and each of you, do solemnly swear before the ever living God, that you will support and defend the Constitution of the United States and the laws made in pursuance thereof, and that you will faithfully observe and obey the rules of the United States District Court for the District of Wyoming, and demean yourself uprightly and according to law. So Help You God.

In Unison: (I do).

The COURT: I wasn't given sufficient notice this morning to prepare an address, in that regard I think you are very fortunate. I do want to say "congratulations" upon your admission to the Federal Court. That you are commencing the practice of law at a very fortunate time. By that I mean that the State has recently adopted almost verbatim the rules of civil procedure which we have had in this Court since 1938. The object of those rules is to accomplish substantial justice.

You are more fortunate than Dean Hamilton and I who commenced practice of law more than Thirty (30) years ago when we wrestled more with technicalities than we did with substantial justice, and many times justice was denied, and I have experienced that we don't waste any time on technicalities anymore for if a plaintiff has a good claim, be should recover though he may have the poorest lawyer in the State of Wyoming, and the defendant may have the ablest lawyer. This is the way the Courts look at the administration of justice today.

I was impressed last June with your commencement speaker. The gist of his address as I construed and interpreted it while your college education is simply mental discipline, and your learning actually commences after your graduation. And, with that I agree. I practiced law for more than Thirty (30) years before being elevated to the Bench, and I find that we still have to struggle with legal principles. Less than an hour ago I concluded a case here in which I gave counsel Ten (10) days to determine whether or not this Court had jurisdiction in the first instance to try the case. Not all problems of law are settled. The law being an abstract science, reasonable minds disagree as to its proper interpretation, and it might interest you to know that during the last Session of the Supreme Court of the United States that Eighty-Three Percent (83%) of the decisions rendered were with a divided Court, so the Supreme Court doesn't always agree among themselves as to what the law is or should be.

I clipped from Case and Comment today a quotation from Mr. Justice Cordoza, which he issued more than Twenty (20) years ago. I will read it to you.

"Law is no longer thought of as something confined in a narrow compartment of its own to be opened only by the specialist. We are looking at it more and more as a means to an end; and thus looking at it, the conviction is gaining ground that there can be no adaption of means to ends without knowledge of many things that lawyers have at times neglected, without scrutiny of many forces, social, economic, ethical, as well as legalistic. The task remains to discover and formulate a principle of growth that will give sanity and justice to the law of the present and the future."

Now, this statement was issued before the adoption of the rules of civil procedure, and we have made great strides in this country in the last Twenty (20) years in expediting litigation and eliminating the unnecessary, and getting to the very heart of a lawsuit. I might mention since you are not too experienced in the Federal practice that I take anywhere from Ten (10) to Fifteen (15) minutes to select a jury. I have experienced times when you would take two (2) days to select a jury. In other words you'd have a jury worn out before you started your case. People are too intelligent and too busy to waste time that way, and to take Thirty (30) minutes to select a jury in this Court is very unusual, and I am a great believer in the jury system. I find we get just as good jurors in selecting one in Ten (10) minutes as we do in taking a day or two. The public doesn't approve the procrastination that lawyers have been accused of in the past. That doesn't apply to you young people because I know you are going to proceed differently, and you can't ignore public opinion. I hope to see you over here often, and whether you succeed in the practice of law, will depend entirely on your ability to work and prepare your cases. The legal profession is not overcrowded. It has never been overcrowded, and there is plenty of opportunity for any young man or young woman with a mind to conceive and an ambition to work to get ahead, so whether you succeed or not will be determined by the amount of work that you are to do, and Courts quickly recognize lawyers who come into Court un-prepared. That is the easiest decision a Court has to make in any case, and before retiring you are to report to the Clerk's office and sign the roll of attorneys and pay the necessary fee which has not been increased in Fifty (50) years in this Court.

I am very glad to have you here this morning. I'll be very glad to have you come in the Chambers and meet me.

Court will stand in recess until Two (2) P.M.

CENTENNIAL RECOLLECTIONS

(By Hon. Ewing T. Kerr)

During this year, 1990, we have celebrated the centennial of Wyoming's statehood. In addition, I marked my 90th birthday. These events have given me cause to think back on Wyoming's history as well as my own. In this Article I share some of those recollections.

THE TERRITORIAL COURT

Prior to 1890, the Territory of Wyoming had three federal judges who were appointed by the President and confirmed by the Senate and served for six-year terms. These judges convened once a year, acting as a Territorial Supreme Court, and heard appeals taken from their own decisions. Judge A.C. Campbell, an early Wyoming attorney whom I knew well and who was a prolific writer and a member of the Wyoming constitutional convention, used to say facetiously that the judges convened once a year to affirm each other's decisions. However, a review of Volume I of the Territorial Decisions shows that the judges actually reversed many of their own decisions.

THE TRANSITION INTO STATEHOOD

When Wyoming became a state on July 10, 1890, selection of a state supreme court was not an easy task. Under Section 20 of the Act of Admission of the State of Wyoming, the Territorial Supreme Court justices were to serve as justices of the new Wyoming Supreme Court until that court could be organized. The justices during this interim period were Chief Justice Willis Van Devanter (who had become territorial chief justice at the young age of thirty), Micah Saufley and Asbury Conaway. They served until the supreme court was organized on October 11, 1890.[1] The first three judges of the Wyoming Supreme Court, elected on September 11, 1890, were Chief Justice Van Devanter, Justice Groesbeck and Justice Conaway. The new justices drew straws, and Justice Van

Footnotes at end of article.

Devanter drew the short term and chief justice position. However, a few days later he resigned from the court,[2] and Homer Merrell was appointed to fill the vacancy until the general election to be held November 8, 1892. At that time, Gibson Clark was elected to fill the vacancy on the court. Justice Groesbeck succeeded Justice Van Devanter as chief justice of the new supreme court.

Former Justice Van Devanter continued to practice law in Cheyenne and set up a partnership with his brother-in-law, John W. Lacey. Van Devanter and Lacey was Wyoming's most prominent and successful law firm. John Lacey had served on the Territorial Supreme Court from 1879 to 1886, and was its chief justice from 1884 to 1886, when he resigned to return to private practice. Judge Lacey was not only the outstanding judge in Wyoming during that era, he was considered the ablest lawyer in the Rocky Mountain Region. He served as general counsel for Harry Sinclair in the Tea Pot Dome scandal, and he was the attorney for the Union Pacific Railroad and several other large corporations. He had the biggest law practice of any lawyer in Cheyenne. Judge Kennedy[3] told me that it took a lot of courage to decide a case against John Lacey, but eventually he had to do it. That was the kind of reputation as a lawyer he had. Judge Lacey's home of forty years is now as the Whipple House in Cheyenne. In 1903, Justice Van Devanter was appointed to the United States Court of Appeals for the Eighth Judicial Circuit; and on December 12, 1910, he was nominated by President Taft to the United States Supreme Court. Justice Van Devanter is the only citizen of Wyoming in its first 100 years to have been appointed a Justice of the United States Supreme Court. He served on the Court from 1911 to 1937 and wrote the opinion for the landmark water case, Wyoming v. Colorado.[4]

A former law partner of Justice Van Devanter, Charles Potter, advanced to the Wyoming Supreme Court in 1895. Justice Potter served on the court for over thirty-three years, including more than twenty years as chief justice. As a young lawyer, I had the privilege of appearing before Justice Potter during his last year on the bench. Justice Potter was a very strict chief justice and kept lawyers strictly on the subject matter appealed. The Potter Law Club at the University of Wyoming College of Law is named in his honor.

Another prominent, long-term member of the Wyoming Supreme Court was Justice Fred Blume. Justice Blume was appointed in 1921 to replace Justice Blydenburg. Justice Blume served more than thirty years on the Wyoming Supreme Court. He was a recognized Roman law scholar and authored an English translation of the Justinian Code. He was frequently invited to law schools, including the University of Chicago, to lecture on Roman law. In his early opinions, he used nearly as much Latin as English. The Blume Room at the University of Wyoming Law Library is named in his honor.

Ralph Kimball, a Lander lawyer and district judge, was appointed to the Wyoming Supreme Court in 1921. He is the third member of the high court to serve more than thirty years on the bench. He was buried on his 81st birthday. In memorial proceedings before the Wyoming Supreme Court in 1959 honoring Justice Kimball, all of those contributing spoke of his kindness, courtesy and patience along with his ability as an able and insightful jurist.[5]

READING LAW

In addition to being highly respected jurists, Justices Lacey, Blume and Kimball had one thing in common—they all had "read law," instead of attending and graduating from a law school. Justice Blume held a Ph.D. in government and economics, but Justice Lacey never attended college. Justice Lacey studied and worked in Justice Van Devanter's father's law office while he was employed as a high school principal in Indiana. Many lawyers of their day acquired their legal training by "reading law." It was an accepted practice then, as reflected by the unanimous approval of Justice Blume's nomination to the supreme court in 1921. However, attitudes changed somewhat later. For example, in 1955, there was some opposition from the Wyoming Bar to my own nomination to the federal bench because I, too, "read law" instead of attending law school. But I'd say at least one-third of the lawyers during the time I practiced law had "read law."

FEDERAL JUDGES

President Benjamin Harrison appointed John A. Riner as the first United States District Judge for the District of Wyoming in 1890. Judge Riner began his tenure at the age of forty, and retired in 1921, after serving thirty-one years. He set the precedent for longevity in service on Wyoming's federal bench.

In the early days, federal court was held on the second floor of a building located on 16th Street in Cheyenne between Capitol and Warren Avenues. The first federal courthouse in Cheyenne was not built until 1904. It was in this courthouse that Judge T. Blake Kennedy[6] heard the famous Tea Pot Dome case in 1925. This first federal courthouse, situated across the street from the Boyd Building, now houses a bank.

My predecessor on the federal bench, Judge Kennedy, came to Cheyenne to live in 1901 and established himself as a prominent local attorney in 1903 by representing the infamous Tom Horn in his trial for murder. Mr. Kennedy was nominated to the federal bench by President Warren G. Harding in 1921, and served as a federal district judge until 1955. He was an outstanding judge and well respected by the legal profession. Because the case load was light during his term, he frequently sat on Eighth Circuit panels.[7] After the Tenth Circuit was formed in 1925, with its seat in Denver, he served even more frequently on appellate panels. Succeeding Judge Kennedy was not an easy task for me, but I have tried to carry out his policies during my own tenure of thirty-four years on the bench.

WOMEN ON JURIES

Wyoming, of course, was the first state to allow women the right to vote, getting them equal voting rights while we were still a territory. It was not until 1920 that the nineteenth amendment was ratified, conferring the right to vote on all women in the United States. Wyoming can also claim the first women jurors in the world—they served on a petit jury in Laramie in 1868. It was the personal view of the Laramie District Court judge, Judge John Howe, who seated these women that, because women had the right to vote in the Territory, they should be entitled to sit on a jury. The women wore heavy veils and refused to be photographed, but the news spread throughout the world. Even the King of Prussia cabled congratulations to President Grant.[8] The newspapers caricatured the women. One caption was "Baby, baby, don't get in a fury; your mama's sittin' on the jury."[9] Both defense and prosecuting attorneys objected to the women, and after being overruled the defense attorney indicated his intent to appeal to the Wyoming Supreme Court. Judge Howe responded, "With Kingman and me on the Court, how far do you think you will get?" To this the defense attorney replied, "Your Honor, it may not do any good to appeal, and my experience teaches me that Judges never retire, but fortunately they sometimes sicken and die." After the trial, Judge Howe praised the women for exerting a refining influence on the courtroom as a whole.

But Wyoming has not always lived up to her name, the Equality State. Judge Howe's view was not popular, and the custom of women juries retired when Judge Howe did, two years later. Women were officially denied the privilege of serving as jurors in federal and state courts in Wyoming from 1868 until 1948. During that era, federal court procedure, including qualification of jurors, was governed by state law. Wyoming law provided that males over the age of twenty-one were eligible to serve on juries. Thus, no women served on a state or federal jury in Wyoming until the law was changed in 1948.

Many states permitted women to serve as jurors before Wyoming officially did. I am familiar with the subject because several women's organizations came to me and asked me to draft legislation permitting women to serve as jurors in Wyoming. They came to me because I was Chairman of the Republican Party in Wyoming, and a majority of both houses of the state legislature were Republicans. Nevertheless, it was not an easy task to pass such a law because many lawyers in the legislature were opposed to it. Governor Crane, however, supported the bill, which simply changed the word "male" in the statute to "citizen." Eventually, the bill passed by a slight margin and was signed into law.

AUTOBIOGRAPHY

I was born in 1900 in Bowie, Texas, and moved with my family to Indian Territory (later Oklahoma) when I was one. I received a B.A. degree in economics and government from the University of Oklahoma and then a B.S. degree in education from Oklahoma Central State University. When I was principal of the junior high school in Hominy, Oklahoma, from 1923 to 1925, I boarded with the family of Kenneth Lott. Mr. Lott had graduated from and taught law at the University of Kansas School of Law. I became interested in law myself and was encouraged by Mr. Lott. Mr. Lott had saved all of his text books from law school, and some of the examinations he had given as an instructor. I began studying these and working in his office. I "read law" under Mr. Lott for two years.

In 1925 I moved to Cheyenne at the suggestion of my sister who was a teacher there. I continued to "read law" for about a year while serving as principal of Corlett Elementary School.[10] In 1927 I took the bar examination before Clyde Watts, later District Judge Watts. The exam was administered in the Boyd Building and lasted half a day. It consisted of essay questions on subjects of state law such as criminal and contracts law; there were no multiple choice questions as there are today. (In fact, I've never understood the purpose of the multi-state bar exam or what those questions have to do with the law business.)

I have always enjoyed politics, especially campaigning for and writing and giving speeches on behalf of various candidates. I served longer as Wyoming State Republican Party Chairman (eight years) than anyone else in the history of Wyoming. In 1938, I campaigned for Nels Smith, one of only two

Republican governors elected in the country that year. I campaigned all over the State on the issue of abolishing the sales tax. Although we couldn't do without the tax now, abolishing it had great appeal then. It was a very effective campaign.

One of my early speaking engagements actually led to my first federal position. At the last minute, I was asked to introduce Senator Francis E. Warren, who was scheduled to speak at a gathering in Pine Bluffs, a small community east of Cheyenne. Some time later, when a vacancy arose in the United States Attorney's Office for an Assistant United States Attorney, Senator Warren called A.D. Walton, the United States Attorney, to discuss the appointment and to suggest that Walton consider that "young fellow who introduced me out in Pine Bluffs." After Walton determined that it was I who introduced Senator Warren, he called me. He told me that the Senator didn't know whether I was a lawyer and didn't know my last name, but that if I wanted the Assistant United States Attorney position, I could have the job. I held that position from 1929 until 1933.

I handled many Prohibition cases while I was Assistant United States Attorney, including the famous "Casper Conspiracy" case. The Mayor, Chief of Police, Sheriff and thirty-four other Casper citizens were indicted and tried for conspiring to give a monopoly to two large illegal distilleries in Casper. For this they were paid more than $360,000. This ring was so well organized they even set up a bootlegger's warning system, which involved a system of signal lights set up on the courthouse roof. The Sheriff would turn on the red light if the federal prohibition officer was in Casper, to warn the bootleggers to hold all deliveries. Ed Reed, who kept the books for the ring, was my witness at the trial. I also prosecuted many other bootlegging cases and cases involving the operation of stills, as well as cases involving simple possession of alcohol.

I remember Judge Kennedy was opposed to Prohibition, but you couldn't tell it when you were trying a case before him. If defendants pled guilty to possession of alcohol he would fine them two or three hundred dollars, but if they stood trial and took the time of the court they would go to jail for thirty to sixty days. Defendants all knew this, so Judge Kennedy got a lot of guilty pleas. Some of Wyoming's most colorful lawyers were those defending the leading defendants in these Prohibition cases. The "bigshots," of course, employed the best lawyers, and the "Casper Conspiracy" defendants had retained them all. I was the sole prosecutor for the government. Judge Kennedy kept the jury out for two weeks. The first ballot was 11-1 for conviction, but ultimately all defendants were acquitted. Even so, they were disgraced and their reputations in Wyoming ruined.

There is a tendency to compare Prohibition cases to drug enforcement trials. However, in my opinion there is simply no comparison between Prohibition years and the drug problems we face today. Will Rogers said that Prohibition was better than no liquor at all. People drank then just like they drink now. But this drug problem is the greatest problem in my lifetime, and they don't have the answer to it yet. The price of drugs simply goes up as the organization and efforts to curtail it increase.

I also served four years as Wyoming Attorney General, from 1939 to 1943. I was the youngest Attorney General ever appointed in the State at that time. Then there were only three members of the attorney general staff, compared to more than forty today. I have vivid memories of two cases I argued as Wyoming Attorney General before the United States Supreme Court—*Nebraska v. Wyoming*[11] and *Wyoming v. Colorado*,[12] and both water law cases. *Nebraska v. Wyoming* was one of the most complex and voluminous cases ever heard by the Supreme Court. The case went to a master first, and then his decision was reviewed by the Supreme Court. It resolved the two states' conflicting claims to the North Platte River. The case produced 43,000 pages of testimony and was in the Court for six to seven years. Nebraska's evidence alone weighed in at over one ton. One of the reporters in the case (Whittington) died before it was decided.

Then there was *Wyoming v. Colorado*, which arose over competing claims to the Laramie River. Colorado was entitled to 12,500 second feet of water, but was taking 30,000. I remember Justice Douglas asked me what a "second foot" was. "Second foot" or "c.f.s." refers to the rate of flow, measured in cubic feet, of water passing a given point in a stream in a second. I explained this to Justice Douglas, and he said that he thought that was what the term meant. Justice Douglas came from a part of the country—Washington State—where it is much less crucial to be able to measure and apportion the available water. I always found water law to be (speaking figuratively) a rather dry subject. So many engineers and surveyors. But I enjoyed my experiences before the Supreme Court; they were very kind and gentle.

1943 I entered the United States Army and was assigned to the Allied Military government in North Africa. I was later transferred to Italy. Hitler and Mussolini had closed all of the civilian courts during World War II. General Mark Clark desired that the civilian courts be re-established as soon as the Germans were driven north. I had the pleasure of supervising the process of re-establishing the Italian courts in southern Italy. This was a fascinating and educational experience. No juries were permitted in the new court system. Three judges tried all cases, except minor ones, and they rendered their decision following the presentation of the evidence. These trials took less than a day. A comparable case in the United States now would be in trial a week to ten days.

In 1955 I was nominated by President Dwight D. Eisenhower to replace the retiring Judge Kennedy on the federal district court in Wyoming. Senator Frank Barrett, father of Judge Jim Barrett of the Tenth Circuit Court of Appeals, moved my nomination in the Senate. For reasons still unknown, my commission was sent to Omaha rather than Cheyenne, and then had to be sent back to Washington, D.C. and re-delivered, which delayed my receiving it by a week. As a result, I was sworn in on November 7th instead of November 1st, the date that would have marked Judge Kennedy's completion of thirty-three full years on the federal bench. In the course of my thirty-four years as judge, I have held court in every state of the Tenth Circuit, as well as in Louisiana, California, New York, Florida and Puerto Rico. In my early days on the court, I sat in Denver almost as often as in Cheyenne, because Colorado had only one federal district judge.

Of all of the cases I have heard while serving on the federal bench, the *Black Fourteen*[13] case received by far the most publicity. In fact, a Catholic priest with whom I was acquainted sent me an article about the case, which he had clipped from the *London Times*. The case stemmed from the request of fourteen Wyoming football players to wear black arm bands when playing the Brigham Young University team, to protest the Mormon Church's policies concerning blacks. The players based their suit on *Tinker v. Des Moines School District*[14] in which the Supreme Court upheld three public school students' right under the first amendment to wear black arm bands in a passive, nondisruptive protest to the federal government's Vietnam policy. The *Black Fourteen* case was unique, however, because it involved both first amendment free speech and entanglement concerns, although the players contended their suit was based upon racial discrimination, rather than the religious beliefs of the Mormon Church.

I remember holding an evidentiary hearing that all of the players attended. I suggested they sit in the jury box so they could be close to the proceedings. Fourteen chairs and they filled them all. Early in the case, the State of Wyoming was represented by Attorney General Jim Barrett, later Judge Barrett. Later on in the case, he was replaced by Attorney General Clarence Brimmer, later Judge Brimmer of the Federal District Court for the District of Wyoming. Judge Barrett says that every time he looked over to the jury box he could see what was going to happen to Wyoming's football team. In 1968 the team had played in the Sugar Bowl and everyone expected the team to be even better in 1969. He knew these fourteen players were the nucleus of the team, and all he could think about was that if the team lost these players, it was going to "go to pot." And, as it turned out, Wyoming won only four games that year.

The State's position in the case was that it could not be a party to permitting its representatives (its team) or the use of its facilities to protest anyone's religious beliefs. And that is how the case was tried. I agreed that because the University is a state school, such a protest against any religious belief was improper, and I granted summary judgment to the State on that basis. The Tenth Circuit upheld the summary judgment on behalf of the State, but returned the case because of some dispute of fact with respect to another aspect of the litigation. Judge Brimmer argued the case on remand, and in the end the State won. It was an interesting case, and rare to see free speech claims pitted against entanglement concerns.

The case reminded me of how much times have changed since my own years at the University of Oklahoma. The Universities of Oklahoma and Kansas in the early twenties had a written agreement that Kansas would not use its only black player when the team was playing in Norman, Oklahoma. The Mason-Dixon line divided Kansas and Oklahoma then, and there were no black athletes in any school south of the line until 1954. This is just one example of the many ways in which I've seen the world and the law develop in the course of my lifetime.

Indeed, during my tenure on the federal bench, there have been radical change in both court procedures and in the types of litigation brought in the United States District Court. For example, until the 1940's there was no paid federal court reporter. If a lawyer wanted his case reported, he hired and paid a reporter himself. Herbert Hulse, who currently lives in Cheyenne, was the first paid court reporter in the District of Wyoming. He was first assigned to Judge Kennedy, and then to state judges, Sam Thompson and Al Pearson. The earliest reporters recorded the proceeding in long-

hand; later they used Gregg shorthand. When I was in the United States Attorney's office during Prohibition years, there were many trials but few reported trials. Consequently, there were scarcely any appeals. Today we have a reporter even for motion hearings. At least partially as a result of this, it is much easier for counsel to bring an appeal.

The principal changes in the types of litigation brought in federal court have involved criminal cases. Prisoners, particularly, are constantly filing petitions for writs of habeas corpus or filing suits under the civil rights statutes. It was during Judge Lewis' tenure as chief judge of the Tenth Circuit that the court began allowing convicts to bring these appeals in forma pauperis, in spite of the federal statute that requires, as a prerequisite, a certificate of probable cause issued by the trial court. We used to dismiss these petitions and then deny the certificates. But Judge Lewis' view was that the circuit court would have to reach the merits in reviewing the denial of the certificate of probable cause, so to avoid that extra step, he made the administrative decision to allow these appeals. Now the appellate court decides the merits of these cases. Thousands of pages have been written—most of them a waste of the court's time. However, occasionally the courts decide that relief is warranted; for example, the Osborn[15] case heard by Judge Brimmer, which involve an ineffective assistance of counsel claim. But that is a rare case. I have never released a prisoner on a writ of habeas corpus or granted a prisoner's civil rights action. Nevertheless, much of the court's time is devoted to these cases. We also get many petitions complaining about conditions inside the prisons. I must admit, the prisons do not operate like the Brown Palace Hotel, but we have to be realistic. These are jails, not hotels.

We hear many other frivolous suits now, too. Recently, for example, I heard a motion to dismiss by the State of Wyoming and the police department of a Wyoming town in a suit brought by a person who was arrested for failure to have a driver's license. He claimed that he had a right as a taxpayer to use state highways, and he was suing the State for $100,000 in damages. This is typical of many suits being brought in federal courts in Wyoming and throughout the nation today.

I have also seen tremendous changes in court procedures. For instance, the rules for the federal district courts used to be about ten pages long. I wrote my own rules for my court, in fact. How, there are volumes of rules. In my opinion, the system is more complicated than it should be. Jury selection has also changed dramatically. Until 1964 we had a system that I thought worked extremely well. I appointed a reputable person in each community to submit names of people he or she knew and considered to be good juror candidates. From this pool of names venires were selected, and then the parties in each case had an opportunity, just as they do now, to review the venire and select a jury. These so-called "Blue-Ribbon" juries were intelligent, responsible and fair. But we had to abandon the system when Congress enacted standard jury selection procedures for federal courts.

A LOVE FOR WYOMING

As for Wyoming lawyers, it's been my experience that they conduct themselves in a different manner than do lawyers in most other states where I've held court. They are orderly, courteous, well prepared and efficient. I've never had a Wyoming lawyer get "out of hand" in my court.

Wyoming is a great state. I felt that way when I arrived, and I feel even more strongly about it now, sixty-five years later. Wyoming has certainly been kind to me.

FOOTNOTES

[1] Thomson, *History of Territorial Federal Judges for the Territory of Wyoming: 1869–1880*, 17 LAND & WATER L. REV. 567, 614 (1982).

[2] Presumably he resigned to earn more money in private law practice. Judicial salaries were small—$3,000 at the time—and Justice Van Devanter had a family to support. *Id.*

[3] Thomas Blake Kennedy served thirty-four years as the lone federal judge in Wyoming and was the predecessor of Ewing Kerr. He moved to Wyoming from Michigan and earned fame as an attorney of his defense of Tom Horn. R. Thomson, *History of Territorial Federal Judges for the Territory of Wyoming 1868–1890 and United States District Judges for the District of Wyoming 1890–1980*, 81–109 (unpublished manuscript).

[4] Wyoming v. Colorado, 259 U.S. 419 (1922).

[5] In Memoriam—Honorable Ralph Kimball—1878–1989. Proceedings before the Wyoming Supreme Court, December 15, 1959.

[6] *See supra* note 3.

[7] At that time Wyoming was in the Eighth Circuit, and the circuit seat was in Omaha.

[8] Thomson, *supra* note 1, at 582.

[9] Brown, Transition from Territorial to State Court (unpublished manuscript).

[10] The Corlett School was named for a senior partner of Judge Lacey and Justice Van Devanter. It still exists in Cheyenne, in a different building, but at the same location.

[11] 325 U.S. 589 (1945).

[12] 309 U.S. 627 (1940).

[13] Williams v. Eaton, 310 F. Supp. 1342 (D.C. Wyo. 1979).

[14] 393 U.S. 503 (1969).

[15] Osborn v. Schillinger, 639 F. Supp. 610 (D.C. Wyo. 1986).

Mr. WALLOP. Mr. President, I am pleased to join with my colleague from Wyoming, Senator SIMPSON, in sponsoring legislation to name the U.S. courthouse in Casper, WY, after the Honorable Ewing T. Kerr, senior Federal district judge, for the District of Wyoming. Judge Kerr's service to America's judicial branch has been outstanding, and his civic and charitable contributions to the State of Wyoming have been enormous. He is richly deserving of this honor.

I am not a lawyer myself but let me relate some examples of the high regard with which those who are in the judicial system hold this remarkable gentleman. Judge Brimmer, Chief Judge of the U.S. District Court, District of Wyoming, says that naming the courthouse in Casper in honor of Judge Kerr in recognition of the great contribution that he has made to the justice system in Wyoming "would meet with the approbation of the entire citizenry of this State."

Judge James Barrett of the U.S. Circuit Court says "I know of no person more deserving of plaudits and commendations than Judge Kerr."

U.S District Court Judge for Wyoming, Judge Alan B. Johnson describes Judge Kerr's character thusly:

Judge Kerr is the image of the ideal qualities to be possessed by a Federal trial judge. Rather than serving in an isolated, ivory-tower manner, his judicial service has been vibrant and deeply involved in the issues that have shaped Wyoming's history. He has taken a personal interest in the young lawyer, and all who have come before him have benefited from his wisdom and common sense so freely shared. If the citizens of this State hold the courts and members of the bar in higher regard than that in existing in other places, it is certain that has occurred because of Judge Kerr.

Finally, Judge Wade Brorby of the U.S. Circuit Court says the following:

Judge Kerr has made a remarkable contribution to the administration of justice. He has been an exemplary judge with long and distinguished service, and he is truly a compassionate, thoughtful and dedicated person. There exist but few persons who are deserving of such an honor. Judge Kerr certainly belongs to this select group.

I can think of no higher honor than to have one's peers offer such praise, Mr. President, and similar sentiments are echoed by lawyers and citizens from every walk of life all throughout my home State.

When Judge Kerr was appointed to the Federal bench by President Eisenhower in 1955 he was only the third Federal judge to be appointed since Wyoming's admission into the Union and he helped guide the States through some tumultuous times over the next several decades. He remained the only sitting Federal judge in Wyoming until he took senior status in 1975 and continues to hear cases today. In all those years he has been an eminently fair and impartial judge, an extremely efficient administrator of the justice system, and a very patient and kind man.

But his contributions are not just limited to the judicial realm. He served our State first as assistant U.S. attorney and then as Wyoming's attorney general before being appointed to the court. Moreover, the Republican State Committee benefited from his leadership at the helm of that organization from 1945 until 1954. Judge Kerr was also generous with his time when it came to his community as he was active in various civic and charitable organizations.

His has been a very steady and nurturing presence for the State of Wyoming over many years, and I can think of no one more deserving of this honor. As I stated at the beginning, I am not a lawyer, though I did serve on the Senate Judiciary Committee. With this mixed background, I can appreciate the achievements and regard which Judge Kerr has accomplished through his service on the Federal court. But, my admiration is based just as much on Judge Kerr as a builder of our great State of Wyoming. I would ask that an article written by Judge Kerr celebrating Wyoming's centennial be included in the RECORD at this point.

I strongly recommend that my Senate colleagues expeditiously approve this measure.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Timothy J. Galvin:									
United States	Dollar				3,478.60				3,478.60
Soviet Union	Dollar		685.00						685.00
Total			685.00		3,478.60				4,163.60

PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition and Forestry, May 9, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thomas Herbert:									
United States	Dollar				393.85				393.85
Canada	Dollar	460	400.00					460	400.00
Robert Young:									
United States	Dollar				400.00				400.00
Canada	Dollar	575	500.00					575	500.00
Ellen Lovell:									
Italy	Dollar		75.00						75.00
Turkey	Lira	1,158,591	296.00					1,158,591	296.00
Israel	Dollar		446.00						446.00
Egypt	Pound	554.90	165.00					554.90	165.00
Greece	Dollar		127.00						127.00
Sheila Murphy:									
United States	Dollar				4,411.60				4,411.60
Soviet Union	Dollar		692.00						692.00
Thailand	Baht	6,403	252.00	950	37.17	692.74	26.03	1,642.74	315.20
	Dollar						22.62		22.62
Vietnam	Dollar		266.97						266.97
Cambodia	Dollar		75.00						75.00
United States	Dollar				4,098.14				4,09814
William H. Shore:									
Thailand	Baht	6,403	252.00	950	37.17	692.74	26.03	1,642.74	315.20
Thailand	Dollar						22.62		22.62
Vietnam	Dollar		282.00						282.00
Cambodia	Dollar		75.00						75.00
Hon. J. Robert Kerrey:									
United States	Dollar				4,270,30				4,270.30
Soviet Union	Dollar		1,015.00						1,015.00
Thailand	Baht	6,403	252.00	950	37.17	692.74	26.03	1,642.74	315.20
Thailand	Dollar						22.62		22.62
Vietnam	Dollar		282.00						282.00
Cambodia	Dollar		75.00						75.00
Total			5,527.97		13,685.40		145.95		19.359.32

PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Aug. 2, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE NUTRITION AND FORESTRY, FOR TRAVEL AUG. 18–25, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Patrick Leahy:									
Germany	Deutsche mark	327.42	214.00					327.42	214.00
Soviet Union	Dollar		806.00						806.00
James Cubie:									
Germany	Deutsche mark	327.42	214.00					327.42	214.00
Soviet Union	Dollar		806.00						806.00
Charles H. Riemenschneider:									
Germany	Deutsche mark	327.42	214.00					327.42	214.00
Soviet Union	Dollar		806.00						806.00
Christine Sarcone:									
Germany	Deutsche mark	327.42	214.00					327.42	214.00
Soviet Union	Dollar		806.00						806.00
Delegation Expenses									
Germany							1,036.26		1,036.26
Soviet Union							2,509.81		2,509.81
Total			4,080.00					3,546.57	7,626.07

Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977. In addition to those named above, the following individuals accompanied this Delegation: Senator Alan Cranston, Mick Anderson, and Senator Charles Robb (Germany only) authorized by the Foreign Relations Committee; Senator Bob Graham and Al Cumming authorized by the Committee on Banking, Housing, and Urban Affairs.

PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition and Forestry, May 9, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL APR. 1 TO JUNE 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tim Rieser:									
Thailand	Baht	6,403	252.00					6,403	252.00
Vietnam	Dollar		282.00						282.00
Cambodia	Dollar		75.00						75.00
Eric Newsom:									
Italy	Dollar		75.00						75.00
Turkey	Lira	1,158,591	296.00					1,158,591	296.00
Israel	Dollar		446.00						446.00
Egypt	Pound	554.90	165.00					554.90	165.00
Greece	Dollar		127.00						127.00
Robert M. Walker:									
Hong Kong	Dollar		400.00						400.00
China	Dollar		700.00						700.00
United States	Dollar				3,010.00				3,010.00
Hon. Patrick J. Leahy:									
Italy	Dollar		75.00						75.00
Turkey	Lira	1,158.591	296.00					1,158,591	296.00
Israel	Dollar		446.00						446.00
Egypt	Pound	554.90	165.00					554.90	165.00
Greece	Dollar		127.00						127.00
Total			3,927.00		3,010.00				6,937.00

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Aug. 26, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. John McCain:									
Republic of Korea	Won	291,100	406.00					291,000	406.00
Thailand	Baht	13,236	551.50					13,236	551.50
Marshall A. Salter:									
Republic of Korea	Won	291,000	406.00					291,000	406.00
Thailand	Baht	13,236	551.50					13,236	551.50
Anthony H. Cordesman:									
Republic of Korea	Won	436,650	609.00					436,650	609.00
Thailand	Baht	13,236	551.50					13,236	551.50
Hon. John Warner:									
Israel	Dollar		238.00						238.00
Patrick A. Tucker:									
Israel	Dollar		80.50						80.50
Hon. Sam Nunn:									
Israel	Dollar		238.00						238.00
Arnold L. Punaro:									
Israel	Dollar		238.00						238.00
Judith A. Freedman:									
Belgium	Franc	8,407	248.00					8,407	248.00
Germany	Deutsche Mark	509.33	310.00					509.33	310.00
Russia	Dollar		574.00						574.00
Italy	Lire	982,872	792.00					982,872	792.00
Durwood W. Ringo, Jr.:									
Belgium	Franc	8,407	248.00					8,407	248.00
Germany	Deutsche Mark	509.33	310.00					509.33	310.00
Russia	Dollar		574.00						574.00
Italy	Lire	982,872	792.00					982,872	792.00
Brian D. Dailey:									
Belgium	Franc	8,407	248.00					8,407	248.00
Germany	Deutsche Mark	509.33	310.00					509.33	310.00
Russia	Dollar		574.00						574.00
Austria	Schilling	5,217	457.00					5,217	457.00
France	Franc	3,207.12	552.00					3,207.12	552.00
Ann E. Sauer:									
Belgium	Franc	8,407	248.00					8,407	248.00
Germany	Deutsche Mark	509.33	310.00					509.33	310.00
Russia	Dollar		574.00						574.00
Austria	Schilling	5,217	457.00					5,217	457.00
France	Franc	3,207.12	552.00					3,207.12	552.00
Total			12,000.00						12,000.00

SAM NUNN,
Chairman, Committee on Armed Services, Mar. 6, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, ADDENDUM TO FIRST QUARTER REPORT FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. J. James Exon:									
Poland	Zloty	2,565,000	270.00					2,565,000	270.00
Russia	Dollar		702.00						702.00
Czechoslovakia	Dollar		390.00						390.00
Hungary	Dollar		348.00						348.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, ADDENDUM TO FIRST QUARTER REPORT FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			1,710.00						1,710.00

SAM NUNN,
Committee on Armed Services, Aug. 27, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard D. DeBobes:									
Panama	Dollar		231.50						231.50
Hon. John McCain:									
Thailand	Baht	4,500	187.50					4,500	187.50
Vietnam	Dollar		682.00						682.00
Marshall A. Salter:									
Thailand	Baht	4,500	187.50					4,500	187.50
Vietnam	Dollar		682.00						682.00
John J. Hamre:									
Germany	Deutsche Mark	121.70	72.18					121.70	72.18
Hon. Carl Levin:									
Germany	Deutsche Mark	106.72	63.30					106.72	63.30
Hon. Sam Nunn:									
Russia	Dollar		359.00		5,746.20				6,105.20
Germany	Dollar		205.00						205.00
Richard E. Combs, Jr.:									
Russia	Dollar		359.00		5,746.20				6,105.20
Germany	Dollar		229.00						229.00
Robert G. Bell:									
Russia	Dollar		500.00		5,746.20				6,246.20
Germany	Dollar		200.00						200.00
Hon. John McCain:									
Mexico	Peso	945,000	313.22					945,000	313.22
Marshall A. Salter:									
Mexico	Peso	740,000	245.27					740,000	245.27
Durwood W. Ringo, Jr.:									
France	Franc	6,624	1,104.00					6,624	1,104.00
Thomas G. Moore:									
France	Franc	11,040	1,840.00					11,040	1,840.00
Brian D. Dailey:									
France	Franc	11,040	1,840.00					11,040	1,840.00
Senator Bob Smith:									
Republic of Korea	Won	224,401	311.66					224,401	311.66
Dino L. Carluccio:									
Republic of Korea	Won	149,600	207.77					149,600	207.77
Lisa B. Stocklan:									
Republic of Korea	Won	263,600	366.00					263,600	366.00
John E. Mansfield:									
Canada	Dollar		130.00		439.64				569.64
Total			10,315.90		17,678.24				27,994.14

SAM NUNN,
Chairman, Committee on Armed Services, July 1, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL FROM JAN. 1, TO MAR. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Phil Gramm:									
Korea	Won	727,750	1,015.00					727,750	1,015.00
United States	Dollar				3,225.00				3,225.00
Ruth Cymber:									
Korea	Won	727,750	1,015.00					727,750	1,015.00
United States	Dollar				3,225.00				3,225.00
Jeb Hensarling:									
Korea	Won	727,750	1,015.00					727,750	1,015.00
United States	Dollar				3,358.00				3,358.00
Total			3,045.00		9,808.00				12,853.00

DON RIEGLE,
Chairman, Committee on Banking, Housing, and Urban Affairs,
May 20, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL FROM APR. 1, TO JUN. 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Martin Gruenberg:									
United Kingdom	Pound	379	672.00					379	672.00
United States	Dollar				717.00				717.00
John G. Walsh:									
United Kingdom	Pound	618	1,096.00					618	1,096.00
United States	Dollar				717.00				717.00
W. Lamar Smith:									
United Kingdom	Pound	309	548.00					309	548.00
United States	Dollar				682.00				682.00
Carolyn Jordan:									
Ivory Coast	Franc	135,010	460.00					135,010	460.00
United States	Dollar				2,795.00				2,795.00
Total			2,776.00		4,911.00				7,687.00

DON RIEGLE,
Chairman, Committee on Banking, Housing, and Urban Affairs,
June 28, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Patrick A. Mulloy:									
Belgium	Franc	44,103	1,446.00						1,446.00
United States	Dollar				736.00				736.00
Martin Gruenberg:									
Belgium	Franc	52,453	1,687.00						1,687.00
United States	Dollar				736.00				736.00
Total			3,133.00		1,472.00				4,605.00

DON RIEGLE,
Chairman, Committee on Banking, Housing, and Urban Affairs,
May 20, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM APR. 1, TO JUN. 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Earl W. Comstock:									
Great Britain	Pound	83.64	151.39					83.64	151.39
Iceland	Dollar		2,776.85						2,776.85
United States	Dollar				2,182.00				2,182.00
Kathleen A. McGinty:									
Spain	Peseta	151.178	1,405.00					151.178	1,405.00
United States	Dollar				707.00				707.00
Christopher A. McLean:									
Poland	Zloty	2,565,000	270.00					2,565,000	270.00
Russia	Dollar		474.00						474.00
Czechoslovakia	Dollar		390.00						390.00
Hungary	Dollar		348.00						348.00
Latvia	Dollar		228.00						228.00
Total			6,043.24		2,889.00				8,932.24

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation,
Aug. 6, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Penelope D. Dalton:									
Spain	Peseta	109,627	1,175.00					109,627	1,175.00
United States	Dollar				655.00				655.00
Harold J. Creel, Jr.:									
Switzerland	Franc	724.90	579.00					724.90	579.00
United States	Dollar				650.00				650.00
J. Michael Nussman:									
Great Britain	Pound	369.39	723.00					369.39	723.00
United States	Dollar				305.00				305.00
J. Patrick Adcock:									
Chile	Peso	342,870	1,039.00					342,870	1,039.00
United States	Dollar				1,842.00				1,842.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1990—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kevin M. Dempsey:									
Belgium	Franc	51,453	1,687.00					51,453	1,687.00
United States	Dollar				648.50				648.50
Kathleen A. McGinty:									
Switzerland	Franc	1,216.50	965.00					1,216.50	965.00
United States	Dollar				639.00				639.00
Carol J. Carmody:									
England	Pound	484.88	930.00					484.88	930.00
United States	Dollar				606.00				606.00
Ivan A. Schlager:									
Belgium	Franc	51,453	1,687.00					51,453	1,687.00
United States	Dollar				638.50				638.50
Total			8,785.00		5,984.00				14,769.00

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation,
May 8, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Janet L. Coit:									
Canada	Dollar		600.00						600.00
United States	Dollar				1,042.48				1,042.48
Robert P. Davison:									
Canada	Dollar		600.00						600.00
United States	Dollar				1,042.48				1,042.48
Total			1,200.00		2,084.96				3,284.96

QUENTIN N. BURDICK,
Chairman, Committee on Environment and Public Works, Apr. 3, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Joseph R. Biden, Jr.:									
United Kingdom	Pound	100.95	176.00					100.95	176.00
Ireland	Pound	189.63	297.00					189.63	297.00
United States	Dollar				4,866.00				4,866.00
Hon. Hank Brown:									
Italy	Lire	1,550.60	1,198.30	246,500	190.50			248,056	1,388.80
Switzerland	Franc	445.60	304.58					445.60	304.58
United States	Dollar				740.00				740.00
Hon. John F. Kerry:									
Italy	Lire	1,031.40	987.00					1,031.40	987.00
Israel	Dollar		254.00						254.00
Thailand	Baht	6,431	252.00					6,431	252.00
Vietnam	Dollar		228.00						228.00
United States	Dollar				6,535.00				6,535.00
Hon. Daniel P. Moynihan:									
Canada	Dollar	407.10	354.00					407.10	354.00
United States	Dollar				677.40				677.40
Hon. Claiborne Pell:									
Austria	Shilling	5,896.60	487.33					5,896.60	487.33
Czechoslovakia	Dollar		170.00						170.00
United States	Dollar				3,007.55				3,007.55
Spain	Peseta	19,262	68.06					19,262	68.06
Albania	Dollar		375.00						375.00
Yugoslavia	Dinar	8,085	525.00					8,085	525.00
Netherlands	Guilder	34,428	181.87					34,428	181.87
Hon. Larry Pressler:									
Japan	Yen	240,955	1,741.00					240,955	1,741.00
Korea	Won	276,230	381.00					276,230	381.00
Indonesia	Rupiah	1,430,870	741.00					1,430,870	741.00
United States	Dollar				5,927.00				5,927.00
Hon. Terry Sanford:									
Guatemala	Quetzal	591.18	118.00					591.18	118.00
Honduras	Lempira	1,060	200.00					1,060	200.00
Costa Rica	Colon	37,980.8	333.00					37,980.8	333.00
Nicaragua	Dollar		166.00						166.00
Hon. Paul Simon:									
Taiwan	Dollar	20,363	744.00					20,363	744.00
Hong Kong	Dollar	4,583	588.00			2,334.32	300.86	6,917.32	888.86
United States	Dollar				2,296.00				2,296.00
Nancy Chen:									
Taiwan	Dollar	20,363.0	744.00					20,363.0	744.00
Hong Kong	Dollar	4,583	588.00			2,334.32	300.86	6,917.32	888.86
United States	Dollar				1,939.00				1,939.00
Geryld B. Christianson:									
United Kingdom	Pound	277.41	477.42	25.90	44.58			303.31	522.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				1,996.00				1,996.00
Spain	Peseta	29,262	283.00					29,262	283.00
Albania	Dollar		375.00						375.00
Yugoslavia	Dinar	8,085	525.00					8,085	525.00
Netherlands	Guilder	422.14	223.00					422.14	223.00
United States	Dollar				1,594.00				1,594.00
Peter W. Galbraith:									
Jordan	Dinar	104.94	70.00					104.94	70.00
Syria	Dollar		1,010.00						1,010.00
Israel	Dollar		595.00						595.00
United States	Dollar				3,870.20				3,870.20
Thomas G. Hughes:									
Spain	Peseta	29,262	283.00					29,262	283.00
Albania	Dollar		375.00						375.00
Yugoslavia	Dinar	6,964	452.00					6,964	452.00
United States	Dollar				1,594.00				1,594.00
Rachel H. Ingalls:									
Guatemala	Quetzal	591.18	118.00					591.18	118.00
Honduras	Lempira	1,060	200.00					1,060	200.00
Costa Rica	Colon	37,980.8	300.00					37,980.8	300.00
Nicaragua	Dollar		166.00						166.00
Richard J. Kessler:									
Thailand	Baht	12,867	503.00					12,867	503.00
Vietnam	Dollar		142.00						142.00
Cambodia	Dollar		86.00						86.00
Laos	Dollar		75.00						75.00
United States	Dollar				2,761.00				2,761.00
Robert S. Lockwood:									
Poland	Zloty	2,565,000	270.00					2,565,000	270.00
Soviet Union	Dollar		800.00						800.00
Czechoslovakia	Shilling	1,295	107.60					1,295	107.60
Hungary	Dollar		348.00						348.00
James P. Lucier:									
Israel	Dollar		1,152.00						1,152.00
United States	Dollar				3,243.00				3,243.00
Brian McKeon:									
United Kingdom	Pound	497.13	864.00					497.13	864.00
Ireland	Pound	189.63	297.00					189.63	297.00
United States	Dollar				2,329.00				2,329.00
George A. Pickart:									
Jordan	Dollar		88.00						88.00
Jordan	Dinar	70	104.95					70	104.95
Egypt	Pound	1,743.65	523.75					1,743.65	523.75
Syria	Dollar		808.00						808.00
Israel	Dollar		312.00						312.00
United States	Dollar				4,183.20				4,183.20
Bruce Rickerson:									
Soviet Union	Dollar		1,006.34						1,006.34
	Dollar		420.00						420.00
Portugal	Escudo	27,400	185.70					27,400	185.70
United States	Dollar				3,621.00				3,621.00
John Ritch:									
Spain	Peseta	210,522	2,036.00					210,522	2,036.00
James P. Rubin:									
Japan	Yen	116,117	844.00					116,117	844.00
United States	Dollar				3,095.00				3,095.00
Kevin V. Schieffer:									
Japan	Yen	240,955	1,741.00					240,955	1,741.00
Korea	Won	276,230	381.00					276,230	381.00
Indonesia	Rupiah	1,430,870	741.00					1,430,870	741.00
United States	Dollar				5,927.00				5,927.00
Andrew Samet:									
Canada	Dollar	407.10	354.00					407.10	354.00
United States	Dollar				486.00				486.00
Jonathan Stein:									
France	Dollar		1,356.00		95.00				1,451.00
United Kingdom	Dollar		827.00						827.00
Germany	Dollar		1,581.00						1,581.00
Soviet Union	Dollar		861.00						861.00
Sweden	Dollar		222.00						222.00
United States	Dollar				3,397.00				3,397.00
Barry Sklar:									
Guatemala	Quetzal	591.18	118.00					591.18	118.00
Honduras	Lempira	636	120.00					636	120.00
Costa Rica	Colon	32,850	288.00					32,850	288.00
Nicaragua	Dollar		166.00						166.00
Canada	Dollar	1,545.41	1,345.00					1,545.41	1,345.00
United States	Dollar				1,801.56				1,801.56
David S. Sullivan:									
Israel	Dollar		1,152.00						1,152.00
United States	Dollar				3,797.00				3,797.00
Frances Zwenig:									
Thailand	Baht	12,867	503.99					12,867	503.99
Vietnam	Dollar		142.00						142.00
Cambodia	Dollar		86.00						86.00
Laos	Dollar		75.00						75.00
United States	Dollar				2,761.00				2,761.00
Total			40,687.89		72,773.99		601.72		114,063.60

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, Aug. 1, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1745(b), COMMITTEE ON FOREIGN RELATIONS, AMENDMENT TO FIRST QUARTER 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Larry Pressler:									
Mexico	Dollar		408.00						408.00
United States	Dollar				1,161.00				1,161.00
Total			408.00		1,161.00				1,569.00

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, Aug. 1, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, AMENDMENT TO FIRST QUARTER 1989

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Paul S. Sarbanes:									
Netherlands	Dollar		504.00						504.00
United States	Dollar				1,963.00				1,963.00
Total			504.00		1,963.00				2,467.00

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, Aug. 1, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, AMENDMENT TO SECOND QUARTER 1989

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Daniel P. Moynihan:									
France	Franc	4,221.44	776.00					4,221.44	776.00
Hungary	Forint	13,211.50	209.83					13,211.50	209.83
United States	Dollar				1,465.00				1,465.00
Total			985.83		1,465.00				2,450.83

CLAIBORNE PELL,
Committee on Foreign Relations, Aug. 1, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, AMENDMENTS TO THIRD QUARTER 1989

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Christopher Van Hollen:									
Poland	Zloty	719,000	375.00					719,000	375.00
France	Franc	1,038.27	477.00					1,038.27	477.00
United States	Dollar				1,512.00				1,512.00
Hon. Richard G. Lugar:									
Argentina	Austral	119,700	190.00					119,700	190.00
Brazil	Cruzado	986.66	259.00					986.66	259.00
Chile	Peso	66,660	220.00					66,660	220.00
Costa Rica	Colon	9,262.50	114.00					9,262.50	114.00
Paraguay	Guarani	93,975	75.00					93,975	75.00
Peru	Inti	510,000	150.00					510,000	150.00
Uruguay	Peso	48,450	75.00					48,450	75.00
Andrew Semmel:									
Argentina	Austral	119,700	190.00					119,700	190.00
Brazil	Cruzado	986.66	259.00					986.66	259.00
Chile	Peso	66,660	220.00					66,660	220.00
Costa Rica	Colon	9,262.50	114.00					9,262.50	114.00
Paraguay	Guarani	93,975	75.00					93,975	75.00
Peru	Inti	510,000	150.00					510,000	150.00
Uruguay	Peso	48,450	75.00					48,450	75.00
Total			3,018.00		1,512.00				4,530.00

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, Aug. 1, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, AMENDMENT TO FIRST QUARTER 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Claiborne Pell:									
Nicaragua	Dollar		334.40						334.40
Total			334.40						334.40

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, Aug. 1, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, AMENDMENTS TO THIRD QUARTER 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Alan Cranston:									
Israel	Dollar		364.00						364.00
United States	Dollar				566.80				566.80
Martin Andersen:									
Israel	Dollar		364.00						364.00
United States	Dollar				566.80				566.80
Hon. Alan Cranston:									
Germany	Deutsche Mark	327.42	214.00					327.42	214.00
Soviet Union	Dollar		806.00						806.00
Martin Andersen:									
Germany	Deutsche Mark	327.42	214.00					327.42	214.00
Soviet Union	Dollar		806.00						806.00
Hon. Alan Cranston:									
Pakistan	Rupee	4,183.68	192.00					4,183.68	192.00
India	Rupee	5,093	240.00					5,093	240.00
Martin Andersen:									
Pakistan	Rupee	4,183.68	192.00					4,183.68	192.00
India	Rupee	5,093	240.00					5,093	240.00
Hon. Richard G. Lugar:									
Philippines	Peso	9,934.86	406.50					9,934.86	406.50
Indonesia	Rupiah	653,644	352.00					653,644	352.00
Singapore	Dollar	699.18	388.00					699.18	388.00
Vietnam	Dollar		288.00						288.00
Hong Kong	Dollar	1,632	210.00					1,632	210.00
Taiwan	Dollar	16,235	596.00					16,235	596.00
South Korea	Won	279,240	390.00					279,240	390.00
Andrew Semmel:									
Philippines	Peso	9,934.86	406.50					9,934.86	406.50
Indonesia	Rupiah	653,644	352.00					653,644	352.00
Singapore	Dollar	699.18	388.00					699.18	388.00
Vietnam	Dollar		288.00						288.00
Hong Kong	Dollar	1,632	210.00					1,632	210.00
Taiwan	Dollar	16,235	596.00					16,235	596.00
South Korea	Won	279,240	390.00					279,240	390.00
Total			8,893.00		1,133.60				10,026.60

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, Aug. 1, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, AMENDMENT TO FOURTH QUARTER 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Paul S. Sarbanes:									
Czechoslovakia	Dollar			228.00					228.00
Total				228.00					228.00

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, Aug. 1, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM APR. 1, 1991 TO JUNE 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Trina Vargo:									
United States	Dollar				2,882.00				2,882.00
Jerry Tinker:									
United States	Dollar				4,560.00				4,560.00
Egypt	Pound	554.90	165.00					554.00	165.00
Kuwait	Dinar	92.42	318.00					92.42	318.00
United Arab Emirates	Derrham	1,862.25	507.00					1,862.25	507.00
Syria	Dollar		202.00						202.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM APR. 1, 1991 TO JUNE 30, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Turkey	Dollar		87.00						87.00
Germany	Dollar		171.00						171.00
Michael Myers:									
United States	Dollar				4,560.00				4,560.00
Egypt	Pound	554.90	165.00					554.90	165.00
Kuwait	Dinar	92.42	318.00					92.42	318.00
United Arab Emirates	Derrham	1,862.25	507.00					1,862.25	507.00
Syria	Dollar		202.00						202.00
Turkey	Dollar		87.00						87.00
Germany	Dollar		171.00						171.00
Nancy Soderberg:									
United States	Dollar				4,560.00				4,560.00
Egypt	Pound	554.90	165.00					554.00	165.00
Kuwait	Dinar	92.42	318.00					92.42	318.00
United Arab Emirates	Derrham	1,862.25	507.00					1,862.25	507.00
Syria	Dollar		202.00						202.00
Turkey	Dollar		87.00						87.00
Germany	Dollar		171.00						171.00
Total			4,350.00		16,562.00				20,912.00

JOSEPH R. BIDEN, Jr.,
Chairman, Committee on the Judiciary, Aug. 5, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JAN. 1, TO MAR. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Frazier:									
Portugal	Dollar		179.00						179.00
Angola	Dollar		470.00						470.00
South Africa	Rand	3,857.49	1,413.24					3,857.49	1,413.24
United States	Dollar				6,100.00				6,100.00
Jerry Tinker:									
United States	Dollar				6,136.00				6,136.00
United Kingdom	Dollar		232.00						232.00
Malawi	Kwacha	976.84	359.00					976.84	359.00
South Africa	Rand	2,541.63	937.63					2,541.63	937.63
Mozambique	Dollar		308.00						308.00
Switzerland	Franc	666.45	470.00					666.45	470.00
Haiti	Gourde	2,536.80	336.00					2,536.80	336.00
United States	Dollar				687.40				687.40
Nancy Soderberg:									
United States	Dollar				6,100.00				6,100.00
Portugal	Dollar		179.00						179.00
Angola	Dollar		587.00						587.00
South Africa	Rand	3857.55	1,483.65					3857.55	1,483.65
Mary Hawkins:									
Hungary	Dollar		124.00				50.00		174.00
Yugoslavia	Dinar	5453.70	371.00			2,205.00	150.00	7658.70	521.00
Albania	Dollar		75.00						75.00
Richard W. Day:									
United States	Dollar				6,136.00				6,136.00
United Kingdom	Dollar		232.00						232.00
Malawi	Kwacha	976.84	359.00					976.84	359.00
South Africa	Rand	2,541.63	937.63					2,541.63	937.63
Mozambique	Dollar		308.00						308.00
Total			9,361.15		25,159.40		200.00		34,720.55

JOSEPH R. BIDEN, Jr.,
Chairman, Committee on the Judiciary, June 3, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1991

Name	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Christopher Straub			821.00		1,550.00				2,371.00
Marvin Ott			1,330.00		3,481.20				4,811.20
Timothy Carlsgaard			1,330.00		3,481.20				4,811.20
John Despres			2,563.44		2,932.90				5,496.34
Total			6,044.44		11,445.30				17,489.74

DAVID L. BOREN,
Chairman, Select Committee on Intelligence, July 1, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1991

Name	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Christopher Straub			598.50						598.50
James Currie			542.50						542.50
Regina Genton			613.50						613.50
Hon. Bill Bradley			2,220.70						2,220.70
John Despres			1,574.00						1,574.00
Total			5,549.20						5,549.20

DAVID L. BOREN,
Chairman, Select Committee on Intelligence, Apr. 1, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EXPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Alfonse D'Amato:									
Latvia	Dollar		338.00						338.00
Soviet Union	Dollar		263.00						263.00
United States	Dollar				2,690.00				2,690.00
Samuel G. Wise:									
Austria	Schilling	4,650.10	435.00					4,650.10	435.00
Malta	Pound	128.26	432.00					128.26	432.00
United States	Dollar				2,305.00				2,305.00
Heather F. Hurlburt:	Schilling	75,622.31	7,072.00					75.622.31	7,072.00
Austria	Schilling			16,820	1,620.00			16,820	1,620.00
Soviet Union	Dollar		850.00						850.00
United States	Dollar				1,449.20				1,449.20
Erika Schlager:									
Hungary	Forint	3,111	44.00					3,111	44.00
Malta	Pound	229.09	756.00					229.09	756.00
United States	Dollars				3,151.00				3,151.00
Total			10,190.00		11,215.20				21,405.20

DENNIS DeCONCINI,
Chairman, Commission on Security and Cooperation in Europe,
Apr. 30, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL MAR. 22–28, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Dennis DeConcini:									
Hungary	Dollar		174.00						174.00
Yugoslavia	Dinar	7,658.70	521.00					7,658.70	521.00
Albania	Dollar		75.00						75.00
Samuel G. Wise:									
Hungary	Dollar		174.00						174.00
Yugoslavia	Dinar	7,658.70	521.00					7,658.70	521.00
Albania	Dollar		75.00						75.00
Jane S. Fisher:									
Hungary	Dollar		174.00						174.00
Yugoslavia	Dinar	7,658.70	521.00					7,658.70	521.00
Albania	Dollar		75.00						75.00
Mary Hawkins:									
Hungary	Dollar		174.00						174.00
Yugoslavia	Dinar	7,658.70	521.00					7,658.70	521.00
Albania	Dollar		75.00						75.00
June Tracy:									
Hungary	Dollar		174.00						174.00
Yugoslavia	Dinar	7,658.70	521.00					7,658.70	521.00
Albania	Dollar		75.00						75.00
David Evans:									
Hungary	Dollar		174.00						174.00
Yugoslavia	Dinar	7,658.70	521.00					7,658.70	521.00
Albania	Dollar		375.00						375.00
United Kingdom	Dollar		225.00						225.00
United States	Dollar				2,292.00				2,292.00
Elez Biberaj:									
Hungary	Dollar		174.00						174.00
Yugoslavia	Dinar	7,658.70	521.00					7,658.70	521.00
Albania	Dollar		375.00						375.00
Switzerland	Dollar		225.00						225.00
United States	Dollar				687.00				687.00
Robert Hand:									
Hungary	Dollar		174.00						174.00
Yugoslavia	Dinar	5,158.70	350.93					5,158.70	350.93
Albania	Dollar		375.00						375.00
Switzerland	Dollar		225.00						225.00
United States	Dollar				687.00				687.00
Victoria Showalter:									
Hungary	Dollar		348.00						348.00
Romania	Dollar		528.00		501.00				528.00
United States	Dollar				1,501.00				1,501.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL MAR. 22–28, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ronald McNamara:									
Hungary	Dollar		348.00						348.00
Czechoslovakia and Slovak Federal Republic	Dollar		390.00						390.00
Poland	Zloty	25,850.00	272.10					25,850.00	272.10
United States	Dollar				820.15				820.15
Delegation expenses:[1]									
Hungary	Dollar				1,491.76		1,608.09		3,099.85
Yugoslavia	Dollar				3,276.00		5,957.00		9,233.00
Albania	Dollar				940.00		543.90		1,483.90
Total			9,451.03		11,694.91		8,108.99		29,254.93

[1] Delegation expenses include direct payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384.

DENNIS DeCONCINI,
Chairman, Commission on Security and Cooperation in Europe,
Apr. 30, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER, FROM APR. 1, TO JUNE 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. William V. Roth, Jr.:									
Romania	Dollar		202.00		15.12				217.12
Czechoslovakia	Dollar		94.00						94.00
Spain	Peseta	210,522	2,036.00					210,522	2,036.00
United States	Dollar				1,397.00				1,397.00
R. Ian Butterfield:									
Romania	Dollar		202.00						202.00
Czechoslovakia	Dollar		94.00						94.00
Spain	Peseta	210,522	2,036.00					210,522	2,036.00
United States	Dollar				314.00				314.00
Janis Budge:									
France	Franc	11,040	1,840.00					11,040	1,840.00
Patricia McDonald:									
France	Franc	11,040	1,840.00					11,040	1,840.00
Total	Total		8,344.00		1,726.12				10,070.12

ROBERT J. DOLE,
Republican Leader, Aug. 14, 1991.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL, AUTHORIZED BY THE REPUBLICAN LEADER, FROM JAN. 1 TO MAR. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Mark O. Hatfield:									
Japan	Yen	84,649	659.00					84,649	659.00
United States	Dollar				352.64				352.64
Hon. Alfonse M. D'Amato:									
Bahrain	Dollar		130.53						130.53
Saudi Arabia	Dollar		235.31						235.31
United States	Dollar				5,262.00				5,262.00
Michael Kinsella:									
Bahrain	Dollar		130.53						130.53
Saudi Arabia	Dollar		235.31						235.31
United States	Dollar				5,436.00				5,436.00
Total			1,390.68		11,050.64				12,441.32

ROBERT J. DOLE,
Republican Leader, Aug. 14, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER, APR. 25–29, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. J. James Exon:									
Turkey	Dollar		41.00						41.00
Saudi Arabia	Riyal	446.25	119.00					446.25	119.00
Hon. Carl Levin:									
Turkey	Dollar		41.00						41.00
Saudi Arabia	Riyal	412.50	110.00					412.50	110.00
Hon. Charles S. Robb:									
Turkey	Dollar		41.00						41.00
Saudi Arabia	Riyal	412.50	110.00					412.50	110.00
Richard D. DeBobes:									
Turkey	Dollar		75.00						75.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER, APR. 25–29, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Saudi Arabia	Riyal	547.50	146.00					547.50	146.00
Peter Galbraith:									
Turkey	Dollar		41.00						41.00
Saudi Arabia	Riyal	414.98	110.66					414.98	110.66
Andy Johnson:									
Turkey	Dollar		24.00						24.00
Saudi Arabia	Riyal	439.99	117.33					439.99	117.33
Jan Paulk:									
Turkey	Dollar		24.00						24.00
Saudi Arabia	Riyal	412.50	110.00					412.50	110.00
Sarah Sewall:									
Turkey	Dollar		24.00						24.00
Saudi Arabia	Riyal	421.01	112.27					421.01	112.27
Delegation expenses: [1]									
Turkey							854.45		854.45
Saudi Arabia							2,601.21		2,601.21
Kuwait							854.45		845.45
Total			1,246.26				4,310.11		5,556.37

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977.

GEORGE J. MITCHELL,
Majority Leader, July 24, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM APR. 1, TO JUNE 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Wyche Fowler, Jr.:									
Spain	Peseta	205,747	1,989.82					205,747	1,989.82
Total			1,989.82						1,989.82

GEORGE J. MITCHELL,
Majority Leader, July 31, 1991.

THE MAGELLAN MISSION

• Mr. FOWLER. Mr. President, even as we speak, the Magellan spacecraft is busily orbiting the planet Venus, collecting radar images to build global maps of this mysterious, cloud-shrouded world. Magellan has been orbiting Venus for 14 months and has already mapped 90 percent of the planet. One of the things I find remarkable about the Magellan mission is the fact that we now have better global maps of Venus than of Earth.

But that's not all that is remarkable about this mission to Venus. Magellan's history is a tale of canceled missions in times of tight budgets, stop and start funding profiles, innovative use of technology and problem-solving approaches, and NASA-industry partnerships at their very best. What is truly remarkable is the fact that the Magellan mission, coming from this seemingly desperate profile of funding and programmatic crises, is doing its job beautifully.

The Magellan mission was originally called VOIR—the Venus orbiting imaging radar mission. It was a clever name, for not only do the letters of the acronym stand for the work the mission was destined to perform, but "voir" also means "to see" in French. In spite of its name, however, VOIR was not to see the light of day. In 1981, VOIR was canceled due to its high cost and risk. It was then de- scoped to the VRM, or Venus radar mapping mission.

The VOIR mission was originally designed to be a large, multi-instrument space platform, with a complex arrangement of atmospheric instruments as well as a radar mapper. As Magellan, the mission was descoped to a single instrument spacecraft with a highly focused mission. Its primary mission has already been superbly executed.

The orbit for Magellan was another serious problem occasioned by descoping the VOIR mission. VOIR required a low circular orbit—which meant either carrying a large orbit insertion rocket to Venus, using an expensive launch vehicle, or aerobraking into a circular orbit, which represented a daunting operational risk.

Confronted by this obstacle, the Magellan team came up with an ingenious innovation—they designed radar and data acquisition operations to work in an elliptical rather than a circular orbit.

There were other challenges, the first of which was a problem with the antenna. Normally, radar imagers use large rectangular and very expensive antennas. In order to save money, the Magellan team figured out how to use an ordinary communications antenna both as the radar antenna and as the communications antenna to relay the radar data back to Earth. They were able to acquire a spare one from the *Voyager project*.

The Magellan team was able to innovate largely as the result of the experience base established in the Seasat and the shuttle imaging missions. In turn, the Magellan radar advances will benefit follow-on shuttle radar imaging missions such as SIR–C and EOS SAR, helping to make these radars the most advanced in the world. This is a perfect example of how experience and innovation gained in one set of missions can help reduce the cost of future missions.

Money was always a problem for Magellan. The Magellan team acquired equipment from other earlier approved programs to make up their spacecraft. For instance, they acquired Galileo onboard computers, spare Ulysses transmitters, Voyager-derived gyros, and other hardware.

What it boils down to is this: The Magellan mission demonstrates NASA's resilience and ability to achieve success in the face of dramatic obstacles—funding, technical, and programmatic obstacles. The Magellan team was successful both in design innovation to meet mission objectives and in finding ways to develop low-cost spacecraft. A poet might even call the Magellan mission the phoenix of its time, for it has indeed risen in splendor

from its ashes. And ashes they often were.

Magellan has also experienced its share of problems in flight. Shortly after orbital insertion, the operations team was faced with the harrowing loss of spacecraft control and communications. It is a testimony to the resiliency of the spacecraft and the ingenuity of the operations team that all spacecraft problems have been overcome without major loss of mission data. In fact, much to the Magellan scientists' delight, the imaging data are pouring in faster, sharper, and clearer than ever imagined.

Magellan's team is also an example of NASA-industry cooperation and teaming at its best. The team is comprised of: employees form the Jet Propulsion Laboratory, who have project and mission operations responsibility in Pasadena, CA; Hughes Aircraft personnel who operate the radar with JPL in Pasadena; and Martin Marietta personnel who operate the spacecraft remotely in Denver. Hughes built the radar and Martin Marietta built the spacecraft. The Magellan team is a cohesive and dedicated team, and deserves high praise for overall excellence in carrying out its mission.

To date, Magellan has returned more data than all other planetary missions combined. Unlike most planetary missions which have short, intense encounter periods interspersed with long quiet cruise periods, Magellan has been in intensive, 24-hour-a-day, 7-days-a-week, reconnaissance mode since September 1990. The mission team has taken great pains to insure quick distribution of data to the general science community and proper archival of these data at the National Space Science and Data Center at Goddard Spaceflight Center in Maryland. Here, Magellan is also breaking new ground and will serve as the data production model for future planetary reconnaissance missions.

For all these reasons, the story of the Magellan mission to Venus is a story of dramatic challenges which have been met with equally dramatic successes.

I urge my colleagues to remember this outstanding example of success, especially next year when we go through the complex budget process again. And, if you are ever up early, you can see Venus in the eastern sky a few hours before sunrise. If you spot the planet—that bright morning star, remember that the Magellan spacecraft is up there, busily orbiting Venus, gathering data.•

THE COMING LIBERATION OF CUBA

• Mr. SEYMOUR. Mr. President, the British historian Paul Johnson wrote that in the 20th century, "The power of the state to do evil expanded with awesome speed. Its power to do good grew slowly and ambiguously." He went on to observe that the legacy of communism unfolded in a pattern of blood, force, and poverty that constantly pummeled otherwise civilized people in this so-called enlightened age. With a sad sense of irony, Mr. Johnson made these conclusions in a book called Modern Times.

And so we face Castro's Cuba as one of the largest prisons of humanity in modern times. Less than 10 years after Castro emerged from the hills and marched his way to power, over 1 million of his fellow citizens had escaped to the free world. In 1980 alone, the Castro government had created 150,000 political refugees, and in the same year, the creaky boats and crude rafts left the Port of Mariel with some of the most tragic victims of Castro's rule. Quiet, terrified, and devoid of hope, they flooded into Key West as the unwilling messengers of Cuban tyranny.

In the meantime, Mr. President, Castro has built an ironclad, but hollow, empire with over one-fifth of the population living in exile, an annual income of only $812 a person, and the largest military power in Latin America. Artistic, religious, and journalistic freedoms simply do not exist.

In the midst of this repression, the poet Armando Valladares suffered in jail for more than 20 years. With courage and perseverence, he witnessed the pain, torture, and death that Castro had engraved on Cuban society. He struggled, as the title of his book tells us, "against all hope." But even in the darkest cellblock, Mr. President, Valladares would catch a precious glimpse of God. At one point, he writes of a visit to the Bonaito jail by a group of ruthless soldiers:

> The soldiers entered the hallway leading to the blackout cells and began to open the doors. As the prisoners came out, they were pushed and kicked down to the end of the hall. The prisoners, beaten, were stumbling and tripping through the hail of blows from sticks and truncheons, bayonets and chains. But suddenly, as though to protect them, there appeared a skeletal figure with white hair and flaming, blazing eyes, who opened his arms into a cross, raised his head to the invisible sky, and said, "Forgive them, Lord, for they know not what they do." Lieutenant Perez fired his submachine gun. The burst of fire climbed the Brother of Faith's chest, up to his neck. His head was almost severed, as though from the blow of an ax. He died instantly.

But his faith, Mr. President, most certainly endured. And so Mr. Valladares has illuminated a truth that none of us can afford to forget. As much as the Cuban Government fills the gulag and tramples on the rights of its citizens, communism only makes the spirituality of its captives more vibrant, and the crowded jails represent not a victory for the political order, but the very weakness of its authority.

It is the voice of Valladares, and the one of his brothers in faith, that must echo in our consciences as we try to make sense of these modern times. If we constantly remind the Cubans with our message that the world is watching and that the world cares, they might release more men and women like Armando Valladares, squinting into the light of the Lord. I appeal, then, to all of my colleagues today to never give up on these Cuban prisoners who refuse to give up on themselves and their God. They can still make the hope of Valldares come alive once again: that agony suffered by the just may yet bring victory.•

A GRACEFUL TRANSITION IN AFRICA

• Mr. DECONCINI. Mr. President, I want to take this opportunity to congratulate Mr. Frederick Chiluba and his movement for Multiparty Democracy Party for their impressive victory in Zambia's first free and fair election since the country established independence in 1964. His party's victory in the elections, and Saturday's peaceful transfer of power, reflects the preference of a growing majority of the African people to claim their inherent rights of democracy and freedom of expression. Other African countries, especially those ruled by big men such as Kenya's Moi and Zaire's Mobutu, would greatly benefit by following Zambia's former President Kenneth Kaunda, by listening to their people, and by closely examining the realities of Africa today. The people of Africa yearn for freedom, Mr. President. It is time for these big men to peacefully step aside and accede to the will of the people.

Former President Kaunda should be commended for his courageous recognition of the wave of democracy sweeping across Africa and for his bold decision to allow elections and a peaceful transition from an authoritarian to democratic form of government. Unlike other African rulers, Mr. Kaunda accurately analyzed the political situation in Zambia and realized that his dictatorship would inevitably collapse—it was only a matter of time. Instead of allowing his country to deteriorate into chaos such as occurred in Liberia or fleeing his country as did Mengistu Haile Mariam in Ethiopia, Kaunda wisely acquiesced to the opposition and opened the door to democracy. Former President Jimmy Carter, who led the election monitoring team, is absolutely right when he describes Kaunda as a man of "the highest statesmanship." Despite 27 years of autocratic rule, Kaunda will go down in history as the man who twice liberated Zambia. He first freed Zambia from colonial rule in 1964. He then emancipated his people from an authoritarian government by gracefully relinquishing power last week. Had Dr. Kaunda followed the example of other African leaders, especially those in Zaire and Kenya, the transition could have been much more

violent. I applaud his decision to remain in the country. I can envision him playing an important role in the future development of African democracy.

While this Senator is pleased to see democracy prevail in Zambia, we must not lose sight of the many problems the country still faces. The corrupt legacy of Kaunda has left this mineral rich nation in abject poverty. President Chiluba has already taken some encouraging steps by publicly supporting democracy and the kinds of free-market principles which have historically stimulated economic growth. Now all he has to do is implement those promises successfully.

Mr. President, we have learned in the past decade that repressive governments can not hide forever. It is in the inherent nature of people to demand freedom. This phenomenon first hit Latin America, then Eastern Europe, then the Soviet Union, and now Africa. Kenya's President Daniel arap Moi, and President Mobutu Sese Seko of Zaire should take a good, hard look at what transpired in Zambia this week. Kaunda proved that the benefits of a smooth and graceful transfer of power far outweigh the devastating impacts of a civil war designed to support an illegitimate government. If Presidents Moi and Mobutu wish to go down in history as heroes and not villains, I would strongly encourage them to follow the bold example demonstrated in Zambia.

I ask unanimous consent that an editorial from the November 5, 1991, New York Times, entitled "Zambia Retires Its Liberator," be printed at this point in the RECORD.

The editorial follows:

[From the New York Times, Nov. 5, 1991]

ZAMBIA RETIRES ITS LIBERATOR

For Africa no less than Zambia, the electoral defeat of President Kenneth Kaunda is a significant and hopeful surprise. Ever since Zambia achieved independence from Britain in 1964, it has been led by a single ruler and party. Mr. Kaunda is the first senior leader in post-colonial Africa to be defeated in a truly free and contested election. That's a dubious distinction for him but a triumph for the people of Zambia.

The landslide victor in last Thursday's vote, Frederick Chiluba, is an experienced trade unionist who assailed the policies that have brought Zambia close to bankruptcy. Though Zambia has the highest per capita foreign debt in Africa, its regime has been squandering $500,000 a day on subsidies to assure cheap food and placate urban voters. This blatant politicking misfired at the polls.

Mr. Kaunda's rise and fall followed a sadly familiar pattern. A hero of independence, he was admired as a principled foe of white racism; at some risk, he aided the rebellion against the Ian Smith regime in Rhodesia, now Zimbabwe. Foreign aid flowed, as did investments in its copper mines; schoolchildren were given free notebooks and taught that their President was infallible.

But as copper prices sank, spending spun out of control on prestige projects like airports. When Zambians challenged one-party rule, Mr. Kaunda responded by jailing opponents, among them Mr. Chiluba. Finally, yielding to swelling discontent and a collapse of foreign credit, the President agreed to multiparty elections. Yet in doing so, he warned that civil war might result if he were rejected.

Fortunately, the vote was monitored by international teams, one of them led by Jimmy Carter. By promptly stepping down, Mr. Kaunda has acted with honor and intelligence. A democratic transition in Zambia can send a message to all Africans who seek political change without bloodshed, economic reform without repression.●

THE VIOLENCE AGAINST WOMEN ACT OF 1991

● Mr. BAUCUS. Mr. President, I rise today to state my strong support for S. 15, the Violence Against Women Act of 1991. I am pleased to add my name as a cosponsor and to join with Senator BIDEN, the chairman of the Judiciary Committee, and many other Senators in working to make this legislation a reality.

Over the weekend when I was home in Montana I met with a group of women leaders in Bozeman who encouraged me to push for passage of this important bill. One of the women, Kate McInnerney, was particularly interested and no wonder—she works at the Battered Women's Network in Bozeman. The arguments I heard at our meeting were indisputable and the statistics are shocking:

One in five women will be raped in her lifetime.

Three out of four women will be the victim of a violent crime.

Last year there were more women battered by their husbands than there were women who got married.

The rate of assaults against young women has skyrocketed over the past 15 years. Yet we know that less than half of all rapes, and even fewer domestic assaults, are ever reported. Women are held captive by the fear generated by these violent crimes—crimes that happen not only in the streets but in women's own homes.

This situation is unacceptable. We must do something to reverse these awful trends.

This bill makes violent crime against women a national priority. It creates new offenses and raises penalties, and provides legal protections and assistance to crime victims. It designates sex crimes as a violation of civil rights, allowing women to seek remedies under the Federal civil rights laws.

I am very pleased to note that S. 15 was approved by the Judiciary Committee and is awaiting consideration in the full Senate. I urge my colleagues to support this legislation and it is my hope that we may approve it very soon.●

PUSHCART PLAYERS TRAVEL TO RUSSIA

● Mr. LAUTENBERG. Mr. President, I rise today to recognize the Pushcart Players, which recently took its show on the road all the way to the Ukraine. This acting troupe is from Verona, NJ. In taking their talents overseas, they have proved again how art can transcend cultural barriers. Through their play, "Three Cheers for America," they have created new friendships and promoted a cultural exchange.

The musical follows a family from their arrival at Ellis Island. Many Americans today can trace their lineage to Ellis Island and "Three Cheers for America" is a colorful tribute to the brave immigrants who left their homelands seeking freedom and a better life. It is also the story of the fight for freedom and social justice in their new country.

The musical touches on the immigrant experience beginning at the turn of the century, and takes the audience up to the days of the civil rights movement. The nonprofit acting troupe aims to bring history alive to family audiences through song and dance. The troupe left in September to perform before audiences in the Ukrainian capital of Kiev. Understanding is based upon knowledge and the musical gave Ukrainian audiences a view into our special and unique history.

The formulation of the trip began when Ruth Fost, the cofounder of the Pushcart Players, hosted a Russian couple, Tanya and Gregori Liptsyn through Operation Exodus II. The Lipstyns went to a performance of "Three Cheers for America" and felt that Russian citizens would have an interest in the production. They put the Pushcart Players in contact with their nephew who ran a theater in Kiev and from there, the actors and production staff were able to arrange a visit.

Mr. President, I extend my very best wishes to the individuals involved in "Three Cheers for America," and commend them for their contribution to a greater understanding between our two cultures.●

PRESIDING ELDER VICTOR CARSON AND MRS. ROSE CARSON

● Mr. LAUTENBERG. Mr. President, I rise today to recognize two of my constituents, Rev. Dr. Victor Carson and his wife, Rose. They will be honored later this month by the AME Zion Churchs for their spiritual and civic contributions to their community.

As a presiding elder, Reverend Carson looks over 22 churches in the State of New Jersey and was ordained in 1936. He is a member of the African Methodist Episcopal Zion Church. He has been active in the Camden District of the New Jersey Conference since 1946. Reverend Carson's dedication and to his community is an inspiration.

Mrs. Rose Carson also supports the community by working for the church. She is the chairperson of the Life Members Committee of the Women's Home and Overseas Missionary Society. The Carsons have 7 children, 16 grandchildren, and 13 great-grandchildren.

I wish the Carsons a joyful celebration and the best for the future.●

THE NOMINATION OF ROBERT GATES TO BE DIRECTOR OF CENTRAL INTELLIGENCE

● Mr. KERREY. Mr. President, I have decided to oppose the nomination of Robert Gates to be Director of Central Intelligence.

I have reached this decision after watching portions of the hearings, after reviewing editorials and articles both in support of and in opposition to the nomination, and after talking with certain members of the Intelligence Committee, some who will vote to confirm and some who will not.

I am aware of the questions concerning Mr. Gates' knowledge, or nonknowledge, of the Iran-Contra diversions. I am, in fact, willing to accept the fact that he might not have had specific detailed knowledge of the operation. But, I am not willing to accept the proposition that he could not have had suspicions. And, I am unwilling to concede that he should not have known. He was there. He has, we understand, a superb analytical mind. He knows, we are told, the inner workings of the Agency. If that is true, then if he didn't know, he should have.

I am also troubled by the charges of politicization of intelligence. We all know that individuals bring their own views, their own backgrounds, even their own prejudices to analysis. We know that in the period in question, there were, in fact, differing views on what was happening not only in the Soviet Union but also in other parts of the world. Yet, it is the responsibility of the intelligence community to give us their best and most objective analysis. The danger when they give us a political judgment and not a factual understanding is that we will, indeed, make the wrong policy choices.

I would have reservations about the nomination on the basis of these two issues alone, but they are not my primary reason for deciding to oppose the nomination.

August 1991 rendered 45 years of U.S. foreign policy to background status. It signaled a watershed for our Nation and for the world. The resulting new world disorder, as one of our colleagues terms it, is going to require new insights, new understandings and new approaches. I do not believe Robert Gates is the person to lead the Central Intelligence Agency into this new period of history.

To lead a CIA of the future, surely we can do better than a product of the past. Surely, we can do better than turn to a man with baggage from a recent foreign policy debacle. Surely, we can do better than a man whose dedication to objective analysis is in question. Surely, we send the wrong signal not only to the American people—who already wonder about their Government—but also to the world—where we must continue to lead—if we insist on continuing to wrap ourselves in the past.

It is a sign of this administration's dearth of foresight and lack of vision of the new world order, or disorder, that it wants—and wants the U.S. Senate to agree to—a nomination which could have been better, should have been better for the last decade of this century.

I understand that Robert Gates has an extensive background in the intelligence community. I understand that he has a brilliant mind. I understand that he has served this administration and previous ones well.

But, those are not necessarily the qualifications which will make for good intelligence in the years ahead. We need now as the Director of Central Intelligence, not the person who has been a man for all seasons for the policies of the 1980's, but a man for all times for the 1990's and beyond.●

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, earlier today I expressed my intention to proceed to the Labor-Health and Human Services appropriation conference report and I stated at that time that I have been advised that the House would complete action on that measure in time for it to be considered by the Senate sometime between the hours of 5 p.m. and 6 p.m. I am now advised by staff that the House has not yet completed action on the measure and is not likely to complete action on the measure until sometime later this evening, the precise time being uncertain.

That being the case, Mr. President, I believe it the best course for the Senator to now recess until tomorrow morning and take the bill up in the morning, at which time we anticipate that House action will have been completed sometime during this evening and we will have a chance to see what action the House has taken with respect to the measure.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 10 a.m. on Thursday morning the Senate proceed to the conference report to H.R. 2707, Labor-HHS appropriations bill, that there be 30 minutes for debate on the conference report, with the time divided as follows: 10 minutes each under the control of Senators HARKIN, SPECTER, and DOMENICI.

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

Mr. MITCHELL. Mr. President, therefore Senators should be advised there will be no further rollcall votes this evening, but it is anticipated that there will be a rollcall vote on the conference report to the Labor-HHS appropriations bill at approximately 10:30 a.m. tomorrow if the 30 minutes just agreed to are used. We will go to the bill at 10 o'clock in the morning and we expect the vote on the conference report at or about 10:30 a.m.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I therefore now ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. on Thursday, November 7; 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 upon disposition of H.R. 2707 there be a period for morning business with Senators permitted to speak therein.

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

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:15 p.m., recessed until Thursday, November 7, 1991, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate November 6, 1991:

THE JUDICIARY

MORRIS S. ARNOLD, OF ARKANSAS, TO BE U.S. CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT VICE DONALD P. LAY, RETIRED.

HOUSE OF REPRESENTATIVES—*Wednesday, November 6, 1991*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 4, 1991.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on Wednesday, November 6, 1991.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. George W. Evans, Jr., pastor, Atonement Lutheran Church, Wyomissing, PA, offered the following prayer:

Lord of life, God whose choice is to dwell in the midst of people, mark well Your children in this House. Give them strength of vision to see through the chaos of interests that surrounds them and to discover Your clear will for them and Your people whom they serve. Be their strength and stay and thus provide the ground upon which they may marry words to actions. By Your grace, and by engaging the lives of these very women and men, cause the commerce and industry, and the fruits of homes, schools, farms, factories, and mines to result in a nation where the least of Your children may find a place to live and work. O God, bless the women and men of this House this day as they work for Your children across this land. In Your Name, Amen.

THE JOURNAL

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

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

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

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

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

Mr. BONIOR. 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 278, nays 107, not voting 48, as follows:

[Roll No. 376]

YEAS—278

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

NAYS—107

Allard
Armey
Baker
Ballenger
Barrett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Campbell (CA)
Chandler
Clay
Coble
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Doolittle
Dornan (CA)
Duncan
Fawell
Fields
Franks (CT)
Gallegly
Gekas
Gilchrest
Goodling
Goss
Grandy
Hancock
Hastert
Henry
Herger
Hobson
Holloway
Hunter
Inhofe
Ireland
Jacobs
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Machtley
Marlenee
Martin
McCandless
McCollum
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Murphy
Nussle
Oxley
Paxon
Ramstad
Regula
Rhodes
Ridge
Riggs
Roberts
Rohrabacher
Ros-Lehtinen
Roukema
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Sikorski
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weber
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—48

Alexander
Bryant
Carr
Davis
Dickinson
Dixon
Edwards (OK)
Engel
Fazio
Foglietta
Ford (MI)
Ford (TN)
Frost
Gallo
Gingrich
Guarini
Hall (OH)
Hefley
Hopkins
Hyde
James
Johnson (CT)
Jones (NC)
Kasich
Klug
LaFalce
Lipinski
Lowery (CA)
Lowey (NY)
Manton
Martinez
McCrery
Mfume
Morella
Owens (NY)
Parker
Payne (NJ)
Ray
Rogers
Sangmeister
Serrano
Slaughter (VA)
Torricelli
Towns
Vander Jagt
Weiss
Weldon
Wilson

□ 1024

So the Journal was approved.

The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from Montana [Mr. WILLIAMS] will kindly come forward and lead the House in the Pledge of Allegiance.

Mr. WILLIAMS 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 bills of the following titles, in which the concurrence of the House is requested:

S. 1117. An act to establish the Bureau of Land Management Foundation;

S. 1671. An act to withdraw certain public lands and to otherwise provide for the operation of the Waste Isolation Pilot Plant in Eddy County, New Mexico, and for other purposes; and

S. 1745. An act to amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes.

"COME HOME" IS MESSAGE TO PRESIDENT BUSH

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

Mr. BONIOR. Mr. Speaker, I have a message for the President.

Arrivederci!

Yesterday's elections sent a clear message from voters. It's time to take care of our own. It's time to create a health care system that works. It's time for a tax break for middle-class Americans. Not the wealthy.

But the President is jetting off for yet another trip. This time it's Rome.

Mr. Speaker, doesn't the President get it?

I think the President should consider an impromptu drop-in on another exotic place. The United States. He's got to think about our economy, our jobs, our taxes, our growth.

Come home, Mr. President; come home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Members are reminded to direct their remarks to the Chair.

MAKE CONGRESS FOLLOW THE LAWS

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

Mr. BALLENGER. Mr. Speaker, if the Republicans were in charge of the House today, we would insist on making the House follow the same laws we impose on every other business. It is wrong for Congress to pass laws that it does not itself follow. Whatever reason we have relied on in the past to justify this hypocrisy are not good enough. Separation of powers problems can be surmounted, budget problems can be met, and the inconveniences will be a good lesson to us as lawmakers.

The American people are tired of this double dealing. Every law that Bob's grocery store has to follow, we ought to follow. If Republicans were in charge we would repeal every existing provision that exempts Congress from coverage of laws and we would start with the civil rights bill due on the floor this week.

No public policy change would have more impact on the country than to require Congress to follow each law it passes. Why? Because Congress wouldn't pass laws that were to great a burden on its own operation. Just watch how fast many of my colleagues on the other side of the aisle drop their interest in new bureaucratic oversights and paperwork requirements once they realize that every new regulation will apply to themselves. Talk about deregulation, it will make your head spin.

Let's put the whole country under the same laws.

MAKE NATIONAL HEALTH CARE TOP PRIORITY

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

Mr. RUSSO. Mr. Speaker, as I have been saying for a long time, Americans want comprehensive health care reform. Nowhere has this been made more apparent than in yesterday's Pennsylvania Senate race.

The Democratic candidate decisively defeated former Attorney General Richard Thornburgh because he had a strong message. He emphasized his commitment to guarantee health care to all Americans. National health insurance is what Americans want and they aren't going to settle for anything less.

Americans want us to contain skyrocketing health care costs and they want universal coverage with comprehensive benefits. Only one bill has been introduced that can guarantee high-quality health care to all Americans for less money: H.R. 1300, the Universal Health Care Act of 1991. The Russo bill is the only bill that will save money for 95 percent of Americans while providing comprehensive benefits, including long-term care.

I'm tired of the inside-the-beltway mentality that says national health insurance isn't politically feasible. The American public has made it clear. National health insurance is politically feasible. The Russo universal health care bill is the only politically feasible plan around because it is the only plan that benefits all Americans by containing costs and increasing coverage.

The polls have told us, experts have told us, and now a major election has turned on this issue. Americans want comprehensive health reform now. It is time for the President and the Congress to wake up and listen to the American people and make the enactment of national health care their top priority.

□ 1030

EXTENDED UNEMPLOYMENT BENEFITS

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

Mr. LEWIS of Florida. Mr. Speaker, Americans who need extended unemployment benefits are tired of waiting for the House Democrat leadership to stop playing games with this issue. It seems they would rather have an issue with which to bash the President than pass a bill the President can sign and get these benefits to the people who need them.

We need to pass legislation that extends unemployment benefits without raising taxes on the very businesses that will get us out of the recession. I call on the Democrat leadership to work with the President to give us a responsible extended benefits bill as well as an economic growth package. Let us solve our country's economic problems, rather than extend them into 1992. The American people are tired. They want lower health care costs, no more taxes, and no more rhetoric from this House.

They want the economy turned around. They are challenging us to move ahead. I speak from the conservative side of the aisle and challenge the Democrat leadership, conservatives, moderates, and liberals, let us work together and turn this economy around. The American people expect no less and give us this challenge to this House and to this Congress.

THE ADMINISTRATION CHANGES ITS MIND ON THE RECESSION

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

Mr. TALLON. Mr. Speaker, finally, finally the administration is telling us, yes, the recession is here, a fact that my constituents have known for a long

time. There is a record 23.6 million Americans receiving food stamps. People who have lost their jobs are suffering in this tough economy and have turned to this vital program for help.

Mr. Speaker, the average food stamp benefit is 70 cents per person per meal. Over 50 percent of the recipients are children. Remarkably, at this same time the administration is proposing regulations that threaten to cut the benefits in many ways.

As chairman of the subcommittee which oversees the Food Stamp Program, I am outraged that this administration is pulling the rug out from under the most vulnerable in our society. The President is telling us that he cares about people who are out of work and who have been hurt by this rocky economy. Unfortunately, the actions of this administration speak louder than words, and these actions are hostile to those most in need.

DO UNTO OTHERS?

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

Mr. SCHAEFER. Mr. Speaker, what do the following laws have in common: the Social Security Act of 1933, the National Labor Relations Act of 1935, the Minimum Wage Act of 1938, the Equal Pay Act of 1963, the Civil Rights Act of 1964, the Freedom of Information Act of 1966, the Age Discrimination Act of 1967, the Occupational Safety and Health Act of 1970, the Equal Employment Opportunity Act of 1972, title IX of the Higher Education Act Amendments of 1972, the Rehabilitation Act of 1973, the Privacy Act of 1974, the Age Discrimination Act Amendments of 1975, the Ethics in Government Act of 1978, and the Civil Rights Restoration Act of 1988? What do these laws have in common? They all represent sound principles? Yes, and they are all laws from which the Democrat-controlled Congress has exempted itself.

Why, Mr. Speaker, does the Democrat-controlled Congress not apply these principles to itself? Shouldn't laws and standards which we believe best serve our country also best serve this institution? That is a question which the majority should have to answer.

Mr. Speaker, I'd like to commend our Republican colleague from the other body, Senator CHUCK GRASSLEY of Iowa, for his effort to force Congress "to live by the same laws that apply to everyone else," as highlighted in the Wall Street Journal's October 16 editorial. Let's support this effort.

MESSAGE FROM PENNSYLVANIA

(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, it does not take a brain surgeon to figure out what happened yesterday in Pennsylvania. The message is clear. Stop closing bases in America and close a few military bases overseas. Stop worrying about NATO and start worrying about Blue Cross. Stop worrying about fast track and start worrying about illegal trade and the American worker.

Mr. Speaker, the people of our country are fed up. They are fed up with $170 billion a year going to protect Japan and Germany, another $25 billion in foreign aid, and they are getting food stamps.

The message is clear: Take care of No. 1, take care of America.

THE HOUSE OF PUBLIC MISTRUST

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

Mr. ALLARD. Mr. Speaker, if Republicans were in control of the House, we'd move immediately to regain the public trust lost through 38 successive years of Democrat majorities.

In a recent Gallup Poll, Congress ranked behind the following organizations in public trust: The military, organized religion, the Presidency, Supreme Court, public schools, newspapers, banks, television, organized labor, and big business.

Under fundamental American principles, our Government derives its authority through the consent of the governed. Consent is unlikely to flow for long to one that is not trusted.

By the looks of things, Mr. Speaker, the trust Americans have in their Democrat-controlled Congress has all but disappeared.

THE STATE OF THE UNION MESSAGE

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

Mr. WILLIAMS. Mr. Speaker, yesterday in Pennsylvania the people said again to this Government that they want us to turn homeward. Many of us have believed that for a long time. We can bet that President Bush finally heard it last night and this morning.

I am just willing to make my colleagues a bet this morning. Within 70 days, the President will stand right there and deliver his State of the Union message, and for the first time in his 4 years, he will focus domestically.

He will talk about the economy; bet on it. He will talk about employment; bet on it. He will declare himself to be the economy President.

Yes, sir, George Bush is going to come home now. In his upcoming State of the Union speech the President in the last year of his term will say, "Trust me. I mean it. I am worried about the domestic economy. I am the economy President."

TAX REFORM

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

Mr. DANNEMEYER. Mr. Speaker, by abandoning the solid, progrowth economic policies of the Reagan administration and enacting higher taxes, budget busting spending bills, and burdensome regulations, the Democrat majority in Congress has caused this recession from which the American people are currently suffering. Moreover, this recession will not end until Congress changes policy.

The time to act is now. Congress must pass a broad-based tax cut and limit future increases in Federal spending before we adjourn this year. Let me outline the shape of such an economic growth package.

First, we must lower taxes on labor. Congress should repeal the increase in Social Security taxes that became effective in January 1990 and the ridiculous and counterproductive earning test on Social Security benefits.

Second, we must help middle class families by increasing the dependent child exemption to $3,500.

Third, we must lower taxes on savings and investment. We should again allow all Americans to have individual retirement accounts [IRA's] and permit penalty-free withdrawals for first-time home purchases, college tuition, and catastrophic medical expenses. We should index the basis and lower the maximum rate on all capital gains for both individuals and corporations to 15 percent. We should repeal the passive loss rule.

Fourth, we must stop penalizing American businesses with punitive taxes. We should adopt a neutral cost recovery system either by enacting full expensing or indexing depreciation schedules. We must repeal counterproductive foreign tax provisions on American multinational firms that only help their Japanese and European rivals.

Fifth, we must enact an enterprise zone program to revive the inner cities.

Sixth, we must repeal all of the 1990 tax increases, including the stupid luxury excise tax.

Finally, we must enact a 4-year hard spending freeze to allow the additional revenue from economic growth to gradually bring the budget into balance.

□ 1040

HEALTH CARE FOR EVERY AMERICAN

(Mr. AUCOIN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. AUCOIN. Mr Speaker, yesterday the people of Pennsylvania sent a message to their national leaders: if every criminal defendant has the right to a lawyer, every American family has the right to a doctor at a price it can afford.

Some of us have stood for this for a number of years, but powerful interests have long kept national health care off the national agenda. Those days are now over, because working families are fed up with worrying whether they can afford adequate medical care; because people are tired of being afraid that employers will have to cancel health care benefits because of exploding medical costs; because older Americans now are paying a higher percentage of their incomes for health care than they did 25 years ago; and because those who are out of work, including many people in Oregon timber country, face the terror of a serious illness without any health care coverage at all.

Mr. Speaker, when I first came to the Congress I advocated a national health care program that provides universal access to health care. I am now convinced, based on events in Pennsylvania and the stirring across this country that we now can finally give all American families quality health care as their birthright. It is a fight I joined in the 1970's, and it is a fight that I intend to help Americans win today.

WELCOMING SLOBODAN RAKITIC

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLFY. Mr. Speaker, I rise today to welcome Mr. Slobodan Rakitic to our Nations Capital. Mr. Rakitic is the senior vice president of the Serbian Renewal Movement, the largest opposition, anti-Communist Party in the Republic of Serbia and Yugoslavia.

Mr. Rakitic is recognized as the leading advocate of tolerance and negotiation in the current conflict in Yugoslavia. In his capacity as a member of both the Federal and Serbian Parliaments, he has taken the lead in the parliamentary fight to abolish Communist rule throughout all of the republics of Yugoslavia.

In Serbia, Mr. Rakitic works most closely with other opposition leaders such as Prof. Dragolub Micunovic, leader of the Democratic Party, leaders of the SDA, and leaders of the Hungarian Minority Group.

I will be holding a reception for Mr. Rakitic in room 1416 Longworth from 11 o'clock to 12:30 this morning, and invite any Members or their staffs to drop by and talk with him about the thriving political opposition in Serbia, and also the overall situation in Yugoslavia.

WOMEN NEED TO HEAR THE TRUTH ABOUT FAMILY PLANNING

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

Mr. WYDEN. Mr. Speaker, the President's new policy statement on family planning is actually nothing new at all. The President's statement says that a woman can get no information about her pregnancy options from a family planning program, but can only get a referral to a general practice health facility. Mr. Speaker, that is no change in the gag rule at all. Women are entitled to the truth, the whole truth, and nothing but the truth when they go to a family planning clinic, but under the President's statement that was issued late last night they will not get it. The President still does not believe that the first amendment ought to apply at federally funded family planning clinics.

I urge all our colleagues to support Chairman NATCHER's excellent labor-HHS bill today and ensure that women in this country have an absolute right to the truth.

WE MUST ENCOURAGE SMALL BUSINESS JOB CREATION

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

Mr. IRELAND. Mr. Speaker, over the next 25 years, the United States needs to create 43 million jobs. Some 75 percent of those jobs will come from small businesses.

For the sake of all Americans, we ought to be doing whatever we can to encourage small businesses as they lead the way in creating the new jobs we so desperately need.

Instead, we will consider later this week a bill to mandate employee leave policies—even though 89 percent of Americans surveyed say that Government should not get involved in deciding what benefits employees receive. This bill would trade jobs that employees certainly do need for benefits that they may not even want.

We also may be asked to vote on yet another unemployment compensation bill—paid for through increased payroll taxes. If the bill contains such tax increases, it will be trading decent, full-time jobs for a few more weeks of Government handouts.

My colleagues as we consider these bills, stop, think and remember it is easy to say that you're for small businesses and the jobs they create. But it's how you vote that really counts.

WASHINGTON STATE VOTERS DEFEAT TERM LIMITATION INITIATIVE

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

Mr. DICKS. Mr. Speaker, yesterday the voters of Washington State made a deliberate and very wise choice to defeat an initiative that would have unilaterally diminished Washington State's congressional delegation. Supporters of initiative 553 in Washington State were arguing for a three-term limitation on Members of Congress from just this one State, and they tried to capitalize upon the frustration that has spread across the Nation this year.

I am pleased to state this morning, however, that a majority of the voters in our State were able to see through this proposal, and despite the frustration that we know is there, they chose to defeat the measure.

I want to especially note the role that Speaker TOM FOLEY played. He campaigned across our entire State. Speaker FOLEY defended the Constitution, which this initiative clearly violated. He defended the citizens' right to decide. He defended the Congress, and he defended Washington State's right to have an experienced congressional delegation. This was a personal victory for the Speaker and a political victory for the people of Washington State.

YOU CANNOT FOOL AMERICAN WOMEN

(Ms. MOLINARI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOLINARI. Did you hear that, Mr. Speaker? That is the sound that was heard several weeks ago in the other body. It is the bell that warns: "Time is up. You cannot fool American women anymore." That bell is about to go off in the House today.

When my colleagues vote against the Labor-HHS and education conference report, they will tell us it is because it is an abortion vote. But you cannot fool American women anymore. They will tell us they voted no because it spends too much on breast cancer and toward Medicare, that it is over budget. But you cannot fool American women anymore.

To vote no today will be a vote to close family planning clinics, to restrain free speech between a woman and her doctor, and to deny women their legal right to know.

So when Members vote on this report today, Mr. Speaker, be honest in your response because you cannot fool American women anymore. Time is up.

PRESIDENT BUSH WILL TURN OUT THE LIGHTS ON THOUSANDS ACROSS THIS COUNTRY

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

Mr. SARPALIUS. Mr. Speaker, I think we finally figured out what the President meant when he talked about his thousand points of light. He must be talking about turning out the lights on over 1,000 hospitals across this country. In 1956 this body approved the Medicare Program which was designed to help senior citizens who lost their insurance policies, indigents, poor people, and children who did not have adequate health care. It was a unique program. It was a matching grant where the Federal Government put up money and the States and local hospitals put up money, and together they provided health care for those people.

Now the President, through the HCFA recommendations, is recommending to pull out the rug from the Federal Government's matching funds. It would cost my State $1.1 billion. Mississippi would have to close every nursing home in their State.

Here we have a President on the one hand who will erase a $6.7 billion loan to Egypt and will push for a capital gains reduction, a tax break for the rich; and on the other hand, pushes people out of nursing homes and hospitals across this country. Mr. Speaker, it is time for the President to come home and read his polls, and he will see that the No. 1 issue in this country is health care. And it is apparent that this President is standing in the dark.

□ 1050

VOTE FOR LABOR-HHS CONFERENCE REPORT

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, the women of America have an extraordinarily high stake in this legislation in the Labor-HHS conference report. Approval of this conference report will have a direct, positive impact on our lives.

First, this bill provides money to begin boosting research into a heretofore arcane and obscure medical subject: The women of this country. There is funding for research on breast, cervical, and ovarian cancer; sexually transmitted diseases; mammography and pap smear screening programs; and a long-term study on women's health.

For the women who have been important in Members' lives, this bill is the most meaningful get well soon card you could ever hope to send.

Second, the Labor-HHS bill reverses the title X family planning regulations which shamelessly condemn poor women to inferior and inadequate medical information, the deservedly infamous gag rule.

By overturning the gag rule, Congress will finally take Uncle Sam's finger off the mute button controlling doctor-patient relations. To have the government dictating the medical advice women can receive is discriminatory, harmful and insulting to women in this country. If you support the gag rule, you are telling American women that you just do not trust them.

So, Mr. Speaker, I urge my colleagues to demonstrate their support of and faith in American women by voting to approve this conference report.

WAKE-UP CALL FOR AMERICA

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, for months now the American people have been calling out to its leaders in Washington, and for months the administration has turned a deaf ear.

Well, make no mistake about it: Yesterday, the people of Pennsylvania delivered a powerful message to 1600 Pennsylvania Avenue. By defeating President Bush's Attorney General and the head of his domestic policy council, the people have sent a message that they are tired of indifference in the face of growing economic bad times.

They are saying it is time for the President of the United States to do something for Americans for a change. It is time to recognize that we have emergencies here at home, too. It's time for the President to get out of the rut of tax breaks for the rich and start working for tax relief for struggling middle-class families. It is time for national health insurance, affordable health care for all Americans. My God, it's time to extend unemployment benefits for the 8.6 million Americans out of work.

That is the message of Pennsylvania. The President should listen. The Congress should listen, too.

Mr. Speaker, the people are looking for leadership and resolve to address this recession. Working- and middle-class families are on the line. They have just sent a wake-up call.

REDUCING TIME WITH BABY

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

Mr. DELAY. Mr. Speaker, strange as it may seem, the Family and Medical Leave Act—H.R. 2—is apt to reduce—rather than increase—the amount of time mothers devote to childrearing.

A recent Census Bureau report found that short-term, job-protected leave policies tend to encourage paid employment at the expense of mothering. According to the report, 71 percent of all women eligible for short-term maternity leave benefits return to the labor force less than 6 months after childbirth, while only 43 percent of those without short-term benefits do so.

That short-term, job-protected leave encourages a speedier return to paid work is not disputed by leading proponents of the Family and Medical Leave Act. In fact, some have expressed concern that if a longer term leave policy were offered, some women would subordinate careerism to mothering.

Given that the Family and Medical Leave Act is designed to build mother-job attachment more than mother-child attachment, policymakers interested in promoting the interests of families and children should not support H.R. 2.

TRIBUTE TO VOLUNTEER FIREFIGHTERS

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

Mr. WISE. Mr. Speaker, the smoke is still hanging over 200,000 acres of burning forest land in West Virginia, but it is time to say thank you to the tired, exhausted firefighters, National Guard and volunteers, men and women, who spent countless days, now weeks, fighting these blazes.

I had the privilege of spending only 14 hours with the Malden and Chesapeake Volunteer Fire Departments this weekend, but they have spent days, now weeks, on steep hillsides that deer cannot run up, using water when they are lucky enough to get close, but more often chain saws, leaf blowers, and that final fire weapon, the rake, and during cold, heat, and smoke, listening for that popping that means there is a tree falling overhead.

Firefighters have always been there, but now, more than ever, we recognize their importance. They are getting little help from the Federal Government. Revenue sharing has been cut off years ago, and so they all play bingo, and hold bake sales, and they stop cars in the streets with upraised fire helmets.

There is a reason that the loss of life and property has been miraculously low in the last couple of weeks, and that is because of the volunteer firefighters, Mr. Speaker.

Congress must remember what they have done, and when this is over, remember what they need.

THE OCTOBER SURPRISE

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

Mr. LIVINGSTON. Mr. Speaker, tomorrow the committee investigating the so-called October surprise goes before the Committee on Rules, this notwithstanding the fact that this week's New Republic and Newsweek magazines have totally destroyed any pretense of credibility in this bogus story. Those

articles appear in my special order in the CONGRESSIONAL RECORD of Monday, November 4.

Mr. Speaker, I call on you and your leadership to face reality. Renounce this foolish pursuit and apologize to President Reagan and President Bush for dragging this mythical fabrication as far as you have.

If you really want to launch a worthy investigation, ask your current and former Democratic Members to appear before an investigative committee to defend their questionable dealings with the Sandinista Communists of Nicaragua in the mid-1980's.

Now, that is a story.

WOMEN NOT GETTING FAIR DEAL WITH HEALTH CARE

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

Mr. REED. Mr. Speaker, I rise today to address the critical subject of women's health care. There is growing evidence that women are not getting a fair deal with respect to health care.

But today the House of Representatives has an opportunity to help correct this great injustice. The Labor-HHS-Education appropriations conference report significantly increases funding for research on women's health. This legislation calls on the National Cancer Institute to make breast cancer, ovarian cancer, and cervical cancer top priorities, and provides the funding for that research.

This conference report includes $10 million for the National Institutes of Health for research on women's health and also funds the women's health initiative.

The Centers for Disease Control will receive funding for comprehensive early cancer detection programs for low-income women in eight States, and the conference report also blocks the administration from imposing the so-called gag rule. This administration policy would deny women the right to full and fair health information.

Mr. Speaker, women with diabetes, women with cancer, women with multiple sclerosis, these women need to know the effect a pregnancy has on their condition and all the options available to them. Any attempt to deny them this information is both mean spirited and extremely dangerous.

When we vote today for the Labor-HHS-Education appropriations bill offered by the gentleman from Kentucky [Mr. NATCHER], the Congress sends an important signal to women: we care about health care, we will fund research, we will fund the early detection, and we will block any attempt to deny women all the health care information they need.

WELCOME TO GEORGE ALLEN AND TRIBUTE TO THE HONORABLE FRENCH SLAUGHTER

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

Mr. WOLF. Mr. Speaker, I want to congratulate George Allen, who will be the new Republican Congressman who was elected in the Seventh Congressional District by an overwhelming vote.

George was the son of the former Redskin coach, George Allen, and distinguished himself in the general assembly, and I think he will be a credit to this body.

I also want to pay a special tribute to Congressman FRENCH SLAUGHTER, who will be leaving us. FRENCH was a very decent, honest, ethical man who, I think, has been one of the hardest workers and a good man whom we will deeply miss.

So I know all the other Members at an appropriate time will want to pay tribute to FRENCH and say, "FRENCH, we are going to miss you."

□ 1100

SUPPORT FAMILY AND MEDICAL LEAVE

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

Mr. LEWIS of Georgia. Mr. Speaker, I want to remind my colleagues that we have a mandate and a mission to stand up for the American people. As this Nation wallows in the pain of an economic recession, we have an obligation to put the needs of the American people above anything else!

We need to consider the needs of working Americans as we debate the Family and Medical Leave Act. Passing this legislation would send a message of hope to all working Americans. The family and medical leave bill would lift a tremendous burden off the shoulders of working people.

REMEMBER POW/MIA'S: WEAR RIBBONS

(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, there is a family in my southwest Florida district that waits anxiously for news as to the whereabouts of a loved one—Capt. Donald Carr, who has been missing in action in Southeast Asia since 1971. Captain Carr's family is one of more than 2,200 families nationwide who have yet to know for sure what has happened to their relatives, known to the world as our POW's/MIA's. In recent days there has been a flurry of activity—much of it hopeful—that has spurred the Pentagon to return this matter to the top of its priority list. Every lead is being followed—and every day the families become more hopeful that news and truth will be forthcoming.

Mr. Speaker, a local organization in my district has painstakingly assembled black and white ribbons joined with a flag lapel pin, designed to remind us all that there are still loved ones missing. I have sent one ribbon to each of my colleagues.

And I urge everyone to join me in wearing them, sending a message throughout the Nation that we have not—and we will not—forget.

A REPUBLICAN GAG RULE

(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, after we finish the 1-minute speeches, we are going to discuss another gag rule. Our colleagues on the other side of the aisle would like to gag our legal staff to only be able to say those things that they censor.

Now, what is worse about this gag attempt on the legal staff of the U.S. Congress is that they are going to divide the time. It is my understanding from the side that is always demanding that we give them half the time, which we do, they are going to give us 20 minutes on our side and they are going to take 40 minutes. It is an interesting lesson for us. Every time the Democrats bring a bill to this floor, we give half the time to the other side. We lean over backward to make sure there is a fair debate here.

Mr. Speaker, we will be watching to see how the Republicans handle their time when they control it.

THE LESSON OF THE ELECTIONS

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

Mr. HOLLOWAY. Mr. Speaker, we have listened to talk about the race in Pennsylvania yesterday. I am here to talk about a race in New Jersey. The people of New Jersey spoke and said, "We don't want any more taxes."

If the figures I have are correct, and I do not say they are final, but we saw a change that 58 Members of the House are going to be Republicans and 22 Members of the House are going to be Democrats; 23 Members of the Senate are going to be Republicans and 17 Members of the Senate are going to be Democrats.

I am here to tell you that business and people in this country are saying, "You can't be everything to everybody in government."

It is time that we give people a dollar's worth of good for a dollar's worth of taxes. It is time that America wakes up and realizes where our deficit spending is coming from, to realize that the legislative body here every year appropriates 15 percent more to run this House.

We all want affordable health care, but I will tell you, let us find out where we are going to pay for it and what we are going to cut in our present budget before we try to pass a bill.

PASS THE LABOR-HHS BILL

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, I want to send my congratulations to the voters of Pennsylvania. They got a great Senator and they also did something terrific. They got the President to cancel yet another foreign trip, and he is going to stay home because he wants to watch Congress. Of course, he is going to Rome first. I wish he would watch us today, because today we are going to pass a great bill, the Health and Human Services Act. We are going to finally fund health programs for women at a higher rate to attack the problem of breast cancer and ovarian cancer and cervical cancer.

The President opposes this. He also wants to continue a gag rule which would in America in 1991 stop a physician from telling his or her patients the truth about that patient's legal options.

Mr. Speaker, this gag rule is not about abortion. It is about freedom of speech and freedom of speech in America is something we have come to rely on. It is what makes us so great, and I look forward to working with the chairman and passing the Health and Human Services Act.

A FAIR DIVISION OF TIME ON A PRIVILEGED RESOLUTION

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

Mr. COX of California. Mr. Speaker, at the conclusion of our 1-minute addresses this morning, the House will take up a very serious question and that is the question of whether the taxpayer's resources and the officials funds and resources of this House of Representatives should be used to weigh in and interfere with State elections on term limits.

As an individual Member of the House, I have brought a resolution on a question of privilege, of the whole House, not a personal privilege, but privileges of the whole House, to be consulted on a matter such as this.

Frankly, it is not an easy thing for an individual Member to challenge the leadership in this fashion, but I thought it important to do so.

The rules of the House, which I want punctiliously to follow, give a Member bringing a resolution of this type 1 hour. They give me that entire time.

Now, even though that is what the rule does, I have agreed with the distinguished majority leader, and he is in concurrence with me on this subject, that the time will be divided 15 minutes to myself, then 20 minutes of time that the majority leader will distribute as he sees fit, and 20 minutes to my side, and I will conclude in 5 minutes; but I want to emphasize that under the rules, this Member is entitled to all of the time.

Frankly, if we follow those rules, there would not be any time whatsoever allocated to the other side. The minority in this House has a very difficult time bringing our matters of interest to the floor. This question of privilege, frankly, is about a decision taken without consultation whatsoever with the minority, without approval of our leadership, and without any debate or vote on the floor of this House.

Mr. Speaker, I think it is urgent that we precipitate that debate this morning, and that is the purpose of my action.

THE PRESIDENT SHOULD LEARN THE LESSON OF HEALTH CARE

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

Mr. DEFAZIO. Mr. Speaker, there is a valuable lesson that the President could learn during his trip to Europe today to visit our NATO allies. It is not about the Soviet-Warsaw Pact threat. It is not about new rationales and why the U.S. taxpayers should spend $160 billion a year to defend our wealthy allies in Europe against a nonexistent threat.

No, if our NATO allies can afford to provide health care to each and every citizen, that is the lesson the President should bring back today, how to provide that needed health care here to every citizen of the United States of America, not how to perpetuate the cold war in Europe.

JOB CREATION AND ECONOMIC GROWTH NEEDED NOW

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

Mr. RAMSTAD. Mr. Speaker, in yesterday's election, the American people sent a clear message to the Democrats who control this House.

Jobs are in, higher taxes are out.

In New Jersey, the people spoke loud and clear by throwing out the Democrats who raised their taxes, and throwing in the Republican candidates who campaigned on a platform to cut taxes and ignite economic growth.

Using a progrowth, antitax message, Republicans took over the New Jersey Legislature for the first time in 20 years.

And in Mississippi, voters changed history by electing a progrowth, antitax Republican Governor—the first since Reconstruction.

The message from these elections is clear: the American people want jobs and growth, not higher taxes. And the people will change history to get the progrowth program they want.

Now, it is time for the Democrats in this House to give up on their higher tax agenda, and pass a progrowth, projobs, protaxpayer, and profamily economic growth package.

Mr. Speaker, the American people are hurting at home. And if the Democrats who control Congress do not take action to take care of the American people, then American people are going to take action to take care of the Democrats who control Congress.

These are historic times, Mr. Speaker. I hope the Democratic leadership is listening.

PRESIDENT SHOULD STAY HOME AND GET UNEMPLOYMENT BILL PASSED

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

Mr. OBEY. Mr. Speaker, this morning right before he left Washington for another trip overseas, the President said that he canceled a future overseas visit, this time to Asia, because "I hate going away with Congress still in session. Heaven knows what will happen."

□ 1110

Mr. Speaker, we do know what happens when the President goes on these foreign visits because the United States winds up giving more away. When the President visited several NATO countries that summer, he ended up promising Greece two Navy ships and millions of dollars in surplus Navy equipment. After he visited Turkey, the administration has been telling us they want to provide that country with 80 F-16's worth $2.8 billion.

Mr. Speaker, so far my committee has objected because of the foreign aid implications, but the administration keeps putting the pressure on.

So, Mr. Speaker, I say, "Mr. President, I hope when you get home, you'll help us fashion an unemployment insurance bill, but when you're out there in Rome with our allies, I hope you don't go promising any more F-16's, or anything like that. We simply can't afford the foreign aid implications."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). The Members are reminded to direct their remarks to the Chair.

DOCTOR-PATIENT RELATIONSHIP IS NOT VIOLATED BY NEW TITLE X REGULATION

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

Mr. SMITH of New Jersey. Mr. Speaker, the President in his title X memo yesterday shattered the myth that the doctor-patient relationship is violated by the new title X regulation. The President writes in part, and I quote:

> We must insure that the confidentiality of the doctor-patient relationship will be preserved and that the operation of the title X family planning program is compatible with free speech and the highest standards of medical care. In order to clarify the purpose and intent of these regulations, I am directing that in implementing these regulations to insure that the following principles be adhered to: one, nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician; two, the title X projects are to provide necessary referrals for appropriate health care facilities when medically indicated.

The claim that doctors could not refer a pregnant woman for medical care with AIDS, cancer, or diabetes, as suggested in a recent Dear Colleague, is simply false. In fact, a doctor is required to refer a woman to a specialist even if such referral ultimately results in the loss of the baby's life.

Mr. Speaker, I urge Members to vote no on the conference report and preserve the President's prenatal care rule.

SUPPORT THE LABOR-HHS CONFERENCE REPORT

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

Mr. DURBIN. Mr. Speaker, later on today we will consider the Labor-HHS conference report. I rise in strong support of this legislation.

Mr. Speaker, in addition to making a record of the fact that this House of Representatives opposes the Reagan-Bush gag rule, this conference report makes a significant stride forward in medical research for Americans. There is an increase of over $400 million to the National Institutes of Health to find cures for the diseases which plague American families. Many of my colleagues, particularly the Congresswomen who serve with me, have stood up and said that they support the bill because of the strides we made in this legislation for women's health care, and I think that is critically important.

But I would like to correct the record. I say, "If you ask most Americans what is the No. 1 cancer cause of death among women in America, what would they say? Ovarian and cervical cancer? No. Breast cancer? No. The No. 1 cancer cause of death among American women is lung cancer caused primarily by smoking."

Mr. Speaker, I want to salute this conference committee for adding money in this bill for the Office of Smoking and Health to educate, not only women and men, but children, across America not to take up smoking. That is a step forward, not only for women, but for all Americans.

WHY AMERICA DISRESPECTS US

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

Mr. DORNAN of California. Mr. Speaker, in the 15-years that I have been here, which is a short amount of time comprised to the 50 years served by JAMIE WHITTEN of Mississippi who started his 51st year today, I have only seen one October surprise. And that was the cockamamie, so-called budget compromise that was, surprise, the mother of all tax hikes. But what about that other October surprise? You know, that October 11 years ago, just before Ronald Reagan was first elected in a landslide.

Listen to what the New Republic says about it. "What October surprise?" And below that is this:

> But the truth is the conspiracy currently postulated is a total fabrication. None of the evidence cited to support the October surprise stands up to scrutiny. The key sources on whose word the story rests are documented frauds and impostors.

How about the cover of Newsweek? "The charge, treason; the evidence, myth." Eleven reporters worked on this Newsweek story from New York, London, Paris, Jerusalem, Moscow, Bonn, Chicago, Houston, and Los Angeles.

The two authors of the New Republic story, Steven Emerson and Jesse Furman, said they will finish their investigation for $3,000, but the Congress is going to put up half a million. If Congress really has to go through with this charade, it should give Steve and Jesse the $3,000 and save the taxpayers some money.

Mr. Speaker, this is why America disrespects this legislative body. If we just did our jobs around here the American people would certainly forgive the odd salad with Raquefort dressing. But when Congress consents to spending half a million dollars investigating a fairy tale, every little abuse of Congressional parks becomes magnified. The October surprise witch hunt is unworthy of this Chamber and all those pursing it for political reasons should feel small.

THANK GOD THE DEMOCRATS HAVE BEEN HERE FOR 40 YEARS

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

Mr. HEFNER. Mr. Speaker, someone from the Republican side mentioned earlier that people were irritated that people were going to get another couple of weeks of handouts from the Government. These are unemployed folks that are out of a job and cannot find jobs. They are going to get another handout.

Mr. Speaker, they paid into this fund, and the administration has barred the money. There is no trust fund.

Mr. Speaker, I say, "Your record ain't good, boys, on working folks. When we talked about 60-day notice for plant closing, you said, 'Oh, that's a terrible thing. You have to let people know they're going to be out of work in 2 months.' When we talked about minimum wage, you said, 'Oh, that's going to be terrible. It's going to ride the price of everything up, going to drive fast food people out of business.' It didn't work. It seems to me your record ain't too good."

One other thing somebody mentioned over here time and time again: If the Republicans had been here all these years, we would have had so and so. Well, let me tell my colleagues, "if the Republicans had been here all those years, I'll tell you some of the things you wouldn't have had. You'd have had less of Medicare, you'd have had less Social Security, and you'd have had a lesser safe place to work had the Republicans been here."

So, Mr. Speaker, I just thank God that the Democrats have been here for 40 years.

GOVERNMENT MUST TELL WOMEN THE TRUTH ABOUT THEIR MEDICAL OPTIONS

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

Mr. PORTER. Mr. Speaker, late last night the Members received a copy of a memorandum from President Bush to Secretary Sullivan pretending to change the gag rule.

This memo does nothing. It is rather a last-minute attempt to confuse the issue.

Please don't be fooled. The gag rule prevents a title X clinic from telling a pregnant woman coming to them for help, who has cancer or diabetes, that her pregnancy might kill her. Yes, that's right. Even in that extreme case the clinic, under the gag rule, could not tell the women about her right to have an abortion that would save her life.

Mr. Speaker, the memo purports to address this. But it is fascinating that

the President does not direct the Secretary to revise the gag rule regulations. He attempts to tell how clearly opposite language should be interpreted.

Mr. Speaker, the memo is obviously extralegal and could have no effect whatsoever. But most importantly, Mr. Speaker, the underlying problem with the gag rule remains. A woman who asks about her medical options cannot be told them. Eighty percent of the American women believe this is wrong. The AMA and the ABA believe this is wrong.

Citizens in our country are entitled to be told the truth by their Government. Support the conference report today and insure that they will be.

OVERTURN THE GAG RULE

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

Mr. McDERMOTT. Mr. Speaker, today the House will consider legislation to block implementation of the gag rule. This rule prohibits health care professionals from providing appropriate medical information concerning their patients' legal option to choose abortion—even when a woman's life may be endangered by a full-term pregnancy.

The gag rule is bad policy and bad medicine. It violates every principle of ethical medicine, increases the potential for malpractice suits, and places political ideology over sound medical judgment.

Physicians are sworn to uphold the Hippocratic Oath, not a political loyalty oath, and it is their responsibility to offer patients informed consent of all their medical alternatives.

I understand this administration wants to restrict abortions. But gagging doctors and withholding family planning funds is not the way to do it.

The Supreme Court has said that it is legal to prevent some women from obtaining reliable medical information. But it is neither right, fair, nor wise to do so. I urge my colleagues to vote for the Labor-HHS conference report today.

RESOLUTION ON TERM LIMITS

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

Mr. KYL. Mr. Speaker, in a few minutes the gentleman from California [Mr. COX] will present a privileged motion to rescind action taken on behalf of the House, but on which there was never any debate or a vote. Twenty-five thousand dollars has been made available for a brief to be filed in the Florida Supreme Court against the term limitation proposal there, but we have never had a vote on that issue here in the House, and I suspect we are never likely to get one. Mr. COX has 1 hour of time under the rules of the House, but he was just criticized by the gentleman from Connecticut for giving opponents of his resolution 20 minutes of that 1 hour.

□ 1120

Mr. Speaker, I think it takes gall to constantly vote for closed rules precluding debate, precluding the offering of amendments, and precluding the making of points of order, and then criticize the gentleman from California [Mr. COX] for not being fair. I think it takes gall to support a secret decision made without debate, made without any vote anywhere, and then criticize the gentleman from California [Mr. COX] for being unfair. I think it takes gall to prevent a vote on the issue of term limitations, let alone filing the brief and then criticizing the gentleman from California [Mr. COX] for not being fair.

Whether the majority is given 15 minutes, 20 minutes, 30 minutes, or 5 hours, it is not going to be able to explain to the American people why it is fair to authorize the filing of a brief on behalf of the House when the House never acted on the issue and has not been given an opportunity to do so.

Mr. Speaker, I urge my colleagues to support the resolution of the gentleman from California [Mr. COX].

GUN VIOLENCE TARGETED BY DISTRICT OF COLUMBIA VOTERS

(Ms. NORTON asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, yesterday the people of the District of Columbia moved in the tradition of self-help and in the exercise of self-government against epidemic gun violence in the streets of the Nation's Capital. The Congress, through years of inaction, has in effect invited local jurisdictions to take care of the rampage of gun crimes themselves. To Americans who did not get it, this body hung out a mile-high, look-elsewhere sign last month when it defeated the assault gun provision of the crime bill the day after the tragic Killeen, TX massacre.

If the D.C. assault gun referendum had passed anywhere else in the United States, including any of the territories with nonvoting delegates, the Congress would have been compelled to defer to democracy. The people of the District of Columbia say to the Congress and to the country, "Do not let the place where our democratic government does its work be the place that disrespects and overturns the will of the people who live in this place."

VOTERS' RESPONSE TERMED "ANTIINCUMBENT, ANTITAX, AND ANTIBIG GOVERNMENT

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

Mr. WELDON. Mr. Speaker, I just drove down this morning from Pennsylvania after having worked the entire day listening to the voters of my commonwealth and my district. I understand that many of my colleagues this morning, Mr. Speaker, have said that President Bush should listen to the lessons learned from Pennsylvania.

Perhaps my colleagues still have not gotten the message. Perhaps they should look at what happened in Mississippi and in Virginia, and perhaps they should look at the State of New Jersey where for the first time in 20 years the Republicans have established veto-proof majorities in both the House and the Senate.

Mr. Speaker, the message yesterday from my voters and across this country was not anti-Republican nor anti-Democratic. The message was antiincumbent, antitax, and antibig government.

Mr. Speaker, this institution is next. Congress had better take heed.

CAMPAIGN FINANCE REFORM IS A BETTER SOLUTION THAN TERM LIMITS

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

Mr. MAZZOLI. Mr. Speaker, among the many elections that were held yesterday was a referendum on the question of term limits. It was conducted in the State of Washington, and I am happy to say that the voters of the State of Washington rejected what I would characterize as a quick-fix solution to the problems of big government and political incumbency.

It seems to me, Mr. Speaker, that this fervor for term limits is really a symptom of an underlying uneasiness and underlying disaffection on the part of the American people and the voters toward the political system, not so much toward Congress itself but toward the system.

A better solution than term limits, which would get rid of a lot of Members, including the gentleman from Kentucky [Mr. NATCHER] who is on the floor with me today, is making sure that we have good, solid campaign finance reform. Later this month, Mr. Speaker, we will take up that issue. I certainly hope that the House passes this bill. That would be, to me, the best solution to our problems on Capitol Hill.

REPUBLICAN CANDIDATES WIN BIG IN NEW JERSEY

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

Mr. RINALDO. Mr. Speaker, yesterday voters in my home State of New Jersey spoke out loud and clear against the Democratic majority's $2.8 billion tax hike by turning out Democrat incumbents in droves. Not only did the Republicans recapture the State senate and the State assembly, but they did so by overwhelming margins that will assure them of veto-proof control of both houses—58 to 22 in the assembly and 27 to 13 in the senate.

In town after town, in county after county, Republican candidates were victorious.

This was probably the greatest single victory for any one party in the history of the State. In Middlesex County, for example, Republicans gained control of the county board of freeholders for the first time in 62 years, even before I was born. Republicans gained control of 17 out of 21 counties. The message was simple.

Mr. Speaker, these returns should leave no doubt in anyone's mind that the days of higher and higher taxes are over, and that you cannot ram tax increases down the throats of the people. The people are sick and tired of tax hikes, of more spending, and of the conventional wisdom. They are tired of the solutions of the past. They want a new vision for the future, and they are turning to the Republican Party for it.

Mr. Speaker, they demonstrated that in New Jersey yesterday.

PRESIDENT URGED TO STAND FIRM ON TRADE ISSUES

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

Mr. JENKINS. Mr. Speaker, it is interesting to see the spin that different Members put on the elections yesterday. It is very difficult to tell really what the true story is, but obviously in Pennsylvania the two big issues had to be health care and jobs, unemployment.

The rumors are that the President is going to Europe and will have an opportunity to go by and talk about trade, the trade agreement. If in fact this administration caves in on these trade talks and does away with the textile industry over the next 10 years, then that is the wrong signal to send to the rest of the country. I think the people of Pennsylvania have recognized that unemployment is real in this country and we do not need to be over in the Uruguay round telling the rest of the world that we will give up the rest of our industries, that "You don't have to worry, we will cave in at the last minute."

Mr. Speaker, I would hope that the President does not do that.

A NEW DIRECTION FOR THE GARDEN STATE

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

Mr. GALLO. Mr. Speaker, yesterday was a momentous day in the Garden State. Yesterday the voters of New Jersey, men and women of all races, colors and creeds, and, Mr. Speaker, I do want to emphasize this, Republicans and Democrats alike, joined together to say no to arrogance, no to heavy-handed governance, and no to taxes.

In the end, when the dust had settled, the Republican Party took control of supermajorities in both Houses.

Mr. Speaker, I know that some Members were thrilled with the defeat of the term limit initiative. For my self, I am thrilled with the defeat of taxes in New Jersey.

Mr. Speaker, for 13 hours yesterday, record numbers of New Jersey voters poured into their polling places and cast their votes. And, in the end the message was crystal clear.

VOTERS SEND A NEW MESSAGE TO LEADERS IN GOVERNMENT

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

Mr. FAZIO. Mr. Speaker, some Members are attempting to portray the results of yesterday's election as an anti-incumbent vote. It seems to me that it is much more of an antibusiness-as-usual vote. People across the country have said that this institution and the Presidency at the other end of Pennsylvania Avenue have to produce real results on the real problems of the American people, and do it now.

When people turned down term limits, they were not saying they were not angry and frustrated; they were saying that this system which our Founding Fathers put together can work if it is led properly.

I am convinced that this election will send a message to many on both sides that if we address the fundamental issues, health care, tax relief for the average American, and the other economic issues that have been so neglected for 12 years, the American people will continue to reject term limits, that easy solution to the problem of holding politicians accountable.

□ 1130

VOTE AGAINST HEALTH AND HUMAN SERVICES CONFERENCE REPORT

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

Mr. HYDE. Mr. Speaker, I was sitting here listening to the revival of government by bumper strip when I heard phrases like "the gag rule."

I would just like to point out later on today when we vote on the Health and Human Services conference report, that they have loaded that otherwise good bill with proabortion legislation which is designed to give Planned Parenthood more money for abortions.

They want to make family planning clinics steer young women to the Planned Parenthood abortion clinics. They already make $30 million a year for abortions. They want to take a program that is designed to make people fertile if they want children and to provide contraception if they do not want children, and turn it into a way station for abortion, the killing of unborn children.

Abortion has never been a part of family planning, but that is what they want.

They talk about a gag rule. The President has issued a directive yesterday that makes clear that the doctor-patient relationship is unimpaired. A doctor can give a pregnant women complete and comprehensive medical advice, even if it involves an abortion. It is a receptionist, it is the nurse, it is the counselor, who are untrained volunteers, steering young, pregnant, frightened women to abortion clinics run by Planned Parenthood that we do not want giving medical advice.

That is the sad but necessary reason why I urge Members to vote against the conference report, so the President can veto it, and we can reconsider it and sent it back, unimpaired by the albatross of abortion language.

PENNSYLVANIA SENATORIAL ELECTION A STAIN ON THE PRESIDENT'S MANTLE

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

Mr. SMITH of Florida. Mr. Speaker, you can spin the bottle 1,000 ways, but you cannot wash away the results that were spoken by the voters of Pennsylvania last night when they rejected one of the closest people to President Bush. Mr. Thornburgh was the Attorney General of the United States. He has been a politician, elected and appointed, for many years. He served two terms as Governor of Pennsylvania.

He was defeated last night soundly and roundly by Mr. WOFFORD, who was appointed just a few months ago to the Senate. And try as they will, no Republican is going to be able to wash that stain off the President's mantle.

The bottom line is that the people of Pennsylvania understood what the people of America understand: this admin-

istration has failed, and is failing, and it looks like it will fail in the future to come to grips with the real problems that Pennsylvania and Americans face; unemployment, a lousy economy, losing jobs overseas, and a tax structure which favors the wealthy.

This is being perpetuated by this administration. This Congress is going to change it, and, in the process, we are going to do for the average American a health care package that the President of the United States has not even talked about yet.

AMERICA TIRED OF BELTWAY CROWD NOT RESPONDING TO PEOPLE OF AMERICA

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

Mr. SANTORUM. Mr. Speaker, it is nice to hear people from Florida and Illinois, Michigan and California telling everybody here in America what the people of Pennsylvania say. Well, I happen to represent some people from Pennsylvania, and let me tell these gentlemen who are standing up here with such knowledge that the people of Pennsylvania are saying one thing: They are tired of what is going on down here.

Senator WOFFORD ran a campaign saying that he was the outsider and he too was tired of what was going on down here. That is the message.

Mr. Speaker, that is the message you should hear loud and strong, that they are tired of taxpayer dollars being used to pay for legal briefs down in Florida to fight term limits. They are tired of things going on where this inside-the-beltway crowd is not responding to the people of America. That is the message.

MESSAGE FROM NEW JERSEY ON TAXES

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

Mr. ZIMMER. Mr. Speaker, on the other side of the Delaware River in New Jersey yesterday the voters spoke out loud and clear. They spoke against the brand of government that the Democratic Party has forced on New Jersey for the last 2 years. They said no to New Jersey's enormous tax hike, which has stifled the economy, cost jobs, and chased business out of our State.

New Jersey said yesterday that high taxes are not the way to battle a recession, and they are not fair to hard working people. New Jersey residents knew that taxes did not have to be raised, but that State spending had to be reduced. They said cut the waste, stop the spending. But the Democrats and the Democratic Governor ignored them, until yesterday.

The taxes were rammed through the legislature over the protest of thousands of New Jersey residents who took to the streets. While the people responded to higher taxes, bloated budgets, and arrogant Democrats, they took control of both houses of the New Jersey Legislature away from the Democrats and gave control to the Republicans by historic margins.

The Governor of New Jersey should heed this warning, as should Members on the other side of the aisle where the Governor once sat. America does not need more taxes and more spending. And if you do not listen to the people of New Jersey today, your constituents will tell you more clearly next year.

WE ARE THROUGH WITH THE EIGHTIES, AND THANK GOODNESS FOR IT

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

Mr. DERRICK. Mr. Speaker, well, the eighties have come to an end, finally. You know, when we started in 1980 we had an annual deficit of $60 billion. By the mideighties the deficit had gotten up to about $225 billion. Of course, under a continuing Republican administration, it is now up to over $300 billion.

Of course, in the beginning of the eighties we were the largest creditor nation in the world. Today we are the largest debtor nation in the world.

I was just looking at statistics in my home State. The average person in my home State is making less today than they were in 1978.

The national debt at the beginning of the eighties was $1 trillion; today it is $3 trillion.

So we are through with the eighties, and thank goodness for it.

BOTH PARTIES CAN LEARN FROM 1991 ELECTIONS

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

Mr. GINGRICH. Mr. Speaker, let me say that both parties have something to feel good about yesterday. The Democrats can legitimately focus on Pennsylvania where they won an important Senate race. Republicans can look at New York, New Jersey, Virginia, Mississippi, Savannah, GA, and a wide range of places where we won.

But I think there is one consistent theme to the victories everywhere. I think it is a theme that every incumbent in this Congress ought to pay attention to, and it is a theme the President ought to pay attention to. The American people are sick and tired of paying their taxes to a political establishment which accomplishes very little for the American people.

We had the fiasco in this House on Monday of a banking bill we worked on for 3 days that went down in flames. We have the Sergeant at Arms scandal. We have a restaurant scandal. We have all sorts of problems in the House.

All I would say to my friends, whether they are Democrats or Republicans, is the bipartisan message of election day yesterday is that the people who are currently in office had better take change very seriously. They had better fight for change. They had better represent the taxpayers, and they had better be concerned about changing government. Because if the taxpayers conclude that you are not on the side of changing government, they are going to change you.

BUSINESS IS NOT THE VILLAIN IN AMERICA

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

Mr. INHOFE. Mr. Speaker, I was not going to give a 1-minute today, but in response to the gentleman from Florida [Mr. IRELAND], who came in and talked about the fact that we are going to need to produce 43 million jobs in the near future, and we are going to be dependent upon small business for this, I felt compelled to do so.

In a few minutes we are going to be considering a resolution by the gentleman from California [Mr. COX] addressing limitation of terms.

I have long felt that we sit here in the House of Representatives and make it more and more difficult for businesses to employ the people of America, as if businesses were somehow the villains.

□ 1140

It was not long ago that George McGovern, who had been serving in the U.S. Senate for many years, ran for President twice, went out into the private sector, into Connecticut. And he bought a hotel to participate in that great American dream. Then the regulators started coming down on him, the EPA, OSHA, the IRS, the Health Department, I suspect everyone else.

Finally he had to throw this dream into bankruptcy. This is the statement that he made:

> I wish I'd done this before I'd run for President. It would have given me the insight into the anxiety any independent businessman or farmer must have. Now I've had to meet a payroll every week. I've got to pay the bank every month. I've got to pay the State of Connecticut taxes. It gives you a whole new perspective on what other people worry about.

If we in this body knew that someday we would have to go out and make a living under the laws that we pass, we would behave differently.

U.S. OIL IMPORT VULNERABILITY: THE TECHNICAL REPLACEMENT CAPABILITY

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

Mr. MILLER of Ohio, Mr. Speaker, as a member of the Technology Assessment Board I am pleased to bring to my colleagues' attention a report which was released last week by the Office of Technology Assessment entitled "U.S. Oil Import Vulnerability: The Technical Replacement Capacity." While our demand for oil has increased, domestic oil production has continued to decline. We cannot afford to continue down this treacherous path. OTA's report on oil import vulnerability points out that oil as a source of energy remains deeply rooted in our country's economy, and policy options that maintain domestic production and encourage oil and gas development must be part of any oil replacement strategy. If we are to sever our dependence on imported oil, we must make the long-term commitment now to developing a long-term energy security plan. I commend this report to my fellow colleagues and I am confident that it will be very beneficial in guiding the Congress as the House gets down to work on developing legislation to implement a national energy strategy that encourages sound economic growth while at the same time meeting national security and environmental objectives.

THE REPUBLICAN CONGRESS

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

Mr. RIGGS. Mr. Speaker, in a column that appeared in the Washington Post last week, David Broder wrote that if Republicans were given the chance, they would govern effectively.

In an article that will appear in the Heritage Foundation's Policy Review, Republican Leader BOB MICHEL tells us how Republicans will govern when given the chance.

A Republican Congress will embark on a truly historic reform of the House. It will restore many cherished values of American democracy that have been lost over 37 years of Democrat control.

Chief among those values is the right to free and open debate. Too many times in this House, debate on crucial issues is curtailed, frustrating many who have no voice in the process.

Another of these values is thrift. By tightening our own belt, by cutting the staff and doing away with useless and wasteful subcommittees, we will restore the people's faith in the Congress.

A final value is one of accountability. A Republican Congress will adopt full and comprehensive campaign reform, so that Members will be accountable to their constituents, not to powerful special interest groups.

Mr. Speaker, as David Broder put it, Republicans have the ability to govern well. Now, they just need the opportunity.

SUPPORT FEDERAL COMMITMENT TO WOMEN'S HEALTH RESEARCH

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, just a few short weeks ago every Member of this body received letters from women in their district urging support for a Federal commitment in the fight against breast cancer. These letters, totaling 175,000, represent the number of women diagnosed with breast cancer this year alone. These women wrote of their struggle against a disease not well understood by our medical community.

Still many more family members wrote on behalf of loved ones who lost their lives to breast cancer.

A woman from my district asked me why there has not been a priority in research when breast cancer rates continue to rise unabated and mortality rates have remained largely unchanged.

I want to recommend to my colleagues a yes vote on the Labor, HHS conference report today. I want to commend the gentleman from Kentucky, Chairman NATCHER, and his colleagues for their support to increase the awareness, increase the funding for breast cancer research.

My colleagues, this bill increases the funding 46 percent to a total of $133 million. It is very important. This is our chance. This bill does provide the startup funds to build a knowledge base to identify proper diagnostic, prevention, and treatment strategies for women.

Support the women in your district and their loved ones by voting yes on the Labor, HHS conference report.

RESULTS OF THE VOTE

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

Mr. WALKER. Mr. Speaker, I want to join with the gentleman from Pennsylvania [Mr. SANTORUM], in what he said a few minutes ago. It is rather strange to hear a lot of Members who are non-Pennsylvanians telling us what Pennsylvanians thought yesterday.

What Pennsylvanians wanted to say yesterday was they want a change, and they picked an outsider over someone they viewed as an insider.

They want some real change because they want change in bodies like this one where the Democrats have run things constantly for almost 40 years.

For example, the people of Pennsylvania think it is rather laughable that the Democrats in the House of Representatives were out here considering bank reform at the same time they could not even run their own little bank in the House of Representatives. The American people, who think it is a little bit strange and pretty tragic that the Democrats have been talking a lot about unemployment but cannot seem to pass a bill that actually becomes law to help the unemployed, they find that rather tragic.

Pennsylvanians also think it would be rather strange to hear the things on the House floor today where Democrats got up and talked about gag rules when time after time after time on the House floor that is all they will debate under. We have gag rule after gag rule on the House floor when we seek to debate the whole issue.

The American people think there is a real need for change. One of the places they would really like to change is the House of Representatives. End 40 years of Democratic control.

THE FIDDLING MAJORITY

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

Mr. DOOLITTLE. Mr. Speaker, while Rome burns the Democrat leadership fiddles, oblivious to America's plight. Americans are out of work. Taxes are forcing people out of their homes. We are taxed today at the highest percent of gross national product in our history.

Americans are suffering, and there is no prospect for relief.

Malcolm Forbes has written that this recession that we are in is the most unnecessary recession since World War II, dramatically worsened by Democratic tax increases.

Mr. Speaker, in a few minutes, the House is going to address the issue of the $25,000 of the people's money spent on a brief opposing term limits in the State of Florida. That expenditure represents our fiddling while Rome burns.

If the Democratic leadership wants to lessen Americans' support for term limits, they should take a page out of history. Americans support our institutions when the economy is growing. They want the economy to grow again. We in the Congress should control our spending and cut the taxes now and put people back to work. That is our job, and we should set about doing it.

CONGRESS CANNOT MAKE LAWS WITHOUT THE PRESIDENT

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

Mr. HOYER. Mr. Speaker, I had not intended to give a 1 minute, but I have

sat here and listened to what is happening here in Washington. I do not know who has the Presidency of this country. I hear these Members come forward and say, look what is happening in Washington, look at these tax bills.

This President has not had one veto overridden, not one. This Congress cannot make law without the President. This Congress has not passed one tax bill in the last 12 years over Presidential veto, not one.

I hope the people of America know who is the President of the United States. He happens to be a Republican. His name is George Herbert Walker Bush.

He has vetoed two—one just did not implement—unemployment bills to help the unemployed of America. We are trying to work out something that maybe the President will sign.

He has canceled some trips overseas. He apparently has gotten the message that maybe things are not going as well as he said.

He said prosperity was right around the corner, when he would not declare an emergency on the first unemployment bill that we passed in August—the Democrats passed in August with a lot of help from this side of the aisle.

□ 1150

Why? Because you saw there was a problem.

But ladies and gentlemen, America knows who the President is and they are glad to see him coming home, because they know, the voters of Pennsylvania know, the voters of America know, our people know that we need to pay attention to America and the problems of Americans.

Yes, we are home.

WHERE TAX BILLS COME FROM

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

Mr. ARMEY. Mr. Speaker, the gentleman from Maryland is absolutely correct. The Congress ordinarily does pass a bill and it is ordinarily enacted into law on the signature of the President.

It very well may be true that we have not passed a tax bill in the past 12 years by enacting a veto override with respect to the President's action on a bill. But the fact is clearly understood by any seventh grader in America today that all tax bills must originate in the House of Representatives. The President cannot originate a tax bill. He can recommend a tax bill to this Congress, and he can and does recommend, on time, a budget to this Congress. But all actions to extract money from the American working man and woman or to spend their money originate in this body. In some cases it is necessary to enact them over a presidential veto.

The fundamental problem we have in terms of the inability of this government to function in compliance with the hopes of the American people is that the government is divided. The American people have elected a Republican President and then with trichinosis of the brain have elected a Democratic Congress. When they correct their affliction, we will have a unified Republican government, and they will then get the tax relief and the economic growth they so richly deserve.

PRIVILEGES OF THE HOUSE—USE OF HOUSE RESOURCES BY HOUSE COUNSEL TO PREPARE LEGAL BRIEF ON CONSTITUTIONALITY OF TERM LIMITS

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the order of the House of Monday, November 4, 1991, the unfinished business is the further consideration of the resolution (H. Res. 268) presenting a question of the privileges of the House.

The Clerk read the title of the resolution.

The text of House Resolution 268 is as follows:

H. RES. 268

Whereas Rule IX of the Rules of the House of Representatives provides that questions of privilege shall arise whenever the rights of the House collectively or the integrity of its proceedings are affected;

Whereas, under the precedents, customs, and traditions of the House pursuant to Rule IX, a question of privilege has arisen in cases involving the actions of officers and employees of the House, including the use of the House of Representatives legal counsel to represent individual Members or the House collectively, where such representation could reflect upon the House as a whole;

Whereas the rights of the House collectively are affected directly by the House of Representatives legal counsel preparing a formal legal brief arguing the unconstitutionality of Congressional term limits;

Whereas the rights and the reputation of all Members of the House of Representatives are directly affected by the House of Representatives legal counsel preparing such a legal brief which could be understood to imply the support of the House of Representatives and its membership (or at least a majority thereof) for the positions taken therein;

Whereas no vote of the Members of the House has occurred on any resolution or bill authorizing the House of Representatives counsel to prepare a legal brief for or against the constitutionality of term limits;

Whereas the decision by the House of Representatives counsel to use the funds and resources of the House to prepare arguments against the constitutionality of term limits—without any formal or informal vote of the Members—subjects the House collectively, and each of its Members, to legitimate question concerning the integrity of House proceedings;

Whereas the use of official House resources to prepare a legal brief for an individual Member in a case where he is not a party, but where instead he has personal political interest, could subject Members in their representative capacity to ridicule and contempt; and

Whereas the constitutionality of state-imposed term limits for Members of Congress is an open question, undecided by our legal system, and on which reasonable persons can differ: Now, therefore, be it

Resolved, That the Clerk of the House shall take all necessary steps to notify interested parties, including the Florida Supreme Court, that the House of Representatives regrets that official resources were used to prepare a brief against the constitutionality of State-imposed term limitations for Members of Congress, and that the House has no official or unofficial position thereon.

The SPEAKER pro tempore. The gentleman from California [Mr. COX] is recognized for 1 hour.

Mr. COX of California. Mr. Speaker, at the outset let me say under an arrangement with the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT] it is my intention to speak for such time as I may consume, which will be approximately 15 minutes at the outset, and then I will yield, for purposes of debate only, 20 minutes to the majority leader, and I ask unanimous consent that he be permitted to divide that time in such manner as he sees fit. Thereafter, I will allocate a like 20 minutes to proponents of the resolution, and then use the balance of the time to close debate.

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

There was no objection.

Mr. COX of California. Mr. Speaker, the results in the Washington State term-limit election yesterday illustrate the overwhelming advantage of incumbency. Congratulations are in order, I believe, to the Speaker of the House for the singular role that he played. By all accounts, he single-handedly turned around the results in Washington State where the term-limit initiative was ahead prior to his campaign. His vigorous campaigning in the last few days undoubtedly did the trick, although we may not be sure until further information is available to us whether it was the Speaker's arguments that that term-limit initiative is unconstitutional, using arguments contained in the brief provided by the House counsel, that carried the day. We may not be sure that it was the fact that the Washington State initiative was retroactive, unlike the Colorado term limitation on Members of Congress, which was not retroactive. It may be that the NRA put thousands of dollars behind the Speaker's effort to defeat limits in Washington. It may be that the TV ads telling people in Washington State that they should be scared of Californians, 52 strong in the next Congress, whose terms would be unlimited who would then dominate California.

It may be that former California Gov. Jerry Brown going to Washington State was enough to turn voters

against this initiative, because former California Gov. Jerry Brown went to Washington State and campaigned in favor of term limits. It may be that voters of Washington State recognized that under this particular term-limit initiative, their home-grown Members of Congress would be ineligible to run for office, but that Jerry Brown, if he would only move to Washington, might himself be eligible, and if that was the reason I share their concern.

But the fact is that whatever the reason, all of us should agree that it should be up to the people of Washington to make this decision. It should have been a decision free of special interests, including the interests of professional incumbents using the voters' own tax dollars to fight the voters. The resolution that I proposed today is a simple one. It requires this body to vote yea or nay on a decision to keep the House out; to keep the House of Representatives, both officially and apparently, out of State term-limit election contests.

The facts are essentially these: The House counsel, counsel for the full House of Representatives, employed by the Clerk of the House, was requested on behalf of a number of Members of Congress to file a legal brief arguing that the Florida proposed term limitations for Members of Congress were unconstitutional. Without debate in the House, without a vote of the House giving direction one way or another to the leadership, a decision was taken to permit the filing on this brief on behalf of the Members. In fact, on the cover of the brief, which I have here, it states that this is a brief of an amicus curiae, stating the name of the Member, prepared, as it states on the cover, by Steven R. Ross, general counsel to the Clerk, Charles Tiefer, deputy general counsel to the Clerk, U.S. House of Representatives, the Capitol, Washington, DC.

It is alleged by some in Florida and elsewhere that this brief cost $25,000. That is not my contention, nor do I think that that is a relevant issue in today's debate. There is a legitimate question what is the retail value of this brief, if one obtained it not with taxpayer resources in-house, but went out to a law firm outside. Maybe it is $25,000, maybe it is $10,000. Who knows, given what lawyers charge today. But I will say that the expertise within the House on legal subjects such as this is such as would require an outside lawyer doing the same work a substantial amount of time. There is no question that significant taxpayer resources were committed to this venture.

There is also no question that the filing of the brief has been widely reported, widely reported outside these Chambers, and it has resulted in criticism of the House. That is the purpose in my bringing this resolution today.

I intended by this resolution not to criticize any Member, not to even suggest any impropriety on the part of any Member, but rather to look forward to suggest what we do next. What I would suggest we do next is to take a position very firmly that we will not forthwith use the official resources of the House in behalf of legal arguments against the constitutionality of term limits when that is such a contentious issue on which this House has not voted.

This is not, therefore, a referendum on the wisdom of term limits. It is not a referendum on the constitutionality of term limits. It is certainly not a referendum on the conduct of any Member of this House.

It is a resolution of a question of judgment, a question of discretion in the use of the official resources of the House to mount legal challenges in State elections. I should add that some of my colleagues, upon reading in the newspaper that the House counsel had taken this action, wrote him a letter and asked that having written a brief opposing the constitutionality of term limits that he then do so in support of the constitutionality of term limits.

□ 1200

Personally, I believe that that is a silly gesture. I question the weight that any court would give to legal briefs on both sides of an issue filed by the same source.

There are ethical constraints on lawyers that require lawyers in making arguments before courts to cite all relevant precedent. In reading this brief, I note that some of the precedents and authorities that I would cite arguing the constitutionality of term limits are omitted. There is no mention even of the ninth or the tenth amendments, which are the center of one of the fundamental arguments in support of the constitutionality of term limits.

I think it would tie the hands unnecessarily of a lawyer arguing the constitutionality of term limits to have to omit not only those provisions of the Bill of Rights but also a number of Supreme Court cases relative to the arguments which were omitted from the initial brief. So I think that that is an unwise step.

The purpose of this resolution today is to make sure we do not compound the error already committed by using taxpayer funds to get further enmeshed in what should be an issue for the decision of the voters, in this case in the State of Florida.

I should add further that my colleagues who initially made this request were satisfied with the answer of the counsel for the House that he would be willing to provide such a brief, but have proposed to withdraw that request, no longer interested in obtaining a brief on the other side of the issue.

When the actions of the officers or employees of the House reflect upon the House as a whole, the regulations of this House permit a Member to protect the reputations and rights of all Members so affected. As a result of the House counsel's preparation and filing of this brief, the entire Nation has read in newspapers, heard on radio, and seen on television either that the House Democratic leadership has taken sides in the term-limits debate or that an individual Member has done so using free legal services, another perquisite for Members of the House.

In either case, this has reflected poorly on our House of Representatives. All have seen these news reports. We can argue over whether they are fair. We can argue over whether this or that story is accurate in particular detail or complete, but most of us have been in politics long enough to know that the press reports were entirely predictable.

Once again, those in a position to control this Congress have brought criticism to the institution.

It is argued that this action, filing a legal brief, is different than actually opposing term limits on the merits. I agree. Technically that is correct. But at our peril, we ignore the obvious appearance to the American people that this is one more example of the entrenched incumbents who control Congress using the taxpayer funds at their discretion to guarantee their lifetime reelection.

The proposition that I am asking the House to approve today is that involving ourselves in State term-limit elections is unwise, not that it is illegal, not that it is violative of the rules of the House, not that the House counsel has not represented individual Members in other cases before, but, rather, that this is unwise, because it creates the appearance that this body, or least those who control it, intend to frustrate the will of the people and the democratic process.

The people of America are very interested in the subject of term limits, and yet here in this House we have never had a vote. We have never scheduled a debate on any of the term-limit bills that now languish in our Committee on the Judiciary.

Surely, each of us is wise enough to recognize that if the Democrats who run this Congress are unwilling to move term-limit legislation to the floor, then it is especially unbecoming for them to declare that it is unconstitutional and illegal for the States or the voters or anyone else to do so.

Frankly, I do not think the American people will listen any longer to a Congress with a chorus of, "You cannot get there from here."

So the purpose of my resolution is to direct the Democratic leadership to get Congress the devil out of State term-limit elections.

Why is this prudent? And it is the core of my argument that this is a question of judgment and prudence. It

is prudent because, first, we have never had a vote to authorize the House to use official resources to lobby against term limits.

Second, contrary to the position taken in the House counsel's brief, the constitutional question here is anything but an open-and-shut question of constitutional law. The fact is that reasonable persons may differ on the question of the constitutionality of State-imposed term limitations on Members of Congress. The Constitution is silent on this question.

Neither has the Supreme Court nor any lower Federal court ruled dispositively on this question. This is a case, fairly appraised, of first impression for our Federal courts, and yet the House counsel has argued that article I, section 2 prescribes three, and only three, qualifications for office which cannot be varied by this Congress, by the States, or by the voters.

Let me quote from the brief. The brief says definitively, "The term-limit initiative," referring to the Florida initiative, "violates article I, section 2, clause 2, and section 3, clause 3, of the U.S. Constitution, which prescribe the sole qualifications for eligibility for election to the House and Senate: Age, citizenship, and residency." And the brief relies heavily on the Supreme Court decision of Powell versus McCormack for that proposition.

The fact is that the Supreme Court has never said these are the sole qualifications for office; not even in Powell versus McCormack did the Supreme Court say that.

Let me read footnote 41 from page 520 of the Supreme Court's decision. I quote from it:

> In addition to the three qualifications set forth in article I, section 2, and article I, section 3, clause 7, there is authorized the disqualification of any person convicted in an impeachment proceeding from any office of honor, trust, or profit under the United States. Article I, section 6, clause 2, provides that no person holding any office under the United States shall be a member of either House during his continuance in office, and section 3 of the 14th amendment disqualifies any person who, having previously taken an oath to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. It has been argued—

And I am still quoting from the Court's opinion.

> that each of these provisions, as well as the guarantee clause of article IV and the oath requirement of article VI, clause 3, is no less a qualification within the meaning of article I, section 5, than those set forth in article I, section 2. We need not reach this question, said the Court in Powell v. McCormack, since both sides agree that Powell was not ineligible under any of those provisions.

So the Court in Powell against McCormack did not decide whether there are only three qualifications that may be imposed by the Federal Constitution, by the Congress, or by the States or by the voters. They simply did not say that.

It is interesting to me that Powell versus McCormack is a case that limits the power of this Congress, and Powell versus McCormack was not so much an interpretation of article I, section 2, as it was an interpretation of article I, section 5, providing that each House shall be the judge of the elections, returns, and qualifications of its own Members.

There were some in the House who wanted to exclude Adam Clayton Powell who said this provision, making them the judge of the qualifications of their Members, gave them discretion to leave out someone because of the cut of his jaw, and the Supreme Court said:

> No, your power to judge the qualifications of Members is limited to these three things, 25 years old, citizen for 7 years, inhabitant of the State from which he was elected when he was elected.

Article I, section 4, clause 1, a different part of the Constitution, says that States may prescribe the time, the manner and place; the States have been given the power to prescribe the time, manner, and place of holding elections for Senators and Representatives. This provision is not relied upon in the brief filed by the House counsel.

The ninth amendment, which provides that the enumeration in the Constitution of certains rights shall not be construed to deny or disparage others retained by the people, is missing from this brief.

The 10th amendment states that the powers not delegated by the United States—not delegated to the United States by the Constitution nor prohibited by it to the States and so forth. The 10th amendment has been held by the Supreme Court to have been a reservation of power by the States to control elections. This is missing from the brief.

The brief dismisses out of hand the 1974 case of the Supreme Court in Storer versus Brown, which said a 1-year cooling-off period before an independent candidate for Congress can have access to the ballot was constitutional. If the House counsel's brief were accurate, then the Supreme Court would have decided that the California State decision to exclude independent candidates who had belonged to a majority party within a year was an added qualification and violated article I, section 2.

□ 1210

But the Court did not say this. Instead, let me quote from the Courts' opinion. The Court said:

> Art. I, §4, cl. 1, authorizes the States to prescribe "[t]he Times, Places and Manner of holding Elections for Senators and Representatives." Moreover, as a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes. In any event, the States have evolved comprehensive, and in many respects complex, election codes regulating in most substantial ways, with respect to both federal and State elections the time, place, and manner of holding primary and general elections, the registration and qualifications of voters, and the selection and qualification of candidates.

The brief did not mention the 1982 Supreme Court decision in Clements against Fashing. It held that individuals can be prevented from running for office if they are incumbents and certain other elected offices.

The Congress in the view of some has become an ossaified structure that accomplishes little of value, wastes much, and impedes progress made by others in society.

The term limit movement is a response to that.

Harry Truman proposed term limits for Members of Congress when he was President in 1950. This Congress would do well to take heed to that movement abroad in the land.

My colleagues need not agree with me that term limits proposed by States are constitutional. That is not what this resolution is about. I make the argument simply and make it very clear that reasonable people can differ, that as a lawyer for the President working in the White House, I had the opportunity to look at these arguments and reach a different conclusion, and I do not think that the House, certainly without debate and without a vote, should put its earmark on this.

Mr. WISE. Mr. Speaker, would the gentleman yield for a question about whether he has ever used the House Counsel Office?

Mr. COX of California. I will yield time to the majority leader, as I have described, and will the gentleman please get his time from the majority leader.

Mr. WISE. So the gentleman will not yield for that question?

Mr. COX of California. That is correct.

Mr. Speaker, today I would like us simply to vote on one proposition, and that is let us keep the Congress the devil out of this.

Let us recognize that when voters seek to have some influence on the way that this place operates, they are entitled to do so. We may disagree with them and as individuals we can go abroad and discuss it and so on, but we have got enough problems here ourselves. We have got enough problems in the Congress to take care of without getting involved in State term limit elections. With all the problems that we have got with our deficit, with all of the BCCI scandal, the check cashing and the restaurant bills and the problems we have here in the Congress not bringing a balanced budget amendment to a vote and passage, it seems to me we should keep our noses out and keep the taxpayers' money out of these term-limit elections around the states.

That is why my resolution today provides as follows:

Resolved, That the Clerk of the House shall take all necessary steps to notify interested parties, including the Florida Supreme Court, that the House of Representatives regrets that official resources were used to prepare a brief against the constitutionality of State-imposed term limitations for Members of Congress and that the House has no official or unofficial position thereon.

That is the wise course for us to take.

To repeat, I am not asking for a vote for or against term limits. I am not asking for a vote for or against the constitutionality of term limits. I am not asking for a vote for or against the propriety of any action taken by any Member in this case. I am not asking for a vote on whether the House counsel can under our rules represent individual Members.

I am asking for a vote that henceforth we will decide that the House counsel ought not to do this in the interests of this institution, the rights of the voters, and democracy.

Mr. Speaker, I yield 20 minutes to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader, for purposes of debate only.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Missouri [Mr. GEPHARDT] is recognized for 20 minutes.

Mr. GEPHARDT. Mr. Speaker, I yield 7½ minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am somewhat saddened by what I just heard for the last almost 20 minutes from the gentleman from California who is the sponsor of this privileged motion. The maker of this motion has just gone through a long process of explaining what he wants and intended to do, but then when he read the resolved clause, obviously none of what he said he wanted to do is in there.

He is not seeking to limit the use of the House counsel at all. Basically what he has done is to attempt to argue term limitations here, even though he said he is not.

The reality of this situation is really quite simple. Is the Office of House Counsel authorized and appropriately entitled to provide to Members of this House legal counsel on various issues which affect the House constitutionally or Members individually?

Let me give the chronology and some of the facts that the gentleman from California, the maker of this motion, did not do and neglected to give in full discourse for the purpose of allowing all Members to understand what has happened here.

About a year ago an issue developed in Wisconsin concerning the constitutionality of State-imposed recall provisions applying to Members of the U.S. House. At the request of Congressman GUNDERSON, the Office of General Counsel researched and prepared a legal memorandum on the subject. Congressman GUNDERSON is a Republican from Wisconsin. The research entailed the review of the law governing the power of the States to regulate membership in the House. This is an issue that has been of continuing interest to the House and this office for any number of years, the Office of House Counsel, since it relates to the basic constitutional status of the House and its Members.

The gentleman from California was here at the time. The gentleman from Wisconsin put out a press release which was widely seen by people in the radio and television on both sides of the aisle. No one objected, not the gentleman from California who says this is the wrong thing to do.

This past August, a suit was filed in the State of Washington, that which was in fact defeated yesterday at the polls, term limitation which is the subject of this suit. A brief was prepared and circulated to the staff counsels of the members of the Speaker's Bipartisanship Legal Advisory Group, which is comprised of the leaders and whips of the Democrat and Republican parties. The proposal was to have the brief filed as an amicus curiae on behalf of that group, and it would have stated on its cover that it was filed by the Speaker and Bipartisan Leadership Group and that it was filed to protect the institutional interests of the House of Representatives. Because of the August recess, it was impossible to schedule a meeting of that group and by the time the House reconvened, the Washington legal action had been dismissed.

This fall the State of Florida initiated a process pursuant to its laws by which the Florida Supreme Court would be called upon to issue an opinion on several aspects of a term limitation initiative which is currently being circulated for signature. Under Florida law, where proponents of an issue obtained 10 percent of the signatures necessary, they are required to submit the proposal for review, first by the AG and then by the State supreme court.

The report of the attorney general filed with the State supreme court specifically raised the issue, citing both Federal and State court precedents, that it appeared unconstitutional for a State to impose a term qualification on Representatives for Federal Congress.

Under Florida law, the State supreme court will review this court and will accept the views of any interested person.

The Bipartisan Leadership Group met and was asked whether they wanted to file a brief. It would have stated on its cover again that it was filed by the Speaker and Bipartisan Leadership Group and would have stated that it was filed to protect the institutional interests of the House of Representatives. At the meeting the view was expressed by some Members of the group that they did not believe this was an issue, or at least not the juncture that the Bipartisan Leadership Group should take an official position.

At that meeting the Speaker deferred to this belief, but specifically indicated that he would consider whether he would go forward and file the brief in his name. No objection was voiced to that statement.

Following the meeting, the Speaker determined not to file a brief in his own name, but authorized a brief being prepared for Members of the Florida delegation who had expressed an interest.

I am the Member who expressed the first interest in such a brief. I confirmed my desire that a brief be filed setting forth my position. The brief stated on its cover that it was the brief of the amicus curiae U.S. Representative, and for those who do not know, amicus curiae means "friend of the court."

U.S. Representative LAWRENCE J. SMITH. It does not state anything about anyone else.

The gentleman's assertion that somehow the House has been called into question about its role in this is dead wrong. There is nothing in this brief which indicates anything but that I myself filed this brief with the aid of the House counsel.

No one is named in this brief, no one's name, no one group or anything else but the name of LAWRENCE J. SMITH as the amicus curiae.

Even outside this Chamber, at no time did anyone ever suggest that this brief implied any other Member's views or that it was anything other than what was said; namely, an individual brief for me. This brief is in the same form as the other briefs and memoranda provided by the Office of General Counsel for numerous individual Members over the years, such as Republican Representative Stu McKinney, Silvio Conte, DON SUNDQUIST, and STEVEN GUNDERSON and Bobbi Fiedler, and Democratic John Sieberling and WILLIAM J. HUGHES.

And just so that all this should be put in proper perspective and without any inappropriateness being attached, because the gentleman from California [Mr. COX] was perfectly entitled under the Speaker's qualifications for the use of the House counsel, the gentleman from California [Mr. COX] himself last year availed himself of the privilege of using the House counsel for legal determination on a jury summons which he received from his own county.

□ 1220

They gave him a legal opinion. He wrote a letter under his own name. That letter was rejected by the election supervisor. He then asked the

House counsel to prepare a further letter written by the House counsel on House stationery. It was prepared; it was sent. I do not know the outcome, but he availed himself of the privilege of the House counsel.

Mr. Speaker, I do not hear the gentleman from California [Mr. COX] now asking himself or volunteering to repay any money that it might have cost for the House counsel to be employed for that purpose, nor do I hear him complain or criticize any of the other uses that the House counsel was put into until this particular use.

And it might, just to put this in proper perspective, be understood that at the same time this was happening, our colleague, the gentleman from Alabama [Mr. HARRIS], was getting a jury due notice, and he went to serve until he was stricken by virtue of voir dire.

The bottom line, Mr. Speaker, is this is not an issue of the House counsel at all. This is an issue of policy.

PARLIAMENTARY INQUIRY

Mr. COX of California. Mr. Speaker, I have a parliamentary inquiry.

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

Mr. COX of California. Mr. Speaker, is it the ruling of the Chair that the extra 30 seconds allocated to the gentleman from Florida [Mr. SMITH] will be subtracted from the time of the majority leader, the gentleman from Missouri [Mr. GEPHARDT]?

The SPEAKER pro tempore. The gentleman from California is correct.

Mr. SMITH of Florida. The gentleman said that he has an interest in making sure that the House counsel is not used for this purpose any longer, but if my colleagues will read the resolved clause of this motion, they will find out that that is not it at all. He wants to embarrass this House once again. It says in the resolved clause:

> That the Clerk of the House shall take all necessary steps to notify interested parties, including the Florida Supreme Court, that the House of Representatives regrets that official resources were used to prepare a brief against the constitutionality of State-imposed term limitations for Members of Congress.

Mr. Speaker, it is not as he says it is. He wants to embarrass this House. The Speaker and others have already determined that this was a perfectly valid use of the House counsel.

Mr. Speaker, this motion should be absolutely defeated. It is used for political purposes, and not to determine what is right or wrong with reference to the use of the House counsel.

Mr. COX of California. Mr. Speaker, I yield such time as he may consume to my colleague, the distinguished minority whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I rise to make two points here.

One is I think, if I understood the comments of my colleague, the gentleman from Florida [Mr. SMITH], he thinks he has been misinformed, and I just wanted to straighten the record out. To the best of my knowledge, the committee which meets on the House counsel, which is bipartisan, did not at any point make an affirmative decision about sending any kind of documents to Florida. I can say unequivocally I was not informed that House counsel was drafting that document, and I am not in any sense alleging that the gentleman from Florida did anything wrong or knew that this was the case. But I just want to make the record clear that that bipartisan committee did not approve of the House counsel being involved, and we did not approve of this particular document, and there is a real difference between what happened in Wisconsin, where on a bipartisan basis, which involved both the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Wisconsin [Mr. GUNDERSON], agreed——

Mr. OBEY. That is not true.

Mr. GINGRICH. Mr. Speaker, the gentleman's name certainly came up in the discussions.

Mr. OBEY. Mr. Speaker, will the gentleman yield since he mentioned my name?

Mr. GINGRICH. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, the first time I discovered that any appeal was made in Wisconsin was when the gentleman called me to tell me about it, and I specifically told him I had doubts about that action.

Mr. GINGRICH. Let me just continue.

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

Mr. GINGRICH. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Speaker, being I am somehow innocently being brought into the debate, let me point out exactly what I did.

Mr. Speaker, I did nothing more than ask for an advisory opinion of the House counsel. No legal brief was produced or filed anywhere at any time by me, and I want that very clearly understood.

Mr. Speaker, I appreciate the gentleman from Georgia [Mr. GINGRICH] yielding to me.

Mr. GINGRICH. But the point I was making, if I may say to both of the gentleman on each side of the aisle, was simply that in their case there was a clear discussion in the meeting, and the meeting agreed on a bipartisan basis that the House would take actions without reflecting on either Member, that this was a decision made by the House for the House's reasons and was protecting the House's institution without regard to the individual Members.

Now, in the case of term limitation, the bipartisan committee did not reach that agreement. The House counsel was not acting on behalf of the bipartisan committee, and, as far as this gentleman was concerned, I did not know that a brief was being prepared for the gentleman from Florida [Mr. SMITH], and I am not saying the gentleman from Florida in any way did anything wrong in getting the brief or had reason to know these facts.

Mr. SMITH of Florida. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Speaker, all I did in my time allotted was indicate that in fact what the gentleman is saying was absolutely correct, but that the Speaker of the House indicated that he reserved the right to file a brief on his own, not as a member of the bipartisan leadership, and no one objected thereto.

Mr. GINGRICH. Sure.

Mr. SMITH of Florida. That is all that we are talking about here.

Mr. GINGRICH. No, no. Let me say to the gentleman it is not a question of whether anyone objected or not. There were serious questions, and I do not want to get involved in those discussions.

But I will say that what the gentleman from California [Mr. COX] has raised is a legitimate question for the House to address, and the topic he is bringing up is a legitimate question for the House to make a decision about.

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, let us begin with the facts.

Mr. Speaker, the Office of General Counsel exists to provide Members of the House with professional, nonbiased legal advice on constitutional issues which affect this institution. These services are routinely utilized by Republicans and Democrats alike in conjunction with official duties.

Many of our colleagues on the other side of the aisle have requested and received legal briefs and memoranda from the House counsel: the gentleman from Florida [Mr. MCCOLLUM], the gentleman from Tennessee [Mr. SUNDQUIST], the gentleman from Wisconsin [Mr. GUNDERSON], to name a few.

Mr. Speaker, Members of Congress need such legal advice about constitutional issues, and the integrity of this institution requires that advice be available.

Well, just last year, as we have discussed, the gentleman from Wisconsin [Mr. GUNDERSON] asked the counsel's office to prepare a memorandum on the constitutionality of a recall election in Wisconsin. A comparable amount of time was spent on that by our counsel, comparable to what we are discussing here. When the memorandum was prepared, the gentleman from Wisconsin [Mr. GUNDERSON] called it a public service. The gentleman from California

[Mr. COX] was in this institution as a Member of Congress at that time. Where was he then? Where was he then?

Just last week the gentleman from Wisconsin [Mr. KLUG], the gentleman from Georgia [Mr. GINGRICH] and 12 other Republicans asked the House counsel to prepare a brief on the very same issue we are discussing today, the constitutionality of State-imposed term limits, an action, by the way, which the gentleman from California [Mr. COX] no more than 15 minutes ago characterized as a silly gesture. Work on that request has begun. Expenses have been forthcoming for that work.

In addition, as the gentleman from Florida [Mr. SMITH] has indicated, the gentleman from California [Mr. COX] has himself asked the counsel for help on a jury duty question.

Mr. Speaker, since the General Counsel's Office has been in existence we have never, never had a vote on any of these routine requests for a Republican or a Democrat. This institution would be tied up in knots if it required a floor vote every time a Member needed advice on a constitutional issue.

In this case our colleague, the gentleman from Florida [Mr. SMITH], requested a brief be prepared on his behalf concerning the constitutionality of State-imposed term limits. The brief clearly indicates that he represents the views of one Member of the House. Nothing in that document implies that it expresses the views, official or unofficial, of the House of Representatives, and no one who has actually read the document can misunderstand that point. It is clear that the request of the gentleman from Florida was just like all the others I have mentioned, an official request for professional legal services about a constitutional issue affect the House of Representatives.

Mr. Speaker, it was an appropriate request in keeping with the responsibilities of the legal counsel's office, and it was carried out in the same nonbiased, objective fashion as such other requests.

But, Mr. Speaker, let us be honest. This resolution is not about the brief of the gentleman from Florida [Mr. SMITH]. It is not about the legal counsel's office, by the way, which is represented by one of the more decent, competent public servants, Mr. Ross, that we have on the Hill. It is not even about term limits.

□ 1230

The real purpose of this resolution is to divert our attention from the real economic crisis that is facing this country. Over the last few months, as the recession has dragged on, our colleagues on the Republican side of the aisle have time after time tried to change the subject. They are trying to change the subject again with diversionary tactics, with delays, with phony proposals, with stalling and obstruction. This frivolous and pointless resolution is just another chapter in that same book. But I want to say to my colleagues that this tactic is not going to work. You can stall for an hour, you can stall for a day, but you cannot avoid dealing with the real issues facing this country.

The election results all around the country yesterday sent a strong and a clear message that the American people are sick and tired of procedural gimmicks and delays. They are tired. They want us to get down to business and deal with the issues that affect their lives. They are tired of George Bush's recession.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. They are tired of 11 years of Republican mismanagement. They want a change. The economy is dead in the water, and they are playing around with legal gimmicks, tactics, and obstructions.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. The people of this country are wont to have their say. They want a middle-income tax cut for the economy to get moving, they want health care reform, they want better education, they want better roads and bridges, and we are going to respond. We are going to bury this frivolous resolution of the gentleman from California.

Mr. COX of California. Mr. Speaker, before I yield for purposes of debate to my distinguished colleague, the gentleman from Ohio [Mr. GRADISON], I yield myself such time as I may consume so I may observe first that in the midst of suggesting that this resolution on its face was a diversion, the Member neatly diverted the question into other issues about George Bush and the economy, and so on. It is an admirable tactic, and I will aspire to it myself some day.

Second, I have been, I think, careful in my argument to abstain from any criticism of a Member. I have not mentioned a member's name, and I have stated specifically that it is not my purpose to criticize the conduct of any Member but, rather, to focus on what we should do next. That is the purpose of this resolution.

Mr. BONIOR. Did the gentleman call this a serious——

Mr. COX of California. Mr. Speaker, I will not yield. The gentleman can get his time, as he should, from his own side. I have already yielded.

Mr. Speaker, there is a very significant difference between the legitimate use of the counsel to this body, whether it be using their form letters on jury duty or what have you, and the use or misuse of this legitimate function as a political perk or at least in a way that appears to be a political perk. If we fail to make these judgments, fail to make these distinctions, we do so at our peril.

Mr. Speaker, for purposes of debate only, I yield 5 minutes to my colleague, the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. Mr. Speaker, I rise as an opponent of term limits who is reexamining his position. Like many in this body I have argued that the voters should not be denied the right to reelect an incumbent as long as they wish. But as I reflect on the powers of incumbency and the way the cards are stacked against challengers, I can understand better why term limits are so popular. Incumbents have the advantages of easier fundraising and greater visibility in addition to the well-known political perks of office. And, in addition, we as incumbents, and our friends in the legislatures, do everything possible through redistricting to tilt the playing field in our favor and to minimize the number of competitive districts.

Nothing I've said so far is especially original. What may be original is my growing conviction that the present state of affairs undermines the legitimacy of our legislation actions. If we have been elected and reelected through a noncompetitive process, should it surprise us that voters want to change the process?

If my assessment is correct, the silliest thing we as a body can do is to appear to take sides on this issue. All this does is strengthen the belief that our actions are self-serving and to further undermine the public's sense of the legitimacy of our actions—and by this I mean to include our traditional legislative action as well as the issue at hand of a legal brief.

What to do? Well, first is to balance the scales by approving the Cox resolution. But more fundamentally we have to decide if we really trust the people. If we do, the Congress will eventually submit a constitutional amendment for congressional term limitations to the States with or without recommendation—and then abide by the results. To continue the present situation could well lead to the Congress being one of a diminished number of legislature bodies in the country without term limits, and yet afraid to let the people decide if they want limits for the Congress.

In my view this would only intensify the feeling that the Congress is out of touch. But worse still, it further undermines the sense of legitimacy of our actions without which representative government could be viewed as a mere slogan used by those whose overriding concern is maintaining power, not serving the public.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

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

Mr. Speaker, I would just renew my question of the gentleman from California [Mr. COX], first, and I would ask whether he has used the House counsel and, second, if indeed he has, whether he submitted himself to the procedure he would urge upon this body for this matter.

Mr. COX of California. Mr. Speaker, does the gentleman yield to me to respond?

Mr. WISE. Yes; I yield to the gentleman from California.

Mr. COX of California. Mr. Speaker, it is my view that this calls for judgment. If we have a political contest going on in a State and we are filing documents urging one side or another effectively, that is a different matter entirely than if there is a routine legal question involving the rights of Members in this body.

Under the precedents of rule IX, which I have had the opportunity to inspect, of course, preparing for this debate, I note that in the history of the House of Representatives, routinely when Members were made a party to litigation, the question of representation was first put to an advisory vote of this House. I think that is an admirable procedure, and I would support it.

Mr. WISE. So the gentleman has not submitted it to that group and he did use the House counsel and he did not adopt the procedure he is now recommending that others adopt?

Mr. COX of California. No, Mr. Speaker, I think the gentleman has misunderstood precisely what I said.

Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to make a couple of points.

Appearances do matter. The issue of term limitations is a complicated constitutional issue. The legitimate uses of our House legal counsel is also not clearly spelled out in our rules, but what we are discussing here today is not legalities, it's appearances. I think we cannot afford to have the slightest implication that we, the House, oppose the public debate on term limitations.

I am opposed to term limitations, but I believe the debate about them is healthy. We have not been able to get the public seriously involved in the deficit reduction debate. We have failed to get them involved in most important aspects of our policy work here. I believe this debate about term limitations provides us with an opportunity to educate the public on the complexity of national policymaking, the complexity of the national and international issues that we try to deal with here on this floor.

I think this is an opportunity, and I believe the public has a right and a responsibility to think through not only term limitations but, frankly, whether it is any longer in their best interest to have 2-year terms for Members of the House.

□ 1240

I intend and I hope to be a part of winning this debate out there in the public area, but I do not want any limitation of any sort on that debate. But I think right now, because of the reaction we have had to the involvement of House counsel, whether his involvement was correct or not according to the letter of the law, we have to say to ourselves, back off. We are for democracy. We are for public debate. We are for spirited engagement by the public in government. It is time for us to back off and say no, we did not intend for our resources to prejudice the case. And, yes, we will get out there and engage in this important debate.

Mr. Speaker, I look to that debate as part of the revitalization that our democracy desperately needs, if we are to be capable of governing in an era that places before this body extraordinarily complex challenges that require considerable knowledge and lengthy explanations, rather than new bumper sticker politics.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, the spin doctors are leaping into the breach in the term limit movement that was created by the voters of Washington State yesterday. We have heard here today that it was the incumbents who somehow mesmerized the voters.

How easy it is to explain away an unhappy result by suggesting that the voters are too unintelligent to be able to make up their own mind, that they had been led by evil forces, that they are only wise when they agree with you.

There were allegations made here today that the opponents of the initiative in my State galled the people with a series of great television ads, and the person who said it spoke as though he really knew what was going on in this State. You will be surprised to learn there were no television ads and that the opponents of 553 in my State were outspent three to one. We did have some radio.

Somehow it was suggested here that the Speaker should not have even commented on an issue of such grave public importance. The facts are, we were outspent three to one, that the leadership of this movement against term limitations was the League of Women Voters and Common Cause, and that a majority of the newspapers in the State of Washington opposed the initiative.

What happened was that people were angry. But as the issue was debated, people moved not from pro to con, but from pro to undecided, and thought about it, and them moved to con.

No wonder that is scary to proponents of term limits, because what it suggests is if you would give people time enough to think about this, they understand that you do not gain anything by shooting yourself in the foot.

Mr. Speaker, it is very clear the people are angry. It is also very clear that people, given time to think through for themselves, know that term limits is not the solution to any of the problems that they seek.

Mr. COX of California. Mr. Speaker, might I inquire how much time remains on both sides?

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from California [Mr. COX] has 8½ minutes remaining, and the gentleman from Missouri [Mr. GEPHARDT] has 4½ minutes remaining.

Mr. COX of California. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Speaker, the subject that we are here discussing today refocused is this is the question about the House counsel preparing a brief that was filed in the Florida Supreme Court case involving an initiative regarding the question of term limits.

I want to state up front that I do not impugn the motives of any Members, and certainly not the gentleman from Florida [Mr. SMITH], who filed the brief. I also want to note that while some will say that this vote is going to be an ethics vote, I do not think that it is. Some will also say that it is going to be a term limits vote or a vote on term limits. I do not think that it is.

I think that the vote we are about to take on this resolution is a vote on whether legal counsel for the House should prepare and submit a brief when requested by a Member in a case where there is great controversy, where the heart of that controversy is a legislative issue before this body, and where the House has not spoken with a vote, and, further, where Members are clearly divided.

I submit to Members that it is precisely the case that is before us today, and it is a case where the House counsel should not prepare a brief when requested, and it is a case where, in this instance, we have the opportunity to vote for a resolution which retracts that idea and says clearly it is not appropriate to file a brief in this situation.

Mr. Speaker, that does not mean that there are not myriads of other situations where briefs are appropriate. In fact, I would submit that the category I just described is very narrow. But term limits and the issue before us today is very specific, very important, very controversial, very hotly debated, and I would submit it is not appropriate for that brief to have been prepared or filed.

Now, I happen to support term limits. I have been a term limit supporter

since 1981 when I first came to Congress. I have filed a congressional amendment to limit terms of Members of this body and the Senate every Congress since then. My term limit proposals for 12 years have been supported as widely as any that have been filed during that time.

During the process, I want to make a clear point that bothers me: Not one time has there been a hearing in the committee where I sit on this issue. Not only that, of course, there has been no vote.

There is a certain arrogance about this body in not taking up this issue, an arrogance that the public perceives. That is the reason why term limits is such a great issue.

I do not also happen to think though that the process out here is in the initiative stage going through the States is going to be held constitutional. In fact, in the brief that was submitted on the merits, I would probably agree with the constitutional issue involved in it. I can understand why the voters of the State of Washington may have rejected the ballot initiative yesterday, because it applied only to their State. It was not an issue that could be applied uniformly across the country. It was also retroactive.

The fact of the matter is there is an arrogance about this body not considering term limits. The fact of the matter is the public wholeheartedly supports limiting the terms of Members of Congress, and with great cause. It is because they realize we are career-oriented in this body. It is because they realize that career orientation leads to mistakes. It means that special interests, every interest, for that matter, must be supported time and again, and therefore this body does not set priorities. We do not balance the budget. We do not make other decisions that we should. And it is a problem that will not be corrected until we limit terms.

There is one other way we could correct it, I would submit, and that is since 1954, this body has been controlled only by one party, the Democratic Party. If that majority were to change, and some day my party, the Republican Party, gained the majority, a great deal of changes would occur in here. But in the long haul the only other way to correct this and the best way to correct it, because it would apply equally to my party eventually, is to limit the terms, take some of the career orientation out of this, take some of the special pressure out of it, make sure we do not have Members serving as chairmen for too long, and correct an evil the public well understands.

Again, I do not fault anyone for their requesting this brief or for the brief having been filed by the Member once he got it. But I think there is an egregious problem in the policy process that we need to correct by this resolution today.

Mr. Speaker, I urge Members to vote for this resolution, and I urge that we take up the term limit question expeditiously in this body.

Mr. GEPHARDT. Mr. Speaker, I yield myself the balance of time on our side.

Mr. Speaker, I want to rise in opposition to this motion. I hope that Members have listened carefully to the debate, and understand that what is involved here is a controversial question. It is a question on which there is political controversy and legal controversy. It is a question that should be debated in the country, in the States, and should be debated to a conclusion.

But in this case, what is being asserted is that a wrong was done by being able to ask the legal counsel of the House to prepare an opinion that could be used in a court of law on this issue.

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

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

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding. I really devoutly did not want to speak on this issue. The gentleman from California [Mr. COX] is one of the ornaments of our party, in my judgment, and a great guy. This is not a frivolous petition at all.

But in my honest opinion, I think Steve Ross has never said no. I would be hypocritical, because I have called upon him for advice on the Virginia income tax laws as they pertain to a Member of Congress.

□ 1250

He has represented me in court on subpoenas having to do with legislative matters. I think what he did perhaps was improper in the sense that he should not have listed himself as attorney for the Clerk, even though he is. He was not acting as attorney for the Clerk. He was acting as attorney for the gentleman from Florida [Mr. SMITH].

It is useful and helpful to have an institutional counsel that we can go to, and get advice from, without always having to run out and hire a lawyer. And I think what he did concerns this institution.

This should not be turned into a pro or con term limit issue. This is another matter. The question is, was it improper to go to the counsel for the Clerk and ask for help on a legal matter that concerned the institution.

I find that proper. As I say, with deep regret, I think the gentleman from California [Mr. COX] is right in the sense that the House has not taken a position, and nothing in the brief should indicate that, and nothing did, except he listed himself as attorney for the Clerk. And that might be interpreted as a position of the Clerk, who is an officer of this House. But I do not think that it ought to be turned into partisanship and George Bush and term limits.

I think Mr. Ross did act properly, at least I find that he did, because I have used him and he has been helpful to me. I would be hypocritical if I did not say so.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for his statement.

I would further say that he is now responding to a request from Members on the other side for a brief on the other side of the issue. There is a debate among legal scholars about what the Constitution says on this issue, and he will be preparing, and I am sure Members here will be preparing, a brief on the other side so that the Court has the benefit of the best arguments that can be brought in and, as the gentleman from Illinois said, on an issue that goes to the heart of the constitutional questions that surround membership in this House.

Mr. EDWARDS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I was not going to speak, but I do respect the gentleman from California for what he is trying to do. And there were some procedural problems with this. But I agree with the gentleman from Illinois [Mr. HYDE].

I would also raise the point that it is my opinion that there are constitutional rights and prerogatives of the House of Representatives which do not arise from a formal vote being taken on the floor of the House but arise from the Constitution itself, where in this case the qualifications of Members of the House are spelled out.

So, with the greatest reluctance, I have to say that I will be voting against the Cox resolution.

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

I would simply conclude by saying that there are legal questions and then there are legal questions. This is one that goes to the heart of the constitutionality of our being in office.

If Members cannot go to the legal counsel, which is on duty, someone said this costs $25,000. If he had not been doing this, he would have been doing something else.

We have hired him to do this kind of work. Members ought to be able to go to him and say, "I want to file a brief in a case that goes to the heart of the constitutional status of Members of the House of Representatives."

He is going to do it for the view of the gentleman from Florida [Mr. SMITH], and he will do it for opposite views on the other side.

I urge Members to vote against the resolution.

Mr. COX of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I rise in support of the resolution.

We are not here today to debate the pros and cons of term limits. However, the incident giving rise to this resolution is an excellent example of why limiting the terms of Congressmen is a popular idea.

Too many Members have lost the ability to separate their personal goals and desires from the common good or the good of the institution. Using the House legal counsel to argue the unconstitutionality of State-imposed term limits serves the political interests of individual Members of Congress. While it may represent the position of a majority of Members, it does not necessarily serve the interests of this institution or the American people.

Members tend to confuse their own political interests and ambitions with the best interests of the institution of Congress. Similarly, congressional responsibility on occasion takes a back seat to partisan politics.

The growing frequency of these trends have degraded the institution in the eyes of people it was created to serve. The American people do not want Congress to use its power to protect its Members from the American people.

Thomas Jefferson, after reviewing a new draft of the Constitution in 1787, said, "I dislike, and I greatly dislike, the abandonment in every instance of the principle of rotation in office."

Jefferson foresaw the temptation to use political office for the personal gain of the officeholder. Yet, I doubt whether he foresaw the potential magnitude of the problem.

If Members cannot break themselves of using the institution of Congress to promote their careers instead of good government, then the public is correct in seeking to change the institution.

The resolution before the House will not prevent Members of Congress from confusing personal with public interests. But it will present the accurate position of full House to the members of the Florida Supreme Court.

And more important, it will encourage Members to reconsider whether their actions serve their constituents or their own political interests.

I urge my colleagues to support this resolution and to help put Congress back on track.

Mr. COX of California. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL of California. Mr. Speaker, this is not going to the counsel to get advice on the tax law of Virginia. It is not going to the counsel to get advice on a personal matter on which there is some need for help to a Member of this body.

It is, rather, doing research on a very controversial political issue pending before the States. It would have been wiser had no member of this staff of this House done so. It would have been wiser on either side. It does not cure the ill, Mr. Speaker, that an employee of this House will now do research on the other side.

The point is that this is a controversial issue, a political issue, and no vote was taken of this membership. Of course, we should have a counsel who gives advice to Members on questions such as "May I leave for jury duty, or is my first obligation here?" This is not that case. I believe all Members know that.

What this case is is a very controversial issue on which legal opinions differ. It should be resolved in an appropriate court of law. It is entirely appropriate for any Member of this House to file a brief. It is not wise for that brief to bear the name of an employee of the Clerk's office, which, for whatever our intention, gives the implication of the imprimatur, the approval of the House. And there is the distinction between all the examples that have been raised.

There may be one point where the rights of the House are so clearly at issue that it would be wrong to delay even for a moment, but to file a brief at once because the prerogatives are jeopardized. That is not this case. Term limits may very well be constitutional.

I put to my colleagues that the only Supreme Court-decided case remotely on point held in favor of the State of California, when the State of California imposed an additional obligation to those specifically in our Constitution. In that Supreme Court opinion, the Court held that the rule, and I quote from the Supreme Court: "is no substitute for hard judgments that must be made. Decision in this context, as in others, is very much a matter of degree, the facts and circumstances behind the law, the interests which the State claims to be protecting, the interests of those who were disadvantaged, and so forth.

What the Court held in that one case, *Storer* v. *Brown*, 415 U.S. 724 (1974), is that a State may impose an additional restriction if it has a compelling interest in doing so and if it does not discriminate. Neither, it seems to me, are the case here.

In conclusion, we should not have filed this brief with the name of an employee of the Clerk. My colleague from California eloquently and in a scholarly manner gave the arguments that this was not wise. That is all this resolution states, and I agree with it.

I conclude with reference to one last point, the 10th amendment:

> The powers not delegated to the United States by the Constitution nor prohibited to it by the States are reserved to the States, respectively, or to the people.

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

I will now conclude the argument by, I hope, bringing us back to first principles. My resolution seeks to do one thing and one thing only, and that is to make it clear that this House is on record officially neutral on the question of constitutionality of State term limits. There is a very important reason we should do so. It is an open question.

It is not an easy question, as our counsel has asserted in this brief. The Supreme Court of the United States has not decided this question. No Federal court has disposed definitively of this question. It is contentious in the extreme.

No Member of Congress was made a party to litigation and requested the help of counsel in responding. Rather, this was volitional. Rather, we had a choice whether to involve ourselves.

In my view, the wise exercise of that choice is to stay the devil out of these term-limit elections with taxpayer dollars. I think it is vitally important that we recognize that this is a question of judgment and, at our peril, we fail to recognize the distinction between routine legal advice on routine matters or actual legal cases to which Members are parties from the House counsel in volitionally involving ourselves in legal actions around the country.

This is not a question of whether any Member acted properly. It is a question of what do do next, and what we should do next is vote "yea" on this resolution, vote to keep taxpayer resources out of the State term-limit elections.

The SPEAKER pro tempore (Mr. MCNULTY). All time has expired.

Mr. GEPHARDT. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT] to lay on the table the resolution offered by the gentleman from California [Mr. COX].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 265, nays 160, not voting 8, as follows:

[Roll No. 377]

YEAS—265

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

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

NAYS—160

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

NOT VOTING—8

Davis
Dymally
Hayes (LA)
Hopkins
Martinez
Sangmeister
Slaughter (VA)
Waters

□ 1318

The Clerk announced the following pair:

On this vote:

Mr. Dymally for, with Mr. Davis against.

Mr. LOWERY of California changed his vote from "yea" to "nay."

Mr. NAGLE and Mr. CAMPBELL of Colorado changed their vote from "nay" to "yea."

So the motion to lay the resolution on the table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 noon tomorrow.

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

There was no objection.

□ 1320

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, November 5, 1991, in the order in which that motion was entertained.

Votes will be taken in the following order:

To concur in the Senate amendment to H.R. 3350, by the yeas and nays, and H.R. 3298, as amended, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

U.S. COMMISSION ON CIVIL RIGHTS REAUTHORIZATION ACT OF 1991

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 3350.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and concur in the Senate amendment to H.R. 3350, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 7, not voting 6, as follows:

[Roll No. 378]

YEAS—420

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
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
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
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
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Santorum
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
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—7

Armey
Crane
DeLay
Hancock
Herger
Sensenbrenner
Stump

NOT VOTING—6

Dymally
Hayes (LA)
Hopkins
Martinez
Sangmeister
Slaughter (VA)

□ 1339

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

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules, on which the Chair has postponed further proceedings.

FARM CREDIT BANKS AND ASSOCIATIONS SAFETY AND SOUNDNESS ACT OF 1991

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3298, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 3298, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 203, not voting 9, as follows:

[Roll No. 379]

YEAS—221

Abercrombie
Alexander
Allard
Anderson
Andrews (TX)
Annunzio
Aspin
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bilbray
Boehlert
Boehner
Bonior
Boucher
Brewster
Brooks
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CO)
Cardin
Carr
Chandler
Chapman
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Coughlin
Cox (IL)
Coyne
Darden
Davis
de la Garza
DeFazio
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Evans
Ewing
Fields
Ford (MI)
Ford (TN)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Glickman
Goodling
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hastert
Hatcher
Hayes (IL)
Hefley
Herger
Hertel
Hoagland
Hobson
Horton
Hubbard
Hutto
James
Johnson (SD)
Johnson (TX)
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kildee
Kleczka
Klug
Kolter
Kopetski
Lagomarsino
Lancaster
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lightfoot
Lloyd
Long
Lowey (NY)
Luken
Marlenee
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McEwen
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mink
Mollohan
Morrison
Murphy
Murtha
Nagle
Nichols
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Panetta
Pastor
Payne (VA)
Penny
Perkins
Peterson (MN)
Pickett
Pickle
Poshard
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Richardson
Ridge
Riggs
Ritter
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Sabo
Sanders
Sarpalius
Savage
Schiff
Schulze
Schumer
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (OR)
Smith (TX)
Solarz
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Sundquist
Swift
Synar
Tallon
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Traficant
Unsoeld
Upton
Vander Jagt
Vento
Volkmer
Walsh
Washington
Weber
Weldon
Williams
Wyden
Young (AK)

NAYS—203

Ackerman
Andrews (ME)
Andrews (NJ)
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Bacchus
Baker
Ballenger
Beilenson
Bereuter
Berman
Bevill
Bilirakis
Bliley
Borski
Boxer
Broomfield
Browder
Callahan
Campbell (CA)
Carper
Clay
Clement
Coble
Cooper
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Donnelly
Doolittle
Dreier
Dwyer
Early
Eckart
Edwards (CA)
Erdreich
Espy
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Frank (MA)
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Gilman
Gingrich
Gonzalez
Gordon
Goss
Gradison
Green
Guarini
Hancock
Hansen
Harris
Hefner
Henry
Hochbrueckner
Holloway
Horn
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hyde
Inhofe
Ireland
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kolbe
Kostmayer
Kyl
LaFalce
Lantos
Leach
Lehman (FL)
Levine (CA)
Lewis (CA)
Lipinski
Livingston
Lowery (CA)
Machtley
Manton
Markey
Martin
Mavroules
McCandless
McCollum
McCrery
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Montgomery
Moody
Moorhead
Moran
Morella
Mrazek
Myers
Natcher
Neal (MA)
Neal (NC)
Nowak
Olver
Packard
Pallone
Parker
Patterson
Paxon
Payne (NJ)
Pease
Pelosi
Peterson (FL)
Petri
Porter
Price
Reed
Regula
Rhodes
Rinaldo
Roe
Rohrabacher
Rostenkowski
Roukema
Rowland
Russo
Santorum
Sawyer
Saxton
Schaefer
Scheuer
Schroeder
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Smith (IA)
Smith (NJ)
Snowe
Solomon
Stark
Stokes
Studds

Stump	Waters	Zeliff
Swett	Waxman	Zimmer
Tanner	Weiss	Dornan (CA)
Tauzin	Wheat	Dymally
Taylor (MS)	Whitten	Hayes (LA)
Torricelli	Wise	Hopkins
Towns	Wolf	Martinez
Traxler	Wolpe	Roybal
Valentine	Wylie	Sangmeister
Visclosky	Yates	Slaughter (VA)
Vucanovich	Yatron	Wilson
Walker	Young (FL)	

NOT VOTING—9

Dornan (CA)	Hopkins	Sangmeister
Dymally	Martinez	Slaughter (VA)
Hayes (LA)	Roybal	Wilson

□ 1352

Ms. MOLINARI and Messrs. LAFALCE, EDWARDS of California, GAYDOS, YATRON, MINETA, DICKS, LEHMAN of Florida, PALLONE, and SAWYER changed their vote from "yea" to "nay."

Mr. EDWARDS of Oklahoma and Mr. HUBBARD changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 446

Mr. COLEMAN of Texas. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 446.

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

There was no objection.

GENERAL LEAVE

Mr. NATCHER. 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 and the amendments in disagreement on the bill (H.R. 2707) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1992, and for other purposes.

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

There was no objection.

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

Mr. NATCHER. Mr. Speaker, I call up the conference report on the bill (H.R. 2707) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1992, and for other purposes.

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 Friday, November 1, 1991, at page 29733.)

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. PURSELL] will be recognized for 30 minutes.

Mr. WEBER. Mr. Speaker, may I inquire, is the gentleman from Michigan [Mr. PURSELL] opposed to the bill?

The SPEAKER pro tempore. Is the gentleman from Michigan [Mr. PURSELL] opposed to the bill?

Mr. PURSELL. No, Mr. Speaker, I am not.

Mr. WEBER. Mr. Speaker, I am opposed to the bill, and I request one-third of the debate time.

The SPEAKER pro tempore. For the purposes of debate, the gentleman from Kentucky [Mr. NATCHER] will be recognized for 20 minutes, the gentleman from Michigan [Mr. PURSELL] will be recognized for 20 minutes, and the gentleman from Minnesota [Mr. WEBER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Speaker, I yield myself 2 minutes.

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

Mr. NATCHER. Mr. Speaker, I rise today to present the conference report on H.R. 2707, the fiscal year 1992 appropriations bill for the Departments of Labor, Health and Human Services, and Education, and Related Agencies. The full conference agreement was printed in the CONGRESSIONAL RECORD of November 1, 1991, and has been available to Members since Monday morning.

Mr. Speaker, the conference report is $71 million below the discretionary budget authority, 602(b) spending subdivisions and $34 million below the outlay subdivisions.

Before I begin, I want to thank my big chairman, Mr. WHITTEN, for all the help he has given us down through the years on this bill. This year, as always, he has provided valuable counsel and leadership.

The conference agreement contains $203,845 million for the three Cabinet departments and 18 related agencies under the jurisdiction of the Labor-HHS-Education Subcommittee. Of the total $144,829 million is for mandatory programs such as Medicaid, aid to families with dependent children, and supplemental security income; $59,016 million is for the discretionary programs. These totals are within our 602(b) allocation for both budget authority and outlays.

As I have indicated to Members throughout the year, it has been very difficult to construct a bill under our 602(b) allocation, which is $1 billion below the amount needed to maintain current services. During our 13 weeks of hearings with 730 witnesses, we have been confronted with many competing needs and priorities. We have done our best, but certainly not as much as we would have liked.

The tightness of our allocation, combined with a Senate bill that reflected different priorities than the House, made our conference very difficult—the longest and most difficult since I have been chairman of the subcommittee. We met with the Senate over a period of 3 weeks trying to hammer out an agreement on the 219 amendments in dispute. Both sides have had to make compromises they are not pleased with. Nevertheless, the conference agreement supports many programs that are critical to the health and welfare of our Nation's citizens. I will highlight just a few of these programs, and provide a more detailed description for the RECORD:

Total education discretionary spending is $22,873 million, an increase of $1,887 million over 1991.

Chapter 1 is funded at $6,707 million.

The National Institutes of Health receive $9,010 million, of which at least $133 million is expected to be spent on breast cancer research.

Job Corps is funded at $920 million.

Head Start receives $2,202 million.

Low income home energy assistance is funded at $1.5 billion, with an additional $300 million available in a Presidential emergency fund.

Total funding for AIDS is expected to exceed $1.9 billion, of which $280 million is for programs authorized under the Ryan White Act.

Funds are not made available for State legalization impact assistance in fiscal year 1992, but are provided in full on October 15, 1992, 5 months after they would normally become available. This delay is unfortunate, but it is preferable to the President's budget which would have totally eliminated these funds. This was the only option possible given the budget ceilings facing the subcommittee.

I also want Members to know the disposition of several abortion-related issues. The conferees dropped the Senate amendment permitting Federal funds to be used for abortions in the case of rape or incest. The conference agreement therefore maintains current law with respect to the Hyde amendment. This permits Federal funding for abortions only when the life of the mother would be endangered if the fetus were carried to term. The conferees also dropped the Senate floor amendment regarding parental notification. This matter will be left to the authorizing committees. The only change in traditional bill language related to abortion retained by the conferees is the prohibition against implementing the so-called gag rule. This provision will go to the President in exactly the same form as passed the House on June 26.

This provision was not in conference. It was adopted in full committee in the House and was contained in identical form in the Senate bill. I realize that Members may feel very strongly about this issue, but it was not possible to address it in conference.

In summary, I believe the conference agreement is the best compromise between the House and Senate bills we could obtain. It should be supported by this House and I urge its adoption.

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

Mr. Speaker, I want to congratulate Chairman NATCHER and our entire staff: Mike Stephens, Bob Knisely, Mark Mioduski, Susan Quantius, Kevin Kraushaar, David Recker, and John Blazey on our side. I congratulate them for an outstanding piece of legislation, one which I personally support.

I also want to thank Chairman NATCHER for his leadership over the last 6 months in bringing this conference report to the floor.

I support this conference report. It is filled with good programs to assist the poor, the elderly, the sick, and the unemployed, and there are programs here that educate our children. These programs are expensive, but they are an investment in our future.

This report is within the 602(b) allocation. In fact, it is under the cap by $71 million in budget authority and $34 million in budget outlay.

There is one serious flaw, however, that I must bring to the attention of my colleagues, and that is the problem of delayed obligations. Simply stated, the Subcommittee on Labor, Health and Human Services, and Education was given more budget authority than it could spend and remain within its budget outlay limitation.

□ 1400

In order to appropriate all the money that the subcommittee was given authority to spend, the conference committee voted to delay $4.2 billion until the last day in fiscal year 1992. This means that the money cannot be obligated until then and effectively shoves this $4.2 billion into the next fiscal year.

However, I want to point out that other subcommittees have also used this budget practice, including the OMB and the administration. It is not sound fiscal policy and will make next year's appropriation process more difficult. I know that Chairman NATCHER and our entire committee, myself included, are seriously concerned about this practice and we are committed to resolving this problem next year.

I would like to point out some of the highlights of the bill. For the National Institutes of Health, this bill appropriates just over $9 billion for the first time, an increase of $734 million. That is an increase of 8.9 percent and it is the jewel of this bill. NIH scientists are searching for breakthroughs in cancer, heart and lung diseases, hypertension, and several other illnesses.

Within the Centers for Disease Control we have funded a new program, Preventive Health, and included $135 million for antismoking efforts. I think this is a educationally sound and good public policy.

We also have a new immunization program which is now almost at $300 million, an increase of 37 percent. This will prevent rising health costs in the future.

I want to congratulate Dr. Bernardine Healey for her leadership as the NIH Director. She has instituted some new leadership in calling attention to an all-male committee on the issues that have to do with women's health. There is $30 million for breast cancer research and $50 million for breast and cervical cancer research, which is a total of $80 million.

On the education front I want to congratulate Secretary Lamar Alexander for his leadership. The conference report provides $100 million for the President's America 2000 activities, and I want to thank the committee for making that a separate line item, but subject to authorization by April 1, 1992.

The report provides $2.3 billion for Head Start, showing strong bipartisan support for this important program. We also give tribute to the gentleman from Pennsylvania [Mr. GOODLING], the ranking Republican on the Committee on Education and Labor, for his effort in leading the fight for Even Start, which will ensure that children in America will start school early and are ready to learn. The report provides $70 million for Even Start.

Mr. Speaker, we also provide $623 million for drug-free schools and communities, so that every school can offer a disciplined environment that is conducive to learning.

We also have $6.9 billion for student financial aid, an increase of approximately $171 million.

Mr. Speaker, this is a good bill. I offer this on our side of the aisle, and encourage all Members to support it when we vote on the conference report.

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

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

Mr. Speaker, I rise in sad and reluctant opposition to the conference report, because as a member of the subcommittee I take great pride in all the work done by our subcommittee, and do not disagree with a word said by the gentleman from Kentucky [Mr. NATCHER] or the gentleman from Michigan [Mr. PURSELL]. One could not work with two finer leaders than the gentleman from Kentucky and the gentleman from Michigan, the new ranking member of our subcommittee.

But this fine bill, in my view, is fatally flawed in two respects: First of all, the gentleman from Michigan [Mr. PURSELL] has already acknowledged that the bill unfortunately forward funds $4.2 billion into the next fiscal year, making it fiscally irresponsible.

I want to emphasize on our side of the Capitol, we would have solved that problem. The problem occurred in the conference committee with the Members of the other body.

But even more serious, in my judgment, as a flaw is the tearing down of the wall between family planning and abortion.

Mr. Speaker, this is a nurturing bill. This is a bill that nurtures families through its education programs, its social service programs, its job training programs, and its health programs. We should not put this bill and this Government in the business of promoting a destructive procedure such as an abortion by tearing down the wall that exists today between family planning and abortion.

Mr. Speaker, this issue has been misconstrued to the public time and time again. But the President has now made clear what is at stake here through a memorandum to the Secretary of Health and Human Services. He says,

> Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician. Title X projects are to provide necessary referrals to appropriate health care facilities when medically indicated. If a woman is found to be pregnant and to have a medical problem, she should be referred for complete medical care, even if the ultimate result may be the termination of her pregnancy.

Mr. Speaker, that interpretation has been upheld by an internal memo from the general counsel of the Department of Health and Human Services. What it says, simply put, is that this is not a gag rule. There is no gag rule on the confidential personal relationship between a doctor and his patient in any of these facilities.

The real issue here is are we going to tear down the wall between family planning and abortion and put the Department of Health and Human Services and the Federal Government and the taxpayers in the business of promoting and referring for abortion?

Mr. Speaker, we should not. Members should vote "no" on the conference report.

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

Mr. EMERSON. Mr. Speaker, make no mistake about it, this vote is an abortion vote, plain and simple. Since the day of the Rust versus Sullivan decision, the matter of abortion referrals by title X funded clinics has been obscured by claims of free speech. This issue has nothing to do with free speech and everything to do with abortion.

As a matter of fact, the regulations permit a doctor to refer a woman to a facility that provides abortions. What they don't permit is referral to "health care providers whose principal

business is the provision of abortions." Principal business. We're talking about abortion mills, Mr. Speaker. The regulations don't allow federally funded clinics to refer women to abortion mills. When a woman's health is at stake, a title X program is required to make an appropriate referral, even if the result may be an abortion. And in cases of medical emergency, the project is required to refer a pregnant woman to an appropriate provider of emergency medical services, even if the result may be an abortion.

Abortion is a multimillion dollar business in this country, my colleagues. Apparently that's not enough for abortion providers—they want the Federal Government to send them more potential abortions. We're not talking about free speech, we're not talking about women's health issues—we are talking about the multimillion dollar business of abortion in this country, and the American taxpayers don't want to support it. I urge you to vote against the conference report.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. WHITTEN], the chairman of the full Committee on Appropriations.

Mr. WHITTEN. Mr. Speaker, I take this time to just say what a great subcommittee we have here. At this time, when we are looking around the world for places to spend our money, it is absolutely essential that we take care of our own people, on whom everything else depends. We have got to give our country that attention, because our country is what all of our money is based on. An educated, healthy population, with adequate housing, food, and nutrition from a strong agricultural base, provides the foundation for our national strength and future.

Mr. Speaker, I do not believe there is anyone in the Congress on which we can depend any more than the chairman of this subcommittee, the gentleman from Kentucky [Mr. NATCHER], who has a tremendous record back through the years, as well as all other members of the subcommittee.

Mr. Speaker, let me say again, whatever our problems are, we had better look out for our own country, because all the rest depends on that.

Mr. Speaker, this bill includes funds for all phases of education, both higher and secondary, including universities, colleges and community colleges, vocational education, disadvantaged education, adult education, and historically black colleges, including Mississippi Valley State University at Itta Bena, MS.

At this time when we are in debt I think it would be wise to roll ahead whenever possible the programs that, because of ceilings, we have been unable to put into this bill. We did make it clear that we believe in it, and did the very best that anybody could do.

Mr. Speaker, I am proud to be a member of this subcommittee, though I am unable to attend as often as I would like because of the press of other committee business. I want to compliment every member of the subcommittee, the chairman, Mr. NATCHER of Kentucky, the ranking Republican, Mr. PURSELL of Michigan, Mr. SMITH of Iowa, Mr. OBEY of Wisconsin, Mr. ROYBAL of California, Mr. STOKES of Ohio, Mr. EARLY of Massachusetts, Mr. HOYER of Maryland, Mr. MRAZEK of New York, Mr. PORTER of Illinois, Mr. YOUNG of Florida, Mr. WEBER of Minnesota, and Mr. MCDADE of Pennsylvania, because it is to them we have to look to take care of this country.

This bill looks after our people and our country. We must look after the people's health and education, but in the same breath we must look after the physical health of our own country because it is our country to which we have to look to take care of all the needs that we have.

Mr. Speaker, ours is a great country. We need to take care of all of it in order to maintain a strong, healthy nation. Strength and health that can come only from protection and developing the Nation's resources—our real wealth.

Mr. PURSELL. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Illinois [Mr. PORTER], a member of the subcommittee.

Mr. PORTER. Mr. Speaker, it is a pleasure as always to work with the gentleman from Kentucky [Mr. NATCHER] and the members of the committee. I would like the Members of the House to know that the gentleman from Michigan [Mr. PURSELL] is doing a fantastic job in filling the very big shoes of Sil Conte.

The conference report denies funding to implement the gag rule for one year, allowing HHS time to draw more balanced regulations. This provision is the same as it was as it left the House, and since the Senate adopted this same provision on their side, the matter was nonconferenceable.

We had hoped, however, in the course of the conference that compromise language might be worked out. Senator CHAFEE, Raine Archer of HHS, the American College of Obstetricians and Gynecologists, abortion rights groups, and Roger Porter, the domestic policy counselor, all worked for many months to work out fair and equitable compromise language. They did so. That language was submitted and then apparently rejected by John Sununu at the White House.

Mr. Speaker, we have fought over the question of abortion for a long, long time in this Chamber. We have reached a balance, I think a reasonable and fair balance with the Hyde amendment being law providing no funding to encourage abortion, and, with Roe versus Wade being also the law of the land, making it a decision not for the Government, but for the individual.

That balance has never satisfied some, however. They have continued to press for Government control on a number of fronts, title X reauthorization, UNFPA funding, the Mexico City policy, and now the gag rule. They have justified this intrusion on individual rights representing that abortion counseling has been directive, encouraging women to have abortions, not just informing them of their rights. That is a lie directly refuted by a GAO investigation, by a separate investigation by the IG at HHS, and the fact that no title X clinic was ever denied funds nor found to be doing that.

□ 1410

The gag rule denies a poor woman seeking help from a title X clinic the information about her legal, medical option to terminate her pregnancy. It directs specifically what a doctor or other health professional may or may not say regarding abortion, and I submit the gag rule for the RECORD at this point.

§59.8 Prohibition on counseling and referral for abortion services, limitation of program services to family planning.

(a)(1) a Title X project may not provide counseling concerning the use of abortion as a method of family planning or provide referral for abortion as a method of family planning.

(2) Because Title X funds are intended only for family planning, once a client served by a Title X project is diagnosed as pregnant, she must be referred for appropriate prenatal and/or social services by furnishing a list of available providers that promote the welfare of mother and unborn child. She must also be provided with information necessary to protect the health of mother and unborn child until such time as the referral appointment is kept. In cases in which emergency care is required, however, the Title X project shall be required only to refer the client immediately to an appropriate provider of emergency medical services.

(3) A Title X project may not use prenatal, social service or emergency medical or other referrals as an indirect means of encouraging or promoting abortion as a method of family planning, such as by weighing the list of referrals in favor of health care providers which perform abortions, by including on the list of referral providers health care providers whose principal business is the provision of abortions, by excluding available providers who do not provide abortions, or by "steering" clients to providers who offer abortion as a method of family planning.

(4) Nothing in this subpart shall be construed as prohibiting the provision of information to a project client which is medically necessary to assess the risks and benefits of different methods of contraception in the course of selecting a method; *provided*, that the provision of this information does not include counseling with respect to or otherwise promote abortion as a method of family planning.

(b) Examples. (1) A pregnant client of a Title X project requests prenatal care services, which project personnel are qualified to provide. Because the provision of such services is outside the scope of family planning supported by Title X, the client must be referred to appropriate providers of prenatal care.

(2) A Title X project discovers an ectopic pregnancy in the course of conducting a

physical examination of a client. Referral arrangements for emergency medical care are immediately provided. Such action is in compliance with the requirements of paragraph (a)(2) of this section.

(3) A pregnant woman asks the Title X project to provide her with a list of abortion providers in the area. The Title X project tells her that it does not refer for abortion but provides her a list which includes, among other health care providers, a local clinic which principally provides abortions. Inclusion of the clinic on the list is inconsistent with paragraph (a)(3) of this section.

(4) A pregnant woman asks the Title X project to provide her with a list of abortion providers in the area. The project tells her that it does not refer for abortion and provides her a list which consists of hospitals and clinics and other providers which provide prenatal care and also provide abortions. None of the entries on the list are providers that principally provide abortions. Although there are several appropriate providers of prenatal care in the area which do not provide or refer for abortions, none of these providers are included on the list. Provision of the list is inconsistent with paragraph (a)(3) of this section.

(5) A pregnant woman requests information on abortion and asks the Title X project to refer her to an abortion provider. The project counselor tells her that the project does not consider abortion an appropriate method of family planning and therefore does not counsel or refer for abortion. The counselor further tells the client that the project can help her to obtain prenatal care and necessary social services, and provides her with a list of such providers from which the client may choose. Such actions are consistent with paragraph (a) of this section.

(6) Title X project staff provide contraceptive counseling to a client in order to assist her in selecting a contraceptive method. In discussing oral contraceptives, the project counselor provides the client with information contained in the patient package insert accompanying a brand of oral contraceptives, referring to abortion only in the context of a discussion of the relative safety of various contraceptive methods and in no way promoting abortion as a method of family planning. The provision of this information does not constitute abortion counseling or referral.

An example that is part of the gag rule regulation states, "A pregnant woman requests information on abortion and asks the title X project to refer her to an abortion provider. The project counselor tells her that the project does not consider abortion an appropriate method of family planning and therefore does not counsel or refer for abortion."

If this conference report does not pass into law, this regulation will be implemented. The conference report puts this regulation on hold and allows time to reconsider and draw a more balanced rule.

Late last night Members received a copy of a memorandum from Secretary Sullivan. The language of that memorandum does nothing. It is extralegal and has no force or effect. I insert at this point a copy of the memorandum.

THE WHITE HOUSE,
Washington, DC, November 5, 1991.

MEMORANDUM FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES

Throughout the debate about the relationship of the Title X family planning program and abortion counseling, some have raised questions about the regulations dealing with services offered to pregnant women.

We must ensure that the confidentiality of the doctor/patient relationship will be preserved and that the operation of the Title X family planning program is compatible with free speech and the highest standards of medical care.

In order to clarify the purpose and intent of these regulations, I am directing that in implementing these regulations you ensure that the following principles, inherent in the statute, are adhered to:

1. Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician.

2. Title X projects are to provide necessary referrals to appropriate health care facilities when medically indicated.

3. If a woman is found to be pregnant and to have a medical problem, she should be referred for complete medical care, even if the ultimate result may be the termination of her pregnancy.

4. Referrals may be made by Title X programs to full-service health care providers that perform abortions, but not to providers whose principal activity is providing abortion services.

I am determined to assure the integrity of the Title X program in its mission to provide family planning services to low-income individuals; adherence to this guidance will produce this result.

GEORGE BUSH.

This is America, Mr. Speaker. No matter how we feel about abortion, and I speak as a supporter of the Hyde amendment, we have never been in the mind control business. For Government to fail to tell people, women who come to it for help, about their rights, for Government to fail to tell people the truth and the whole truth is simply not the way we do things in America.

Mr. Speaker, support the conference report and ensure that people in America will continue to be told the truth about their rights.

Mr. Speaker, I include for the RECORD another document on this issue.

POSSIBLE AGREEMENT ON POLICY WITH RESPECT TO PREGNANCY RELATED SERVICES IN TITLE X FUNDED CLINICS—OCTOBER 25, 1991

A. TREATMENT OF TITLE X PROJECTS WHICH PROVIDE PRENATAL CARE, SUCH AS, BUT NOT LIMITED TO, COMMUNITY HEALTH CENTERS, HOSPITALS, OR FAMILY PLANNING CLINICS THAT OFFER SUCH CARE

When a woman comes in for family planning services and is determined in the course of the visit to be pregnant, she should be offered information regarding her pregnancy. The provider of services will furnish a list of community resources for medical care and social services which may include providers of pregnancy termination if they also provide prenatal care. If the woman elects to remain in that project for services, she will be provided with the same pregnancy related services and information that all of the projects' patients receive. The project would be allowed to retain Title X funds as part of its general operating support. The Title X projects under Part A may use Title X funds for all services that are allowable under Part B.

B. TREATMENT OF TITLE X PROJECTS WHICH DO NOT PROVIDE PRENATAL CARE

(1) When a woman comes in for family planning services and is determined in the course of the visit to be pregnant, she should be offered information regarding her pregnancy. If she is found to have a significant medical problem, she should be referred to a provider of comprehensive medical care. The project will furnish a list of community resources for medical care and social services which may include providers of pregnancy termination if they also provide prenatal care. If requested, the project will make every effort to assist the pregnant woman in making an appointment with a prenatal care provider. In addition, the project will provide the woman with written information to be developed by the Secretary of Health and Human Services about appropriate prenatal care that includes a discussion of proper nutrition and exercise, the need to avoid alcohol, drug and tobacco use, and the importance of receiving medical care.

(2) The project shall give factual answers to questions the woman has about her pregnancy and her legal and medical options. Questions about an individual's medical conditions that relate to her pregnancy should be referred to an appropriate practitioner, on or off premises. Upon a woman's request, identification of providers of adoption and pregnancy termination services will be made available, including providers who do not also provide prenatal care. Factual information may also be provided about the mix of services provided by each provider and the payment sources they accept. The project is not to provide directive counseling to the woman regarding her pregnancy. Should this process of answering questions be found to advocate pregnancy termination or adoption the Title X project would be subject to the procedures which apply to misuse of grant funds, including termination of the grant or portion of the grant which funds the project.

(3) Nothing in this statute is intended to preclude a health care professional or trained clinician under the supervision of a medical director, from fulfilling his or her generally-accepted professional duty.

C. RELATIONSHIP TO NON-TITLE X SERVICES

Nothing in this statute is intended to circumscribe the services offered by a recipient of Title X funds with other public or private funds. Nothing in this statute is intended to address 42CFR59.9 (Feb. 2, 1988).

Mr. WEBER. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise reluctantly in opposition to the conference report because of the budget gimmicks that are in it.

Mr. Speaker, it is with considerable reluctance that I must oppose adoption of the conference report for the 1992 appropriation for Labor-HHS. I acknowledge that my position is taken with reluctance because I supported this appropriation bill when it was initially adopted in the House and I had high hopes it would return similarly clothed in a fiscally responsible fashion. I am saddened that those hopes have been dashed.

But there is another reason for my reluctance. Most of the debate today will center

around that provision in the bill which blocks enforcement of the so-called gag rule. I strongly support this provision in the bill. Yesterday, the President issued a memorandum in which he attempted to clarify the scope of title X separation regulations. But the President's clarification is unacceptable because it fails to resolve the problem of providing a woman who seeks medical care at a federally funded title X clinic complete information about her options concerning unintended pregnancies. To deny a woman information about the options available to her is deceptive. It is bad policy and worse medicine. The gag rule should be overturned.

Because of the intensity of the debate on this issue, there are those who will mistake my vote against the conference report as an endorsement of the gag rule. I acknowledge that, but I cannot let it deter me from voting against an appropriation which so completely undermines the budget summit agreement.

Mr. Speaker, the funding tricks and gimmicks in this bill are offensive. Certainly, I would like to support increased funding for Head Start, for assistance for the homeless, for higher education, and more funds for cancer and AIDS research. All of these are worthy programs.

Unfortunately, the conferees have chosen to offer hollow promises to the beneficiaries of these programs. They have avoided making tough choices about priorities—a choice clearly demanded by the budget agreement. They have completely undermined the spirit, if not the letter of that agreement.

Let me mention just two examples of this gimmickry. The worst, clearly, is the delay in obligational authority of $4.3 billion until September 30, 1992—the last day of the fiscal year. This way, the conferees can claim credit for funding programs in this fiscal year, but not pay for them until the next. But next year's funding cap will be even tighter than this year's. Delaying the obligations just makes a bad situation worse.

The second example I would cite is the added funding for Low Income Home Energy Assistance Program [LIHEAP] in an emergency account. Like firefighting—an issue we have addressed earlier—the needs in this account can be accurately estimated. Putting more in the emergency account, thus avoiding the budget caps, is nothing more than an admission that the committee—and this body—lacks the will to choose between LIHEAP and other programs.

The budget summit agreement of last October was not a measure which I supported. But it is the only discipline we have; it is the only tool available to control spending. The conferees have brought back an overstuffed appropriation bill, one that asks us to overspend to the tune of $4.2 billion, one that asks us to postpone responsibility for overspending into the next fiscal year. Mr. Speaker, that is what we have been doing year after year. That is the practice that must end.

I urge my colleagues to vote no and send this agreement back to conference. Insist that they remove the budget tricks and return with an agreement that respects the covenant we made with the American people last year. If the conferees do that, I will vote for the agreement, and I will vote to override any veto which seeks to deny women the right to full counseling on reproductive rights.

Medical responsibility and fiscal responsibility. These two principles should go hand in hand in this appropriation bill. We ought not to scuttle one to save the other.

Mr. WEBER. Mr. Speaker, I yield 3½ minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, every year, Planned Parenthood counsels, refers, or performs over 200,000 abortions—an absolutely staggering loss of human life.

Every year, Mr. Speaker, tens of thousands of teenage mothers—many of them poor, vulnerable, frightened, and extremely impressionable—walk into Planned Parenthood carrying perfectly healthy babies only to leave the clinic having had their babies shredded and ripped apart by powerful suction machines or chemically killed by injections of poison. And in many of these cases, the teenagers' parents aren't even informed or notified, but, not to worry, Planned Parenthood's so called counselors assume that role.

Sadly, Mr. Speaker, Planned Parenthood, an organization that said in its literature in 1963: "An abortion kills the life of a baby after it has begun * * *. Birth control merely postpones the beginning of life," now operates the largest chain of abortion mills in the land. And, sadly too, Planned Parenthood is directly responsible for the death of millions of infants over the last two decades.

Thus, I guess, it should come as no surprise that Planned Parenthood and like-minded abortionists bitterly oppose the prochild, prowoman, proprenatal care title X reforms that now await implementation by the President.

If this conference report becomes law, needed reforms would be thwarted and the President's prenatal care rule overturned. This isn't a gag rule at all it is a prenatal care rule.

Today's debate, Mr. Speaker, isn't about free speech. It is about taxpayer subsidized abortion advocacy in what was intended by Congress to be family planning clinics, preconception clinics—not abortion marketing centers.

This debate is about reigning in on the facilitation of, and promotion of, abortion. For those Members who regard the life of an unborn child as one might regard a diseased pancreas, the decision is simple. If an unwanted pregnancy—if an unwanted baby—is the moral equivalent to a tumor or cyst, your vote is to overturn the regulations.

But if you accept the fact that unborn children are human and alive—and deserving of respect, compassion, and care—you will vote to sustain the President's prenatal care rule. If you accept the fact that every abortion stops a beating heart, your vote is to preserve the title X regulations.

It seems to me that the question turns on whether you and I want to put the considerable clout of Federal funds behind encouraging prenatal care referrals over abortion referrals.

It seems to me that you can't have it both ways. Prenatal care has absolutely nothing in common with abortion. One nurtures. The other destroys. Yet even these modest pro-life regulations are not airtight. They only require that referrals for prenatal care avoid those "health care providers whose principal business is the provision of abortions." In other words, avoid referrals to abortion mills.

Prenatal care, Mr. Speaker, respects the health and well-being of both mother and baby. Prenatal care, by definition, nurtures life and is life affirming. Prenatal care recognizes and treats two special patients with the blessings of the best nutrition and the best medical care available.

Abortion, by definition, destroys life and results in death.

Recently, the head of the U.S. Public Health Service, Dr. James O. Mason, pointed out that the President's new title X regulations—the prenatal care rule—would have a positive impact on the utilization of prenatal care in the country and would result in reduction in infant mortality.

Dr. Mason said on June 24, 1991,

> Let me underscore the importance of this program as a key component in our Department's effort to reduce the national problem of infant mortality. I believe that an important and often overlooked aspect of this regulation is its requirement that if a client is pregnant she will be assisted in obtaining access to vital prenatal care. From the point that pregnancy is confirmed, the public health role is to provide quality medical care for two patients, the mother, and her unborn child.

And to those who have expressed concerns that the regulations somehow intrude on the privileged doctor-patient relationship, the President has made crystal clear in his memorandum for the Secretary of HHS that doctors may continue to discuss abortion with women within clinics receiving title X funds, when the doctor believes that such discussion is medically warranted. In his November 5 memorandum, President Bush said,

> We must ensure that the confidentiality of the doctor/patient relationship will be preserved and that the operation of the Title X family planning program is compatible with free speech and the highest standards of medical care.
>
> In order to clarify the purpose and intent of these regulations, I am directing that in implementing these regulations you ensure that the following principles, inherent in the statute, are adhered to:
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> 1. Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician.
>
> 2. Title X projects are to provide necessary referrals to appropriate health care facilities when medically indicated.
>
> 3. If a woman is found to be pregnant and to have a medical problem, she should be re-

ferred for complete medical care, even if the ultimate result may be the termination of her pregnancy.

4. Referrals may be made by Title X programs to full-service health care providers that perform abortions, but not to providers whose principle activity is providing abortion services.

I am determined to assure the integrity of the Title X program in its mission to provide family planning services to low-income individuals; adherence to this guidance will produce this result.

And, Mr. Speaker, the bogus claim that doctors could not refer a pregnant woman for medical care with AIDS, cancer, or diabetes is flatly refuted by the regulations themselves: "Each Title X project must * * * provide for * * * necessary referral to other medical facilities when medically indicated." [42 CFR Ch. 1 59.5 10(1)] In fact a doctor is required to refer the woman to a specialist, even if such referral ultimately results in the loss of the baby's life.

Finally, Mr. Speaker, national public opinion polls clearly show that Americans do not want birth control abortions in their national network of family planning clinics.

The Wirthlin Organization recently asked Americans "Do you favor or oppose offering abortions as a method of birth control in taxpayer-funded family planning programs." The results—77 percent oppose offering abortions in family planning clinics. And the reason should be obvious—abortion is not a method of family planning and Americans soundly reject any suggestion to the contrary.

Support the President's prenatal care rule. Vote down this conference report.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. SMITH].

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

I commend the chairman of the subcommittee, the ranking member, all members of the committee, and the staff for the amount of time and effort expended on this bill. This bill affects everyone in the United States from conception through death and burials. Everyone is affected by this bill.

It involves health. It involves training. It involves retraining. It involves safety. It involves the Social Security Administration. It involves everyone in some way in the United States.

This bill should not be held hostage to two or three emotional provisions that merely delay funding for 1 year for one of the many programs in this bill. Again, this Congress has added another emotional matter to this bill this year.

It would have taken the same number of votes to report out an authorization bill that settled this matter on the gag rule as it does to hook a 1-year delay in implementing the regulation to this bill, and it is not without harm when it is hooked onto this bill.

We are already into the new fiscal year. All programs in the bill are being held up in their full funding because this emotional issue is on the bill and until it is finally signed each program is capped at last year's level and denied even a cost-of-living adjustment. Also, the bill may not be enacted for 2 or 3 more weeks if it is vetoed.

This separate bill that would permanently overrule the gag rule ought to be reported out and voted on separately. It ought to be acted on in the House and the Senate. There is obvious evidence that it would pass overwhelmingly in both bodies because there were enough votes to add provision for a 1-year delay included in this bill.

The organizations that supported putting the delay on this bill could have spent the same amount of time getting the permanent bill reported and the question would have been settled by now. This issue should not be adversely affecting this bill.

I hope we do not come in here next year and find the same procedure used to delay the important programs in this bill so some can argue over one sentence in the whole bill. We just should not be holding this bill hostage to that issue instead of settling it on a separate bill.

I support the bill this year. But I say, let us not come back here next year and find this same argument on this same issue.

Mr. PURSELL. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GREEN].

Mr. GREEN of New York. Mr. Speaker, as we consider this conference report, we face one red herring and one real issue. The red herring is the issue of the so-called advanced funding or delayed obligations: Everyone who knows this bill knows that the proper administration of its programs in many instances requires advanced funding. Why, after all, did the administration ask for almost $1.5 billion of advanced funding in this bill for programs like the Centers for Disease Control, the National Institutes of Health, Child Care and others?

The real issue we face is the gag rule.

I should simply like to remind my colleagues that the family planning clinic is often the only access that the poor woman who goes there has to medical personnel. And I say to my colleagues that when a poor woman goes to the doctor who serves as her only access to the health care system, she is entitled to the truth and the whole truth about what her health care options are.

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That is what we are here to fight for.

If Members believe that the poor woman who has the family planning clinic as her only access to the health system should have the whole truth, then vote for this conference report.

Mr. WEBER. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I have heard a great deal about the title X regulations, and as I read them they are quite different than what had been portrayed. They seem really quite reasonable.

I think it is important to note that this whole program deals with services prior to conception. Once a woman is pregnant and seeks to keep the pregnancy, title X cannot help her. She needs to be referred out. Once she is pregnant, and seeks to end the pregnancy, title X cannot help her. They need to refer her out. Title X deals only with family planning. It does not deal with post-conception services.

Criticism has been made of title X because these regulations preclude referral or encouragement of people to have abortions as a method of family planning. The overwhelming majority of the American people think that abortion for the purpose of birth control is morally wrong. Reflecting that sentiment, the Congress of the United States passed a law, and the administration implemented it with these title X regulations. The will of the people has been faithfully implemented, and we should vote no on this conference report because it overturns these regulations and goes against the will of the American people by seeking to encourage abortions as a method of family planning.

I also would observe, Mr. Speaker, that this bill spends $4.3 billion more than the President requested. Obviously this Congress has a hard time restraining, spending, and we ought to do it right here and live within the funding level requested by the President.

Vote no.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. STOKES], a member of the subcommittee.

Mr. STOKES. Mr. Speaker, I thank my distinguished chairman for yielding time to me. I rise in strong support of this conference report.

Mr. Speaker, I rise in support of the conference report on H.R. 2707, the fiscal year 1992 Labor-HHS-Education appropriations bill. This bill provides $204 billion for those entitlement and discretionary programs which help to keep Americans employed, healthy and educated. I would like to commend the chairman of the subcommittee upon which I serve for the exemplary leadership and adroit skill he exhibited in getting this bill reported out of conference.

I also would like to acknowledge the contributions of the gentleman from Michigan, Congressman CARL PURSELL, the ranking minority member of the subcommittee. CARL, during his first year as ranking minority member, has supported this bill and played an outstanding role in helping to bring this bill to the floor today.

The conferees had to make some difficult funding choices this year. When the House

and Senate first went to conference, we had major differences in funding priorities. The Senate had proposed $1 billion more than the House for the health programs, and recommended $1 billion less than the House for our Nation's education programs.

After our first meeting, we reached a tentative agreement on funding levels, and later returned to learn that, in terms of budget authority, we were $800 million over our 602(b) allocation. All in all, we met five times trying to resolve our differences. This, Mr. Speaker, was one of the most arduous conferences ever.

We drafted this bill in the midst of rigid, and seemingly impossible parameters established by the budget agreement. Despite the difficult decisions we faced, the conference report we bring to you today provides a balanced approach to supporting our Nation's education, health and labor programs. In fact, H.R. 2707 provides significant funding increases for compensatory education for the disadvantaged, cancer research, minority health improvement activities, higher education, and many other programs. I am proud to have been able to help secure increased funding for these programs, as well as those programs which improve the quality of life for my constituents as well as persons across the Nation. There are several programmatic increases I would like to mention specifically.

For the Department of Education, H.R. 2707 provides $6.7 billion for compensatory education for the disadvantaged, representing a $900 million increase over last year's figures. This program provides grants to support supplementary educational and related services designed to increase the attainment of educationally disadvantaged children. About 14,000 local school districts participated in the program, which served an estimated 7 million pupils in 1991.

In the area of higher education, the bill provides $100 million for the title III undergraduate program, strengthening historically black colleges and universities. This represents a $12.2 million increase over the President's budget request and the 1991 amount; $300,000 was provided to complete construction of a fine arts center at Bethune Cookman College in Daytona Beach, FL.

For those institutions located in urban areas, the bill provides $8 million for the urban community service funds, title XI-B. These funds will support cooperative projects between urban universities, such as Cleveland State University, and the urban areas in which they are located.

Howard University will receive $212 million. This represents a $22 million increase over the President's budget request. These funds will assist the university, one of our Nation's oldest African-American universities, in starting over $140 million in renovation activities.

Additionally, the bill provides $385.3 million for the TRIO programs. This represents a $51.5 million increase over last year's appropriation. The TRIO programs have proven successful in assisting low-income persons who are potential first-generation college students in pursuing their education.

Significant increases were also provided for those programs authorized under the Department of Health and Human Services. One of the largest increases was provided for cancer research. The National Cancer Institute would receive $2 billion for research activities. This is about $276 million more than the amount provided last year. While the bill does not earmark funds specifically, it does direct the National Cancer Institute to make breast, prostate, ovarian and cervical cancer its top priorities and to treat these diseases with utmost urgency.

For lead poisoning prevention and screening activities, the bill provides $23 million. This is a $17 million increase over last year's level. Currently, it is estimated that 17 percent of our nation's children are exposed to lead concentrations which place them at risk of adverse health effects.

Also contained in this bill are funding increases for several minority health improvement initiatives. With more than 60,000 excess deaths in the African-American community, and with the widening disparities between the health status between minority and white Americans, these increases are both necessary and appropriate.

Over $80 million was provided for the disadvantaged Minority Health Improvement Act—legislation I authored, which was signed into law last year. This initiative supports the education, training, and recruiment of minority students and health personnel in the health professions. The total appropriation includes: First, $20 million for student scholarships; second, $24.1 million for the centers of excellence; third, $15 million for the health professions student loans; fourth, $6 million for public housing health grants; and fifth, $16 million for the Health and Human Service Office of Minority Health. Language also was included encouraging States to establish offices of minority health in coordination with the Federal effort. Additionally, $1 million was provided to develop a national education demonstration program communicating health lifestyle messages to minority populations. Additionally, the National Institutes of Health Office of Minority Health will receive $7.5 million. Moreover, language directing the institutes to increase their efforts to address the health disparities between white and minority Americans was retained.

For the infant mortality initiative, $75 million was provided. This is $50 million more than the amount provided last year. Of this amount, $10 million will go to community health centers. This program is of special interest to my constituents in Cleveland. Cleveland has one of the highest infant mortality rates in the Nation. In fact, in one study prepared in 1988, it ranked fifth, a rate higher than that of some developing countries. As one of the first 15 cities to receive assistance under the healthy start initiative, funds provided for fiscal year 1992 should assist Cleveland and many other areas in saving the lives of infants who are dying prematurely, and oftentimes unnecessarily.

Other Health and Human Services initiatives funded under this bill include $1.8 billion in funding for the low-energy and assistance program, expansion of research and prevention activities in the areas of osteoporosis, diabetes, hypertension, kidney transplantation, aids and its effects on women and minorities, violence prevention, and the evaluation of health care in the correctional setting. Regarding the AFDC payments to the States, $14.6 billion was provided, representing a $1.2 billion increase over last year.

For the Department of Labor, one of the most notable increases was provided for the Job Corps Program. Job Corps would receive $919.5 million. This is $52 million more than the amount provided last year. This increase will allow for the construction of several new job corps centers. My office was contacted by several Members of Congress supporting the construction of new Job Corps centers. Representative DON PEASE expressed his interest in bringing a center to Mansfield, OH; and, Representative MERVYN DYMALLY would like to see one constructed in Compton, CA.

Finally, Mr. Speaker, I would like to briefly address the issue of language contained in this bill which delays implementation of the gag rule for 1 year. As you know, on May 23, 1991, the U.S. Supreme Court, in Rust versus Sullivan, upheld Federal regulations—known as the gag rule—forbidding discussion of or referral for abortion at family planning clinics funded through title X of the Public Health Service Act.

In June of this year, the House voted to delay implementation of the gag rule, 353 to 74. The Senate voted to delay its implementation as well. Therefore, this issue was not a conferenceable item. Congress already has spoken on this issue. We have found that implementation of this rule raises serious questions regarding free speech and the underlying principles of the traditional physician-patient relationship, including the right of unrestricted communication with patients. We had serious concerns regarding the Federal Government prohibiting a health care provider receiving Federal funds from advising a pregnant woman of her legal option of abortion, even in those instances where her life may be in danger. In fact, I know there are many like myself who find this type of prohibition to be absolutely abhorrent, not to mention unconstitutional.

Because this body has previously settled this issue, let us not be swayed by the politically posturing we have seen today against this bill, rather let us get on with the business of funding those unemployment, health, and education programs our people at home need and deserve. The height of a recession is no time to hold these vital programs hostage.

Mr. Speaker, as I said before, you displayed remarkable skill in balancing the many competing interests contained in this bill. And, you did so without balancing the burden of the budget agreement on the backs of the disadvantaged and poor. We had very difficult decisions to make in reaching final agreement. And while we delayed funding some of these programs until the latter part of the fiscal year, we were able to fund the majority of our Nation's labor, health and education programs without sacrificing the needs of low-income, elderly, and disadvantaged Americans.

I am proud to stand with you in bringing this measure to the floor, and I ask my colleages to join me in final passage of H.R. 2707.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Mr. Speaker, I rise in opposition to the gag rule.

Mr. Speaker, I rise in support of the Labor-HHS-Education appropriations conference report.

The Supreme Court's decision in Rust versus Sullivan to uphold the gag rule is, indeed, a disastrous one. This decision, however, is not even primarily about abortion. It is about free speech, medical integrity, and the sanctity of the doctor patient relationship. It is about the trust that people—especially the poor—place in the Government to assist them in their most serious times of need. When women seek counseling on health matters, they should not have to question the honesty of their physician nor fear the motives behind their doctor's words.

In my State of Texas alone, approximately 180 clinics would be affected by this narrow-minded directive. It is wrong for the Federal Government to control the speech of our Nation's doctors just because that government provides funding to family planning clinics. It is a dangerous and ominous precedent we set when we let the Government ignore the first amendment simply because it helps pay the bill.

The burden now falls on Congress to act. I urge all my colleagues to vote in favor of the Labor-HHS-Education appropriations conference report and overturn the gag rule.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I am frankly very disturbed by one provision in this bill, so disturbed that I had intended to vote against it but in the end I could not bring myself to do that. When we get to that point in the amendment process I will explain my concerns about one amendment, but in the end I simply felt that I had no choice but to support this bill for some very good reasons.

First of all, we provide major increases to funding for childhood immunization that will save thousands and thousands of kids from life-crippling diseases. We provide major increases in assistance for education to help kids get along on the road in life. We will provide assistance to 40,000 additional kids under Head Start, the most valuable educational program that we fund. We will help 40,000 additional families through child care block grant efforts, and we restore 8 percent of the reduction that was made in the low-income fuel assistance program in the President's budget.

I think it is essential to support this bill for one very good reason, even though I have a major objection to what we have done in the health field. It seems to me that we have had an administration which has wanted to play Churchill abroad while we have been playing Scrooge at home. It seems to me that it is time to recognize that this is the major action that this Congress will take in this session to deal with the problems of our people, to take care of our own.

I make no apology for the efforts that the committee has made to try to provide that by stretching a budget limit here and perhaps bending one there without breaking them. It is essential to do that if we are going to recognize our own domestic priorities here at home. I would urge Members, therefore, to support this bill.

Mr. PURSELL. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, throughout my entire career in Congress I have consistently supported the right-to-life philosophy. Our vote on this conference report today is being portrayed as the biggest pro-life vote of this session. So for me this bill is a conflict between very strongly held personal philosophies. However, I cannot vote against funding unemployment compensation for 4,000 Uni- royal employees about to lose their jobs in my district just to prove I am pro-life. I cannot vote against trade adjustment assistance or now job training assistance for some 3,000 constituents who need it more than ever just to prove that I am pro-life. I cannot vote against student financial aid for some 50,000 college kids in western Wisconsin just to prove that I am pro-life. With the record cold weather back home, I cannot vote against low-income energy assistance for some 22,000 households in my district just to prove that I am pro-life. I cannot vote against the rural health transition for my small-town hospitals just to prove that I am pro-life. I cannot vote against funding for 169 senior citizen meal sites in western Wisconsin just to prove that I am pro-life. I cannot vote against $2 billion in funding for cancer research, the No. 1 cause of death in western Wisconsin, just to prove that I am pro-life. I cannot vote against a $140 million increase in vocational education, and I cannot vote against the funding for educational reform for some 40 schools in my district just to prove that I am pro-life.

Mr. Speaker, I am well aware of the political price that I will pay for this vote in the pro-life constituency, but if the choice is between my district's needs and my political future, I cast my vote today for my district's needs and in support of this conference report.

Mr. WEBER. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I rise today in strong opposition to the conference report. I reject the notion that we should decide the fate of the title X Program on any appropriations bill. Since the Supreme Court handed down Rust versus Sullivan, the Energy and Commerce Committee has considered and forwarded to the full House H.R. 3090, a bill to overturn the 1988 title X regulations. This was over 3 months ago. I fought H.R. 3090 at committee, and I'm looking forward to fighting it on the floor of this House. It's scurrilous that some don't want to fight a fair fight, though. They want to confuse the issue by tying this to a bill which contains such good programs as breast cancer and diabetes research funding. I urge my colleagues to reject this underhanded attempt to obfuscate the issue.

Mr. Speaker, I have always believed that before an abortion could be performed on an unemancipated minor, parental notification should be required. I attempted to add this to H.R. 3090 at committee, but was defeated by the narrowest of margins. I was hoping to bring this to the floor of the House as well, in the hopes that the full House would show more common sense. But this conference report has no such safeguards for the girl. This bill's language is tantamount to saying "the Federal Government knows better what is good for your daughter than you do. You do not count in this very private decision of your 13-year-old daughter. Your daughter does not need the benefit of your love and care. Our federally funded medical technocrats have a much better idea about what is best for your daughter." This notion must be rejected.

Parental involvement works. The American Journal of Public Health details the effect the Minnesota parental notification law had on abortion and birth rates. The study concluded that for teens affected by the law, "the abortion rate falls dramatically after the enactment of the law" and, "birth rates decreased in all age categories following enactment of the law * * * however, the decline was most pronounced in 15- to 17- and 18- to 19-year-old women." Prof. James Rogers who led the study concluded that "it appears that parental notification has encouraged responsible sexual behavior among teenagers in Minnesota."

Furthermore, Mr. Speaker, this is not a free speech issue as some would have you believe. Now I'm directly quoting the court in Rust versus Sullivan:

> The Secretary's regulations do not force the title X grantee to give up abortion-related speech; they merely require that the grantee keep such activities separate and distinct from title X activities."

Furthermore, how can anyone possibly claim that forcing a pro-life physician to counsel for, refer for, make the appointment for, and provide the transportation to an abortion is free speech?

Mr. Speaker, over and over again you've heard, and will continue to hear that the Federal Government shouldn't be involved in this private decision of females. How true. By upholding the 1988 regulations we are ensuring that the Federal Government remains out of the decision entirely. You can't possibly believe the Federal Government will be out of this process when it's

paying for the decisionmaking process. Vote to keep the Government out of the abortion business. Vote against the conference report.

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

Mr. VOLKMER. Mr. Speaker, I rise in opposition to the conference report because of the repeal of the title X regulations.

It is time to tell the truth about the title X regulations. The best way of getting to the truth is to read them. Here's what the regulations have to say about providing health options:

Because title X funds are intended only for family planning, once a client served by a title X project is diagnosed as pregnant, she must be referred for appropriate prenatal and/or social services by furnishing a list of available providers that promote the welfare of mother and unborn child. She must also be provided with information necessary to protect the health of mother and unborn child until such time as the referral appointment is kept. In cases in which emergency care is required, however, the title X project shall be required only to refer the client immediately to an appropriate provider of emergency medical services.

Mr. Speaker, to the contrary much rhetoric surrounding this issue, the regulations clearly require that a client's health care needs be met. It also makes clear that doctors are to provide emergency health advice and referral to pregnant women even if it results in abortion.

The regulations which will be in effect under the provisions of the bill would require counselors to counsel for abortions even if it is against their conscience. Abortion is not family planning.

I invite my colleagues to actually read these regulations before the vote which will determine their fate. A reading of them is their own best defense.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, I rise in strong support of the conference report, and my major reason for doing so is my deep objection to the gag rule which this addresses.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. EARLY].

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Mr. EARLY. Mr. Speaker, I rise in strong support of the conference report on H.R. 2707, the fiscal 1992 appropriations bill for the Departments of Labor, Health and Human Services, and Education.

I want to complement the distinguished gentleman from Kentucky, the chairman of our subcommittee, who did such a fine job under very difficult circumstances.

I also want to acknowledge the fine work of the gentleman from Michigan. This was his first full year as ranking minority member. It has not been an easy year for our subcommittee, and without his leadership and hard work we would not have a bill that addresses some of the many critical problems that face our Nation.

The conference agreement provides $1.5 billion for the Low-Income Energy Assistance Program—$575 million more than the budget request, but $600 million less than we provided in fiscal year 1985.

It provides $825 million for the child care block grant. The increase will provide an additional 40,000 slots for working families.

In the area of health: The agreement provides an $80 million increase for childhood immunization programs. It includes $650 million for the maternal and child health block grant, $96 million more than requested. The $733 million increase for the NIH will support increased research on cancer, Alzheimer's, vaccine development, heart, and other diseases.

It includes a substantial increase for women's health research, including funds for the women's health study; for research on endometriosis, uterine fibroids, and the effects and cancer risks of DES; and funds to establish an Intramural and Clinical Laboratory Gynecology Research Program at the NIH Campus and Clinical Center.

It provides a $275 million increase for the NCI to fund urgently needed research in areas such as breast, ovarian, cervical, and prostate cancer.

Yet, we will be funding at less than a 30 percent success rate for investigator initiated research grants, and many approved and promising clinical trials will still go unfunded.

It provides increased resources for community health centers, the only access to health care that many Americans have, and for health prevention programs.

There is $3.1 billion provided for the Alcohol, Drug Abuse and Mental Health Administration, including increases for the State Block Grant Program and for prevention.

In the area of education: The conference agreement provides a total of $6.7 billion for compensatory education programs, including $6.1 billion, or $577 million more than fiscal year 1991, for chapter I grants to local school systems; there is a $239 million increase for special education programs; $2.1 billion is provided for rehabilitation services; almost $6.9 billion is provided for campus-based student aid programs, and $2.7 billion for new guaranteed student loans.

Mr. Speaker, is there enough money in this bill for the health, education, and labor programs so important to the American people? No. Would the conferees liked to have provided greater resources for the broad spectrum of needs addressed by this bill? Yes, if we could have. But, it is an equitable bill, and the subcommittee has produced the best bill possible given the fiscal limitations it faced.

Mr. Speaker, as the distinguished gentleman of Kentucky has so often said: This is the people's bill. It provides funds for the health of our citizens, the education of our children, the training and retraining of our work force, and assistance and support for those in need.

Mr. Speaker, the American people deserve the support of this House, and I urge the adoption of the conference agreement.

Mr. PURSELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding time to me. I rise in support of this portion of the bill which has tremendous elements to benefit the National Institutes of Health.

Mr. Speaker, I rise today in support of the conference report on Labor, Health, Human Services, Education, and related agencies appropriations bill, which contains vital funding for the National Institutes of Health [NIH] to continue its program of biomedical research conducted by bench scientists throughout our Nation. The bill contains $9 billion in 1992 funding for the NIH. I urge my colleagues to invest in America and reduce the investment deficit.

I want to commend Chairman BILL NATCHER and ranking member CARL PURSELL for their excellent work in bringing this conference report to the floor. Mr. PURSELL has just completed his first year in shepherding this appropriation and he has in all respects been a "good shepherd" and has stepped into to fill the void left by former Member Silvio Conte's untimely death. We all appreciate his effort to take on this role. Last year, I remember the comments of Chairman NATCHER, when he brought this bill to the floor and defended it from attempts to cut the funding, by stating don't cut this bill because it represents all that is really America and valued by the people: Nutrition programs for children and expectant mothers, Head Start for preschool children, job training programs and school loans so that our youth have a future, funding for school facilities and health care, including the program that I have learned so much about over the last year, the National Institutes of Health. For all these reasons, Chairman NATCHER asked his colleagues to support the bill and once again I will do the same, but with a special focus on the NIH as the reason to support the bill.

Since last year, I have cochaired the Biomedical Research Caucus along with Represtatives BILL RICHARDSON, SONNY CALLAHAN, and ROY ROWLAND. We have conducted seven briefings on biomedical research including: Why is there no AIDS vaccine?, The cloning of the cystic fibrosis gene, research on women's health, heart disease and new treatments for cancer using gene therapy. We were honored to have Chairman NATCHER in attendance and Dr. Bernadine Healy, the first woman Director of the NIH, along with too

many distinguished researchers to mention by name. I have never before met so many winners of the Nobel Prize and the most outstanding minds, that I truly stand in awe of our accomplishments in biomedical research. The United States is No. 1 in this area and in fact this was the topic of our first caucus briefing, to explore the reasons why and to maintain our economic and competitive edge. As I listened and learned, a whole new world unfolded before me that holds the potential of discovering the keys to aging and within the decoding of the behavior of cells, the cure for cancer. I truly mean a new world opened up to me and its potential: The molecular world. The scientists I met are the new "Discoverers-Christopher Columbus" in this molecular sea of our cells. I was told that what we know now about genes and their role in disease and the ability to alter them was not known 10 to 15 years ago and that in 5 years time our knowledge will take another vast leap forward. None of this would be possible without the funding scientists receive from the NIH.

I was greatly impressed that the four Nobel Prize winners that I met Drs. Varmus, Bishop, Nathans, and Brown all stated that they were introduced to biomedical research by the research efforts of the NIH. They are funded by the NIH to carry out their research. Unlike the social programs in the bill, the NIH actually creates industry and jobs. We taxpayers not only get treatment for disease but a favorable return on our financial investment. One caucus briefing was on the emerging biotechnology industry, an offshoot of NIH funded research on DNA replication. The positive results from NIH funding are such that I think we should double our investment in the area. I am gathering data now on the financial returns, and I'll put it in the RECORD when I get them.

There is only one possible cloud on the NIH funding for 1992, if it is not planned appropriately. Over $432 million of NIH funding for 1992 is not to be obligated until September 30, 1992. This will enable CBO to score the funds for 1993 and keep the bill within the budget agreement limits for outlays. Obviously, this may create a pinch in 1993, if the limits are not adjusted, but I'm not addressing this now. I am concerned that research grants not be unduly delayed by NIH in 1992. There was a rumor that the $442 million in delayed obligation would be placed totally on the extramural grant program by NIH, thereby delaying grant awards for many months. I urge Dr. Healy and the NIH administration to spread out the impact of delayed obligations so that one program is not severely impacted, particularly one that has brought us so much glory. I am certain that this result may be accomplished with adequate planning by NIH

I commend again the work of the subcommittee and urge my colleagues to vote in favor of the bill. Your vote today in favor of the bill is a vote in favor of America: Invest in America, invest in biomedical research and reduce the investment deficit.

Mr. PURSELL. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, this is a very serious vote for all of us. It is an especially serious vote for the 95 Republicans who voted for this bill when it passed the House the first time.

I would say to my colleagues who want to vote against this bill because they believe their pro-life principles require it, I would say that the Secretary's memorandum demonstrates that we must all vote for this bill to delay the implementation of the gag rule for 1 year. This is why: That memorandum is more destructive than anything that has preceded it. Listen to what it says, listen carefully: "If a woman is found to be pregnant and to have a medical problem, she should be referred to complete medical care."

Mr. Speaker, if a woman is pregnant, should she not be referred to complete medical care? Does she have to have another medical problem as well? Do we have any instances or can we cite a single situation in which a male in America who needs medical attention is not allowed to be referred for medical attention until he has another illness?

Listen to what this says, and this is the Secretary's own language: "If a woman is found to be pregnant and to have a medical problem;" I urge my colleagues to support the bill and defer the implementation of the gag amendment.

I echo the comments and pleas of the other Members who have pointed to all of the important programs this legislation funds and to their great impact on people's lives and opportunities. I would remind the Members that the budget gimmickry affects only 2 percent of a $205 billion budget. Do we ever do anything better than 98 percent? Members that voted for this bill on its first time through this body voted for such gimmickry and are only faced at this time with a bit more mischief for next year's budget than originally.

I urge support of the Labor and Health and Human Services conference agreement.

Mr. WEBER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I regretfully rise today in opposition to this conference report. As many of my colleagues know, I am the first Congresswoman to be diagnosed with breast cancer while in office. I understand what has been said by advocates of breast cancer research and have fought hard for programs that will work toward finding a cure for this deadly disease. This conference report calls for funding for several worthwhile and essential programs. Among these funds are a recommendation for $50 million for breast and cervical cancer control programs, $135 million for the preventive health services block grant, and funding for the National Cancer Institute. Language in the conference report urges the Institute to increase attention to breast, ovarian, cervical, and prostate cancer.

Mr. Speaker, there is absolutely no reason to believe that funding for cancer, diabetes, education, impact aid, or any other program will be affected by a promised Presidential veto of the legislation in its current form. These programs enjoy overwhelming support and will certainly be protected in the final version of the Labor-HHS-Education bill.

I find it disturbing that despite the fact that for months, the Senate and the House have had other vehicles available to challenge the title X regulations, the Labor-HHS-Education conference report has been chosen instead and has caused these vital programs to be entangled in a heated and unnecessary debate. This has been done in hopes that those who support the many important programs contained in the conference report will vote in favor of the bill in spite of our views against the abortion provisions therein.

It is important to note that if the conference report is adopted in its current form, title X grantees will be required to refer for abortion as a method of family planning in order to receive Federal funds. Federally funded clinic personnel—most of whom are not doctors—will receive congressional sanction to schedule the time for an abortion, arrange transportation to the abortion clinic, seek private funding for the abortion, and followup to make sure the abortion was obtained. I believe that this active involvement in obtaining an abortion by federally funded clinic personnel is entirely inappropriate.

Voting against this conference report to retain current title X regulations will not reduce funds for family planning programs by one penny. The money taken from organizations which will not comply with the regulations will be redirected to family planning organizations which do not promote abortion as a method of birth control within the context of the title X program.

Once the President's veto of this legislation is sustained, I am confident that the proabortion provision currently in this legislation will be stripped out of the bill. A cleaned up bill will enjoy our strong support and will certainly be signed into law by the President.

Mr. Speaker, I urge my colleagues to vote no on this conference report so that we can speedily sustain a Presidential veto and bring this bill back to the floor in order to provide the funding for these programs that is so desperately needed.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. Mr. Speaker, I rise in support of the legislation before us, because I believe it is a bill that definitely meets the needs of the people of this Nation.

It does, in fact, increase funds for health and education, for medical research, for Alzheimer's disease, for cancer, and for AIDS. It also increases funds for community health programs throughout the Nation that meet the health needs of communities all over the United States.

While I believe that this is an excellent bill, I must at this time reiterate my disappointment that no funding was made available for the State legalization impact aid grants, known as SLIAG's, and this is for the year 1992. Funding, instead, was deferred to 1993. Not only are SLIAG health care services in great demand, but the educational program made available to aliens through SLIAG are a prerequisite to obtaining citizenship.

I am deeply concerned Congress has not upheld its promise to assist these immigrants in their quest for citizenship.

I still urge support of the legislation.

Mr. Speaker, I rise in support of H.R. 2707, the Labor, Health and Human Services, Education and Related Agencies appropriations bill for fiscal year 1992.

I am pleased that this appropriations bill provides many significant increases within the Department of Labor, especially additional funds for the Job Corps Program. The expansion of existing centers and implementation of new programs will allow additional young persons to receive training and a new opportunity. Also within the Department of Labor, the migrant and seasonal farmworkers programs received an increase of more than $7 million to augment existing services for these workers. The number of farmworkers who are potentially eligible for, and who need these services, has grown significantly in recent years. This funding increase is a step forward in meeting this additional demand. I also commend the conferees for providing an increase for the Community Service Employment Program for Older Americans.

Within the Health Resources and Services Administration, the conferees expressed their interest in prioritizing services to minority communities in several key areas. The community health centers along with migrant community health centers received a substantial increase to be used, in part, for the healthy start initiative.

The Hispanic and Native American Centers of Excellence both received increases in appropriations and report language specifying that additional centers be established to better serve these communities. These minority centers of excellence seek to improve recruitment and retention of minority students in the medical and health professions. The centers will focus on removing cultural, education, and other barriers that historically have discouraged Hispanic and minority students from pursuing the health professions and have impeded Hispanic communities from receiving quality health care.

Moneys were also provided within the centers for disease control for a tuberculosis demonstration project that will target underserved minority and inner-city communities in an effort to immunize all children for TB.

I am pleased that the Labor, Health and Human Services, Education appropriations bill continues to strengthen the Ryan White AIDS care programs by adding $55.7 million to the three titles. The increased funding in title I will allow additional urban centers to receive emergency assistance to combat this deadly epidemic. The conferees also provided increased funding for the reimbursement to dental schools for services provided to HIV/AIDS infected patients. These funds also provide an increase for the special projects of national significance to support the priority areas designated by HRSA, especially mental health, rural and native American priorities.

I remain dedicated to a Federal commitment that ensures continued research and services in the area of Alzheimer's disease and I am pleased that the Alzheimer's care grants now received funding for needed demonstration projects, training, and research. Grants such as this demonstrate our understanding of the growing problem and our commitment to finding its solution.

Included in this appropriations bill is a significant increase for the National Institute on Aging. These moneys will be dedicated not only for Alzheimer's research, but also to other high priority areas such as osteoporosis, incontinence, minority aging initiatives, the Claude D. Pepper centers, and frailty research.

As a member of the conference, I take particular pride in the increases for research on illness that affect women. Within the National Institutes on Health, the National Cancer Institute was substantially increased, and the agency was directed to spend this increase on breast, ovarian and prostate cancer. The NCI will be working in conjunction with other institutes to expand research initiatives in the field of women's health.

I commend the conferees for sustaining adequate funding for a variety of aging programs under the Older Americans Act such as nutrition, elder abuse, transportation services, social services, and ombudsmen activities. I am pleased to report an increase of $3 million for the elder abuse and ombudsmen programs, and will continue to advocate for the authorized funding level for the other facets of the Older Americans Act.

The Labor, Health and Human Services, Education, and related services appropriations conference committee has demonstrated its commitment to the education of our nation by providing significant increases in many education programs. The appropriations for chapter I and impact aid increased substantially, allowing for further assistance to disadvantaged children and school districts. Bilingual education also received an increase of over $27 million, $12 million of which will be used to fund competitive grants for communities with large numbers of new immigrants. Domestic activities within international education programs and urban community service grants as well as the Star School Program are three other areas which received the renewed focus of the conferees and increases in funding.

Lastly, I feel that I must reiterate my disappointment that no funding was made available for the State legalization impact aid grants [SLIAG] for fiscal year 1992 and funding was deferred to fiscal year 1993. Not only are SLIAG health care services in great demand, but the educational programs made available to legalized aliens through SLIAG are a prerequisite to obtaining citizenship. I am deeply concerned that Congress has not upheld its promise to assist these immigrants in their quest for citizenship. Mr. Speaker, both Congressman NATCHER and Senator HARKIN are honorable men; men who keep their word, and follow through on their obligations. Both chairman have given their word that SLIAG will receive funding in fiscal year 1993. I continue to have faith that next year, when we bring this appropriations bill to conference again, the conferees will remember their pledge to provide funds for the SLAIG program in fiscal year 1993. However, I must state that if SLIAG funding is not intact for fiscal year 1993, I as well as my fellow members of the California delegation, will have great difficulty voting for the passage of next year's appropriations bill.

For the legislation before us, I urge my colleagues to support this conference agreement.

Mr. PURSELL. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Indiana [Mr. MYERS], who has followed this committee for the last couple of years.

□ 1440

Mr. MYERS of Indiana. Mr. Speaker, I share the concern many people have expressed today with the provisions of the so-called gag rule.

I rise today to compliment and to thank the chairman, the ranking member and other members of this subcommittee, for what they have done, particularly for cancer.

Fifty years ago the primary treatment for cancer was surgery, but because we have made an investment in research in the past 50 years, we have come a long way. Many people are alive today because of that research. My wife happens to be one of those people, so I speak with some experience.

Mr. Speaker, this committee has come a long way. It has done a good job on this particular bill. Cancer is rapidly becoming the No. 1 killer in this country from disease-caused deaths. So this committee this time is going to keep some people alive. It is going to continue the research. I am told by the NCI, Dr. Sam Broder, that we are going to continue research into better treatment to keep people alive who might not otherwise have survived, but particularly research for examining therapy, which holds a lot of promise that maybe we can find out the causes of cancer so that we can prevent cancer. Now we are just trying to treat it, but maybe we can prevent it sometime in the future.

So, Mr. Speaker, this bill does contain a lot of good. I am sorry that the so-called gag rule was still provided. I wish we had not done that, but we cannot wait for research and the other good things this bill contains.

Mr. WEBER. Mr. Speaker, I yield such time as he may consume to the

gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I rise in opposition to the conference report.

As the senior Republican on the Subcommittee on Health and the Environment, I have been intimately involved in the efforts to preserve the controversial family planning regulations from congressional attempts to introduce abortion counseling and referral into that Federal program. In that capacity, I have followed this debate in the media and have been disappointed by the widespread misrepresentations that have found their way into print and onto the airwaves. I would like to correct some of the most oft stated and repeated myths about the title X family planning program.

EFFECT ON LOW-INCOME WOMEN

Opponents of the title X regulations argue that they deny constitutional protection to low-income women. This is simply untrue. Low-income women can obtain abortion counseling and referrals from any physician or hospital that accepts Medicaid patients. The Hyde amendment, of course, prohibits the Medicaid program from funding abortions, but contains no restrictions with respect to counseling and referrals. In addition, pregnant women whose incomes are too high to qualify for Medicaid benefits can obtain these services through their private insurance plans.

The only group of women who may feel shut out by the title X regulations are minors from middle and upper income families whose parents have private health insurance, but who want to obtain an abortion without their parents' knowledge. Unlike pregnant minors who actually come from impoverished backgrounds, these women are not eligible for Medicaid. Unless they seek counseling covered through their family's health insurance, they may have nowhere to turn but to the local title X clinic, which must treat even a minor from a millionaire's family as poor for the purposes of program eligibility.

FREE SPEECH AND THE DOCTOR-PATIENT RELATIONSHIP

Opponents of the title X regulations have also made the point that the regulations torpedoes the right of free speech within the doctor-patient relationship. Again, I must take issue with this assertion. If the title X program were a comprehensive health program for women, rather than a program limited to the provision of prepregnancy family planning services, this point might be a legitimate one. But, the title X program is not, and never has been, a substitute for Medicaid or comprehensive health care provided through the private sector. In fact, according to Assistant Secretary for Health James Mason, M.D., fewer than 20 percent of all title X patients are actually counseled or examined by a licensed physician.

Chief Justice Rehnquist addressed the question of the doctor-patient relationship in the Rust versus Sullivan decision, which upheld the constitutionality of those regulations, and concluded:

Nothing in the title X regulations requires a doctor to represent as his own any opinion that he does not in fact hold. Nor is the doctor-patient relationship established by the title X program sufficiently all-encompassing so as to justify an expectation on the part of the patient of comprehensive medical care.

Simply put, the title X program is so narrow in scope—the provision of prepregnancy family planning services—that it precludes any credible discussion of the "doctor-patient" relationship.

PROTECTING THE LIFE OF THE MOTHER

Remarkably, the opponents of the regulations raise an issue which both the title X regulations and the Supreme Court have laid to rest—the question whether the prohibition on abortion counseling and referrals ties the hands of a physician who wants to refer a pregnant woman for a medically necessary abortion.

Section 1008 of the title X statute prohibits the use of title X funds in any program "where abortion is a method of family planning." As Chief Justice Rehnquist held in Rust:

Abortion counseling as a 'method of family planning' is prohibited, and it does not seem that a medically necessitated abortion in such circumstances would be the equivalent of its use as a 'method of family planning.' Neither Section 1008 nor the specific regulations would apply. Moreover, the regulations themselves contemplate that a Title X project would be permitted to engage in otherwise prohibited abortion-related activity in such circumstances.

Specifically, section 59.8(a)(2) of the regulations includes an exemption for emergency care and requires title X projects to "refer the client immediately to an appropriate provider of emergency medical services." I support this requirement; indeed, to the best of my knowledge, no one opposes it.

Why, then, do the organizations opposed to these regulations argue that the regulations pose a threat to women who face life—threatening complications from a pregnancy?

MEDICAL MALPRACTICE

Finally, those opposed to the regulations argue that the title X regulations will force physicians to commit medical malpractice. Again, I find this assertion to be without merit.

As already stated, the title X regulations require physicians to refer the woman for emergency care where the pregnancy threatens the woman's health. By definition, then, the prohibition on abortion counseling and referral applies only where the woman would choose abortion for reasons other than the protection of her health. This being the case, under what circumstances would issues relating to medical malpractice arise?

CONCLUSION

The fundamental question arising out of the Rust decision is whether the American taxpayer should subsidize the promotion of abortion as a method of family planning. Like the vast majority of Americans, I do not believe that abortion should be used as a backup method of birth control. To me, abortion is morally acceptable only where the life of the mother is at risk.

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding time to me, and I commend him for a wonderful job done in very difficult circumstances. I rise in support of the conference report.

Mr. Speaker, I rise today to announce my support for H.R. 2707. This bill provides much-needed support for Americans everywhere. The bill appropriates over $205 billion for programs such as the National Institutes of Health, OSHA, special education, low-income energy assistance, SLIAG, bilingual and immigrant education, and the Centers for Disease Control.

The Labor-HHS report will provide over $297 million for the Childhood Immunization Program. This is more than $80 million above last year's allotment. This funding should help us reach children all over the country who have not been immunized for measles, mumps, whooping cough, and rubella.

This bill, Mr. Speaker, is perhaps the most significant and supportive bill that will come across the President's desk this year.

And he may not sign it. He is caught up in the political hype over the gag rule. The gag rule, is a slanted, awful attempt to silence federally funded family planning clinics. Family planning clinics will not be allowed to provide honest, sound medical advice to their clients as they have since the title X program began in 1970. Under the gag, medical doctors will be forced to abandon the standard ethical medical policy of telling patients about all medical options; and instead doctors must tell a pregnant woman that she may have her child and keep it or give it up for adoption. Let's face it: Clinics will no longer take Federal funds and in many areas safe abortions will be impossible to find. We owe it to the poor women of this country to pass this bill, thus providing necessary services to the needy, and overturn the gag of the Reagan administration.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Mr. Speaker, the gag rule is not an issue about whether or not an individual can have an abortion. It is an issue about whether or not people who work in family planning clinics are gagged. It is an issue about whether or not we interpose ourselves between physicians and those people who work in family clinics and the patient.

I can tell you that there are many patients who come to family planning clinics who have diseases that later in pregnancy may be life-threatening to them, and it is very important for the physician to be able to give all the information that he has to that patient so that patient can make an informed decision about what they will do.

In addition to that, Mr. Speaker, it also poses a malpractice liability threat to the physician and those people who work in family planning clinics not to be able to provide all the information that is available to them to that patient.

There have already been cases of wrongful births because physicians have not advised individuals about all of the options they have available when they are pregnant.

Mr. Speaker, I urge adoption of this conference report.

Mr. PURSELL. Mr. Speaker, I yield 1 minute to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today to urge my colleagues to support the conference report on the appropriations bill for the Departments of Labor, Health and Human Services, and Education, which, among other things, would bar the enforcement of the title X gag rule.

It appears that the issue of the gag rule is finally understood: No Federal funding can flow to any health agency which even mentions abortion as one of a woman's legal options concerning her pregnancy except to save the life of the mother. No matter how sick she is, no matter if she is carrying a seriously malformed fetus, no matter what her desperate condition might be. In other words, a woman with diabetes, AIDS, or cancer could not be told of all of her options, regardless of what it could mean to the health of the mother if she were to carry her pregnancy to term.

The memorandum sent to Secretary Sullivan by President Bush does nothing to change that. If anything, this memo indicates that there is a realization in the White House that the gag rule is bad public policy.

This is not an abortion issue. In fact, the overwhelming majority of women who walk into a title X clinic are not seeking an abortion or abortion-related services or counseling. Mr. Speaker, this is a family planning issue.

This issue is worded very carefully in the law right now. It says that no money can flow to organizations that promote abortion as a means of family planning. Well, no organization does that, and no one here supports that.

The gag rule limits the information that a woman in a title X clinic can receive about all of her legal options concerning her pregnancy. If the gag rule goes into effect, the only response that can be given to someone in a title X clinic who asks about the option of abortion is: "Abortion is not an appropriate method of family planning."

Mr. Speaker, this issue is not about abortion. It is about denying a woman information about all of the legal options concerning her pregnancy. The President's memorandum does nothing to change that. I urge my colleagues to join with me to prohibit the implementation of the gag rule.

Mr. Speaker, it is the right thing to do, and the time to do it is now.

Mr. WEBER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker and my colleague, do not be misled. All the good things in this bill, and there are good things in this bill, will be retained after the offensive abortion baggage is excised and the President vetoes it and we sustain his veto. It will go back to him with all the cancer research and all the good things in it, as it has on five previous occasions when similar vetoes were had.

I salute the chairman. There is nobody I admire as much as the gentleman from Kentucky [Mr. NATCHER]. It is painful for me to have to say vote "no" on this issue, but the defense of innocent preborn human life to me is a transcendent issue. It is not a political issue.

This country is divided, very divided on this issue, but abortion is not a legitimate method of family planning, because it involves the intentional destruction of an unborn human life. Family planning is meant to prevent or promote pregnancy, not to promote extermination of a pregnancy.

This issue is about abortion, not about a gag rule. If you read the President's memorandum which was sent to you, you will find that the doctor is not gagged, and I really regret the distinguished gentlewoman from Connecticut who only read a part of this document. It is axiomatic in interpreting a document that you read the whole document. You do not excise or excerpt a part of it. Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician.

See, the hooker here is the President says a physician. The doctor-patient relationship shall be unimpaired.

Oh, but Planned Parenthood wants the receptionist, wants a nurse's aid, wants a counselor to steer these women to abortion mills, to abortion clinics. That is what this is all about.

Now, counselors, whom they refer to as medical personnel, I think we ought to know a little something about counselors.

Now, a preliminary report on the counseling function in affiliates of Planned Parenthood Federation of America, and this is a Planned Parenthood document, so let us see what they say about these counselors who are going to steer pregnant women to abortion mills. They say:

> Data from nearly 500 individual counselor profiles gives a clear picture of a counseling staff which is largely young and inexperienced, much of it working unpaid and probably using PPFA employment for training, experience and preparation for other jobs in the future. Counselors' formal training is relatively modest.

So they want medical advice steering abortions from these counselors.

The President has said and Secretary Sullivan has agreed that the doctor-patient relationship is ungagged. A doctor can give comprehensive medical advice to anybody who is pregnant who comes in to a family planning clinic. That is not enough for Planned Parenthood. They would want the nurses' aids, the counselors, to do the steering, to make the abortion appointment, to provide the transportation to the abortion clinic, and they want people who are not medical doctors to give a woman medical advice.

Abortion is not a proper part of family planning. This is a family planning program. This is what we are paying for.

Now, the Porter amendment in this legislation, and that is why I want you to vote "no," will reverse the regulations and turn the program into a funnel for abortion with so-called counselors mandated to do the steering.

The doctor-patient issue, the gag has been ungagged, if it ever was there, and it is off the table.

Now, do not tell me there is not notice of abortion clinics. Go to the yellow pages in your offices. They leap up at you. They are prolific. The yellow pages from Maryland, from Virginia, from the District of Columbia, bristle with abortion clinics, so they are there, but do not claim to be pro-life and vote "yes," because you will be supporting a program that makes the abortion referral, sets up the appointment, provides the transportation and the followup. That is pro-death. That is not pro-life.

I tell you, by voting "no," you are not destroying this bill. You are saving it. It should not have been weighted down with this baggage, this abortion baggage. It does not belong in this bill, and the President will veto it and it will come back to him without this baggage.

Look, abortion is so degrading. It degrades the unborn. It deprives him or her of its humanity, of its dignity. It deprives the mother of her dignity. It deprives the doctor, the abortionist, of any dignity and it degrades the society that tolerates abortion.

So I suggest, Mr. Speaker, a "no" vote is the pro-life vote and you can have both, the good programs and save unborn children.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. SMITH].

□ 1450

Mr. WEBER. Mr. Speaker, I yield the remainder of our time to the distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

The SPEAKER pro tempore (Mr. McDERMOTT). The gentleman from Illinois [Mr. MICHEL] is recognized for 3½ minutes.

Mr. MICHEL. Mr. Speaker and my colleagues, the controversial part of the Labor/HHS bill this year has not been money but title X, or so we are led to believe. I am reminded of the day when I was sitting in the chair of the gentleman from Michigan [Mr. PURSELL] and arguing and arguing and arguing over money, money, money. And the next day billions of dollars—the next day, in the press, having the deliberations covered, not one line about money, only about maybe the abortion issue.

Now, again you never read much in the press today on this bill about delayed obligations. It is one of those esoteric budget terms we love so much and which have no meaning, quite frankly, beyond the beltway. What it

means is appropriating funds in one year but delaying the actual expenditures until the next year, and, quite frankly, it is an out and out gimmick, let us face it. This conference report is full of delayed obligations, over $4 billion, to be exact.

Take the low-income energy assistance program as an example of this gamesmanship. The conferees would like you to believe that they are making $1.8 billion available for this program in fiscal 1992, an increase of $200 million over last year. Sounds nice, does it not? Oh, it is beautiful.

In reality, $400 million of that total is not available for expenditure this year because it has been shifted into next year.

Another $300 million is contingent upon the President declaring an emergency, thus exempting the expenditure from the budget cap.

But we all know the President is not going to do that. The result, therefore, is not an increase of $200 million but actually a reduction of $500 million in the amount of assistance people will receive this year. Only in the Congress can you add $200 million to $1.6 billion and come up with less than you started with.

What we have here is a legislative shell game, now you see it, now you don't, presto, gusto, sleight of hand. We ought not to be surprised. The chief negotiator from the other body was obviously wearing two hats. His Presidential campaign manager, from all reports, was in the conference calling the shots. Is that the majority version of truth-in-governing? If it is, all I can say is Katy bar the door and hold on to your pocketbooks, your wallets and your silverware.

I am proud to say that our House Republican conferees stood up against these shenanigans at the appropriate time. I only wish we had more support in that conference.

If we are ever to gain control over our budgetary excesses and restore respect to this Congress, this conference report today ought to be voted down initially and then go on to doing the business in a right and appropriate and proper way.

Mr. PURSELL. Mr. Speaker, will the gentlemen yield?

Mr. MICHEL. I yield to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. I thank the gentleman for yielding.

Mr. Speaker, I want to be as honest about this and remind the Members that this practice was initiated by OMB. And I have discussed that with OMB. So the fault does not lie entirely with Members on either side of the aisle but it really started, Mr. Leader, with OMB. I agree 100 percent that this gimmick ought to be corrected because it is seriously going to jeopardize our outlay numbers next year.

Mr. MICHEL. I thank the gentleman. The gentleman full well knows, having served with my colleagues on both sides of the aisle for some 24 years on that committee—no disrespect to any one of our Members here—just that we have always had our differences and arguments, particularly on this bill where there are so many billions and billions of dollars involved, that we have had the right to say what we really felt was appropriate on that occasion. That is what this Member felt he ought to say today.

Mr. NATCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I rise in strong support of the conference report and commend the chairman for his outstanding work and the work of his subcommittee.

This bill contains funding for our Nation's most critical domestic programs—labor, health, and education. The programs in this bill touch the lives of every American.

As a member of the Education and Labor Committee, I would like to express my particular appreciation to Chairman NATCHER for the enormous effort he has made again this year to increase funding for our Nation's education programs. The conference report is once again a tribute to his foresight and determination to see that America's schools become the best in the world.

This bill will also have a profound effect on the 5 million American women who rely on federally funded title X clinics for family planning services. The bill overturns the administration's gag rule regulations which prevent women from getting information about all of their medical options when facing an unintended pregnancy.

The facts are plain and simple. The gag rule puts the quality of health care in jeopardy and infringes on our fundamental rights to free speech and to choose safe, legal abortion.

Make no mistake about it: Over 20 medical organizations, including the American Medical Association, agree that the gag rule prohibits doctors from exercising their first amendment rights to give patients full information about their health care. Even if a woman asks about abortion, even if she has a medical condition such as diabetes, AIDS or heart disease that would be aggravated by a pregnancy, she could not be told that abortion is a legal option. It would not even be legal to tell her where to go to get abortion information. Don't let the extremists fool you. This regulation goes against the very grain of medical ethics and effectively requires doctors to violate the principles of their Hippocratic oath.

Moreover, title X clinics are the sole source of health care for many low-income women. Women rely on these clinics, not only for family planning but for cancer and sexually transmitted disease screening, prenatal, and general medical care. Many of these clinics have indicated that they will reduce services or shut down completely rather than censor information given to their clients. Such a result will be devastating and can only lead to more Americans having reduced access to health care.

All across the Nation, American citizens are making clear that they are tired of worrying if they can afford to go to the doctor. Americans have had enough of the fear of catastrophic medical costs. The triumph of title X clinics is that they provide preventive care that reduces unintended pregnancies, that catches cancer early, and that ensures healthy babies. In fact, studies have shown that every dollar spent on family planning saves over $4 in medical costs down the road. Certainly this Congress should not be in the business of eliminating this essential health care service.

This bill is also important to American women and their families because it contains important funding for women's health research. The conference report calls on the National Cancer Institute to make breast, ovarian, and cervical cancer a research priority. These diseases, which affect thousands of American women and their families, have received totally insufficient attention in the past, and this bill is designed to rectify that.

You have all heard the statistics, but have you listened to a constituent who is or knows a cancer survivor? One of my constituents is the daughter of a breast cancer survivor. Her moving words say what the statistics cannot. She writes,

> My mother taught me years ago right from wrong; how to protect our resources; war hurts both sides; you've got to help the little guy. I've watched her learn to cross country ski, perform clowning for children, climb among the Navajo ruins, all in the last 5 years. If it hadn't been for the early detection of breast cancer, my mom wouldn't have done any of those things. Thanks to early detection, she's been around to inspire my whole family. She urged me to write to ask for more research dollars for low-cost early detection screening. Mom says, "It's horrible, they've made practically no advances in the research in the last 20 years." Let me tell you my mom's rarely wrong. Are moms ever wrong? Please devote energy, time and your influence for this cause.

Today is the day for us to use our influence for this life-saving cause. For my consituent's mother, and for all of our mothers, daughters, sisters, aunts, spouses, and friends, vote for this bill. It is a vote to help American families remain whole and to avoid incredible pain and tragedy.

Another key provision of this conference report will provide $478 million in vital funding for our Nation's community health centers and transfer an additional $49 million from other programs to supplement our support for their important work. These centers provide much-needed health services to communities where these services would not otherwise be available, and they respond to particularly vulnerable populations in our society. It is absolutely critical that the Congress continue to provide them with the support they need.

I also want to congratulate the chairman and all of the conferees for their leadership in including provisions to nearly triple funding for community lead screening and lead poisoning prevention activities. As many of my colleagues know, the Centers for Disease Control earlier this year concluded that even trace amounts of lead in the bloodstream can cause serious and irreversible brain damage in children. Accordingly, the CDC has substantially lowered the standard for allowable blood levels of lead in children.

In many communities where the risk of lead poisoning is considered high, including West-

chester County, the new CDC guidelines will necessitate screening large numbers of children, a job beyond the means of many local health departments. The conferees have agreed to fund Federal grants for lead screening in fiscal year 1992 at $23 million, up from last year's level of $7.79 million. This funding is sorely needed. During the last fiscal year, for example, Westchester County submitted a successful application for lead screening assistance only to find that all the funds in the program had been exhausted before their application was reached in the priority rankings.

By nearly tripling the funding for lead screening grants, the conferees have made an important contribution in the fight against the No. 1 environmental health threat facing American children. The additional funding will help ensure that adequate resources are available to support worthy lead screening and lead poisoning prevention programs such as the one being administered by Westchester County.

Finally, I would also like to commend Chairman NATCHER for his enormous foresight in supporting the Community Food and Nutrition Program [CFNP] which will receive $7 million under the conference report. CFNP is a small but extremely effective program that is the only source of Federal funding for local and statewide antihunger efforts. The increase in funding provided in the conference report will help ensure that children around the Nation have access to desperately needed anti-hunger programs. This increase is vital in a year in which the community childhood hunger identification project [CCHIP] conservatively estimates that 5.5 million low-income children are hungry and as many as 11.5 million children are either hungry or at risk of being hungry.

Chairman NATCHER and the other conferees clearly understand the link between nutrition and a child's educational performance. In addition to the obvious health concerns, hungry children are more likely than their peers to suffer from fatigue, irritability, and concentration problems while at school. These interrelated problems of nutrition and learning require a comprehensive approach. Under the conference report, this will be possible, and the CFNP Program will help many more children reach their educational potentials.

Mr. Speaker, this bill contains innumerable improvements in many programs which are essential to the people of our Nation. It is once again a testament to the hard work and commitment of Chairman NATCHER and the entire Labor-HHS-Education Subcommittee. I would urge all of my colleagues to support this worthy conference report.

Mr. NATCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of the conference report and with gratitude for the committee on its strong support in the name of the people of the District of Columbia.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in strong support of the gentleman's bill, the people's bill, and I ask for an "aye" vote.

Mr. FAZIO. Mr. Speaker, I rise in strong support of final passage of H.R. 2707, the Labor, Health and Human Services, Education, and related agencies conference report for fiscal year 1992.

First, I must applaud the subcommittee chairman, Congressman BILL NATCHER, as well as his subcommittee staff, for the commendable job that they have done drafting this legislation. We all know how difficult it is to put this particular bill together. Yet, Chairman NATCHER has managed to fund many vital programs, in spite of this year's tremendous budget constraints.

H.R. 2707 is a pro-family bill with a heavy focus on funding basic benefits and services for American women and children. H.R. 2707 contains a $250 million increase for Head Start, which provides mental and physical development services for low-income children and their families. This increase will enable Head Start to serve an additional 39,000 children this year, still only 27 percent of those eligible. H.R. 2707 also includes the foster care and adoption assistance program, infant mortality initiatives, the Maternal and Child Health Block Grant Program and family support payments to States, including Aid to Families with Dependent Children [AFDC].

Additionally, a vote for H.R. 2707 is a key women's health vote because H.R. 2707 contains a $250 million women's health package. There is increased funding for the National Cancer Institute [NCI], with a heavy emphasis on breast, ovarian and cervical cancer, as well as funding for the National Institutes of Health's Office of Research on Women's Health, including the establishment of a comprehensive gynecological and obstetrical research program at the National Institute of Child Health and Human Development. There is also new funding for the Centers for Disease Control's expansion of several important women's health programs, such as comprehensive mammography and pap smear screening programs for low-income women in eight States and a nationwide screening program for chlamydia in women and their partners.

H.R. 2707 funds the Department of Education to the tune of $27.8 billion. This includes a $577 million increase for chapter 1 grants to school districts for supplemental compensatory education and related services to disadvantaged children. It also funds Even Start's model programs combining early childhood education with adult education for parents and chapter 1, which is for children of migrant workers and neglected and delinquent children.

However, there are those who oppose H.R. 2707. They argue that, because payments for some programs are delayed until fiscal year 1993, the entire bill should be scrapped because it circumvents the budget agreement. But even the Office of Management and Budget [OMB] confirms that this bill is within spending guidelines and does not break the budget agreement. There are some who are willing to reject the whole bill—and all of its vital programs—under the smokescreen of the budget agreement.

What H.R. 2707's opponents are really opposed to is the provision in the original House and Senate bills which overturns the administration's so-called gag rule. These gag rule regulations leverage Federal funding against family planning clinics in order to deny them the freedom to counsel honestly and objectively. This medical censorship by the Federal Government robs women dependent on Federal funding of their right to know and to choose. It prevents doctors from total disclosure of information that a patient has a right to know. Opponents of H.R. 2707 want to deny poor American women their right to firm, informative, nondirective counseling by people trained to advise women about their reproductive rights and alternatives. So, all this rhetoric about budget gimmicks is really a last-minute effort to divert us from the real issue: they are opposed to an override of the administration's oppressive gag rule policy.

I urge my colleagues on both sides of the aisle to consider that a vote against H.R. 2707 is a vote against the women and children of this country. I strongly urge my colleagues to avoid hiding behind the smokescreen of the budget agreement and stand up for what is right. I urge my colleagues to vote for H.R. 2707.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. I thank the gentleman for yielding.

Mr. Speaker, I voted against this bill when it left the House because of the excessiveness of its expenditures. It comes before us again, now, with many additional millions of dollars added; and it is in its present form more than $4 billion more than the President has budgeted.

Mr. Speaker, a tangential issue has been raised, the matter of the repeal of regulations on abortion advice. These regulations being repealed is not the reason for my negative vote. After all, even if repealed, these regulations are not the controlling matter on Federal spending on the issues already fixed by law. In other words, even if the regulations are repealed, the existing law on the use of Federal funds is not being repealed and new regulations can be drawn that would suit both sides of this abortion argument—that is what should be done.

Mr. NATCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. I thank the gentleman for yielding and rise to support the legislation and the chairman and to commend him for the good job that the House is going to do today.

Mr. NATCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the distinguished chairman for yielding time to me, and I rise in strong support of the conference report.

Mr. Speaker, I rise in support of the conference report on H.R. 2707, the fiscal year

1992 Labor-Health and Human Services-Education bill. I commend Chairman NATCHER, ranking member CARL PURSELL, the members of the subcommittee, and the staff for their hard work on this conference report.

I applaud the subcommittee members for maintaining the language in the conference report barring enforcement of the gag rule which prohibits abortion counseling in federally funded clinics. I also strongly support the increased funding for women's health research. Today's vote is not just about reproductive rights but about women's right to full, accurate information on available health care options and an increased commitment to research on women's health concerns.

The gag rule regulations put our first amendment right of free speech at stake. Not only would the gag rule violate the physician-patient relationship by dictating what can and cannot be said, but poor women would be denied the same rights granted to wealthier women solely because they are unable to pay for a private physician or clinic. We must not create a two-tier health care system by allowing these regulations to be implemented.

The women in our country deserve the health care research funding included in this conference agreement. Women's health care issues have long been disregarded and overlooked. I am optimistic that we may now get serious about breast, ovarian, and cervical cancer research and education.

I am also grateful to Chairman NATCHER and the subcommittee for their thoughtful response in the conference report to the many challenges of the AIDS and drug abuse epidemics. This conference agreement provides increases for the National Institutes of Health, which will allow significant advances in AIDS research. Funding for the Alcohol, Drug Abuse and Mental Health Administration will allow for a continuation of the highly successful AIDS prevention research projects and AIDS outreach prevention programs for injection drug users. The increased funding for drug abuse treatment will hopefully allow local governments to reduce waiting lists and expand drug treatment capacity.

The conference report also goes a long way in fulfilling the promise of the Ryan White Care Act approved by Congress last year. Over the past year, the number of AIDS cases in high impact cities has increased by 32 percent. This conference report responds with emergency assistance to better enable these local governments to cope with this growing crisis.

While there is still more to be done to respond to the AIDS and drug abuse epidemics, especially with prevention outreach efforts, this is a good bill which has set responsible priorities within limited resources imposed by our Federal budget crisis.

Again, I commend Chairman NATCHER for his leadership and I urge my colleagues to support the conference report.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget.

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

First, Mr. Speaker, I rise to commend the chairman and his ranking member for a difficult task. These are not easy issues that both of them have had to deal with. But I also rise to express the concern about the level of advanced funding, which is a concern that I share as well. But I think that Members need to ask three questions about the question of advanced funding.

The first is: Does it violate the budget agreement? The fact is this committee has brought to the floor a bill that both with regard to budget authority and outlays is well within the 1992 ceilings, and therefore it does not represent a violation of the Budget Act. Nor does it in any way create a risk for sequester.

Second, the question that has to be asked is: Is there a precedent for advanced funding? There sure is.

As the gentleman pointed out, the OMB has led the charge on advanced funding. The President himself asked for $1.4 billion in this bill with regard to advanced funding.

Mr. Speaker, 5 of the 10 bills we have sent to the President included advanced funding. As a matter of fact, the defense bill which passed the House, the defense appropriation bill, contained $3.3 billion in advanced funding. Mr. Speaker, I did not hear the arguments when that bill came to the floor.

Is this a good practice? In some limited areas, it is a good practice because it provides for continuous funding without disrupting the school year. So there are some points where it makes some sense.

Generally, however, I do share the concern, but here it does not violate the budget agreement. It follows precedents. Very frankly, this bill funds the right priorities for this country.

Mr. PURSELL. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

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

Mr. Speaker, I want to get right to the heart of the matter by urging each Member to reverse the ill-advised and counter-productive gag rule imposed on federally funded health clinics by voting for the conference report. Requiring doctors and clinic personnel to withhold vital family planning services and medical information is unethical and blatantly wrong.

Every woman has the right to receive complete and accurate information on all aspects of reproductive health. How women respond to that information is their personal decision, no one else's. Government has no right to participate in the intensely private discussions between women and their doctors.

This conference report provides a responsible family-planning measure which guarantees that the education and essential health care services of women are met from the start, thus preventing painful decisions regarding unintended pregnancies.

Nationwide enforcement of HHS title X regulations could destroy federally funded family planning clinics. Their loss will only lead to a greater occurrence of unintended pregnancies, not to mention a decrease in affordable, accessible health care for women.

Clearly, these are not the times to be curbing access to medical care. To support such action is to ignore entirely the American peoples' most pressing concern.

In the final analysis, we should all remember, government should serve our needs, not dictate our choices.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. BOXER].

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Mrs. BOXER. Mr. Speaker, let us focus on what this bill is about. It is about America's health, and it is about America's freedom. It is about real problems of real people, real families; Alzheimer's, cancer, AIDS. A woman's health initiative is included in this bill for the first time.

Mr. Speaker, the American people need this bill, and, if my colleagues do not vote for it, they are voting against something the American people need and want.

Now the gentleman from Minnesota [Mr. WEBER] says that there is no problem, there is no gag rule in place. Maybe in his dreams. Because in reality there is a gag rule, and this bill overturns it.

The Justice Department said before the Senate Judiciary Committee, and I am quoting now:

"When the Government gives Federal dollars, the Government can control what is said."

This is Big Brother at its worst. If we can tell a physician what to say, tomorrow will we tell a teacher what to say? And then will we tell a policeman what to say? And pretty soon we are all gagged.

Mr. Speaker, this is an important vote for freedom and for health care.

Mr. PURSELL. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, I rise in strong support of the conference bill.

There are those who might suggest that it may be immoral to pass this bill. But while we wait, someone is going to contract measles, someone is going to die of cancer, someone is not going to get the Head Start moneys that they need. Another person is not going to have the drug and alcohol abuse programs that they need.

Mr. Speaker, this country is on the brink of moral decay, and we must come to its rescue. We must help them.

For those who say that abortion is the only issue, they miss, I think, a very important aspect of this bill. It is going to help many people, and this is not about abortion. This is about keep-

ing Government out of a decision between an individual and a physician.

Mr. Speaker, I would urge my colleague to remember that the person who holds the scale of justice is a woman. She understands justice as well as we men in this Chamber. There are only 29 women in this Chamber. Let us let the women, as well as the men, determine their fate.

I would urge my colleagues to support this bill.

Mr. Speaker, I rise today in strong support of the conference report to accompany H.R. 2707.

This provides funding for many important programs from our schools to women's health care initiatives. However, one of the most important aspects this bill is the provision it does not fund; the so called gag rule.

We know the gag rule prohibits doctors from discussing abortion as an option for an unintended or dangerous pregnancy in title X clinics. But, most important, the gag rule prohibits doctors from telling their patients the complete truth about their health care options. Even in the case when a woman's health is in serious danger because of her pregnancy, a doctor cannot inform her of abortion as a medical option, even if it is to save her own life.

This is not an abortion issue. It is an issue which violates the sanctity of the doctor—patient relationship which has been in place for thousands of years. For the 5 million women served each year in federally funded family planning clinics, this issue undermines their right to effective medical care. And for the many health care workers in these clinics, the gag rule limits them in good medical practice. This censorship of our trained and expert medical professionals dictates our choices in health care. This censorship is wrong.

Mr. Speaker, this bill will not be the end of the debate over the gag rule. However, it does stop the censorship of doctors for a year, a year in which Congress can discuss abortion counselling policies and determine what is best for patients and doctors on this important issue.

Mr. Speaker, I encourage my colleagues to support the conference report and take this first step forward in allowing doctors to tell their patients the truth.

In particular, I commend the House conferees to agreeing to additional funding for Energy Assistance Programs, especially the Low-Income Home Energy Assistance Program [LIHEAP].

By adding $200 million in funding to LIHEAP, bringing its funding level to $1.8 billion, we are allowing many people to survive the cold of the winter than before. Many more people, the elderly, the disabled, low-income families, will be able to heat their homes this winter.

While I am concerned that $400 million of this funds will not be made available until next September, I am pleased that the House conferees sought to agree that at least $1.8 billion is needed for this crucial program.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I rise today in strong support of the conference report on H.R. 2707, a bill to provide appropriations for the Departments of Labor, Health and Human Services, and Education for fiscal year 1992. I wish to commend Chairman NATCHER, Chairman WHITTEN, and the conferees for producing what is overall a very fine conference report. This bill, in terms of the health provisions, represents a long-awaited victory for the women of this Nation. This conference report represents a good beginning in Congress' recognition and reversal of the long-standing neglect of women's health concerns at the National Institutes of Health.

Mr. Speaker, every hour in this Nation, five American women die of breast cancer—yet, as a Nation, we will invest only $90 million to combat this killer, and only $20 million on basic research to find a cure. This year alone, breast cancer will claim the lives of 45,000 American women and over 400 from my hometown, Cleveland, OH. But aside from the human toll, this killer will cost our Nation over $8 billion in direct and indirect costs this year. We are short-sighted if we do not invest now in finding a cure.

Mr. Speaker, on numerous occasions this year I have appealed to the distinguished subcommittee chairman, Mr. NATCHER, and his counterpart in the other body, Senator HARKIN of Iowa, to provide a $50 million increase for fiscal year 1992 to the National Cancer Institute for research on breast cancer. Both gentleman assured me that they would make every effort to accommodate this request, and I am pleased with this final result.

Mr. Speaker, I have also taken my appeal to the women of this Nation and they have spoken. Within the last month, the newly formed breast cancer coalition, which includes many groups, both old and new, brought 500,000 letters to Capitol Hill in support of my request. Both Dr. Broder and Chairman NATCHER have assured me that with the additional funds provided in this conference report, the NCI will spend no less than an additional $42 million, or a 46-percent increase for breast cancer research in fiscal year 1992. The bill will also ensure a 67-percent increase in NCI efforts on ovarian cancer, a 37-percent increase for cervical cancer research, and an essential 100-percent increase on prostate cancer that will affect 122,000 men in this country this year.

Mr. Speaker, I thank the distinguished subcommittee chairmen for their diligent efforts to keep their word. I would also like to thank Senator BROCK ADAMS, who introduced the companion to my bill in the other body, for his extensive efforts to secure these funds. I know that the gentleman from Maryland [Mr. HOYER] also deserves our thanks for his effort to ensure strong report language regarding the NCI priority for breast, cervical, and ovarian cancer.

I thank my Select Committee on Aging Chairman, ED ROYBAL, a conferee on this bill for his long-standing support of my work on breast cancer issues, and also for including significant increases in the bill for elder abuse and for the National Institute on Aging. In addition, I appreciate the committee's full funding of $50 million for the CDC breast and cervical cancer screening initiative authorized last year, $10 million of the new NIH office of women's research, and $25 million in seed money for NIH Director Healy's new comprehensive women's health study.

Mr. Speaker, I consider this conference report a great beginning and a major victory in a long enduring battle against the scourge of breast cancer in our Nation. I appreciate the support of all of my colleagues on the congressional caucus for women's issues. I dedicate this victory to the Eleanor Preds and the Rose Kushners of this Nation who have paved the way for others, but are not here to share in this day. I urge all of my colleagues to support this conference report—you will truly make a positive difference in the lives of millions of Americans.

Mr. PURSELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Speaker, I rise in strong opposition to this conference report.

Mr. Speaker, I strongly urge my colleagues to vote "no" on this conference report. This vote is crucial for two main reasons: It deals with the fact that abortion is very different from family planning. The two should not be confused. Second, this bill undermines the Hyde amendment by allowing federally paid employees to encourage women to have abortions.

It is time to make it clear that abortion is not an acceptable method of birth control. We must allow Federal family planning programs to be involved only in family planning.

Mr. PURSELL. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I rise in strong support of the conference report for the Labor-Health and Human Services-Education appropriations bill. It provides important funding increases for health and education, and it denies the use of funding in the bill to implement the gag rule.

The final bill includes critical funding for women's health research, including a substantial increase for the new Office of Research on Women's Health. It provides first-year funding for the women's health initiative, the historic long-term study on women's health. It also provides increased funding for basic research on breast, ovarian, and cervical cancer. After many years of neglect, this bill finally recognizes and begins to address the gap in research on women's health.

The conference report retains the Porter language denying the use of the

bill's funding to implement the gag rule. Congress must take every action possible to overturn the Supreme Court decision in Rust versus Sullivan. This decision has devastating ramifications for poor women in this country; it will create a class system for women's health by denying poor women full information about their legal reproductive options, while women who can afford private physician care will have complete information and access to these health services.

Thus, this decision will further exacerbate the already insufficient health care available to poor women. They represent the most at-risk population, and yet the gag rule will further erode their ability to obtain health services, even when they are the victims of rape, incest, or life-threatening illnesses.

It will also set a dangerous precedent by denying first amendment rights to health professionals and breaking their obligation to their patients to provide complete information. In fact, this decision is expected to result in the departure of many family planning providers from the title X program, thereby further eroding the health of poor women and increasing the number of unintended pregnancies and abortions.

Family planning providers will have to choose between providing complete information to their clients and losing Federal funding, or providing only Government-approved information in order to receive Federal support. This is not a choice that should have to be made in a free society, a society that prides itself on the right to free speech.

This issue is one that should have the support of every Member of the House, regardless of their view on abortion. It establishes a dangerous system of censorship that could be repeated for any number of Federal programs and it discriminates against poor women. In a health system that already provides inadequate care to low-income people, this decision only widens the gap between the haves and the have nots.

I urge my colleagues to support the conference report. I thank Chairman NATCHER and the members of the subcommittee for their hard work in bringing out a bill that manages to fund critical health and education priorities, despite budgetary constraints.

Mr. NATCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, today we will vote on a $204 billion bill—that will finance three Government departments for the next fiscal year. Under ordinary circumstances, I might come to the well and argue in favor of the fiscal merits of this bill. After all, with this bill we are financing such programs as child support enforcement, foster care, and child care.

But, we all know that these are not ordinary circumstances. We all know that the fiscal realities of this bill are overshadowed. We all know that for most of our colleagues this vote will come down to a vote for or against the gag rule.

The gag rule is a 3-year-old rule prohibiting physicians in federally funded clinics from telling women what is law in these United States of America; that abortion is a legal option. Some 3.7 million women in this country are served by federally funded clinics. And because of their economic status or where they live, most of these women have no other medical option. On top of this, an estimated 600,000 of these women have a history of health problems that could make pregnancy dangerous for them.

Yet under the gag rule, a doctor is barred from telling a woman all her legal medical options, even if her life is in danger. Even if her life is in danger. Can you imagine how difficult this is for a doctor, whose professional responsibility it is to best advise his or her patient.

If we fail to pass this bill, we will be sending a loud and clear message to the women—particularly poor women—across this country. The message will be: We in Congress, the men and women you have voted to best represent you, do not care about your first amendment rights, do not care about your doctor-patient relationships, and frankly, do not care very much about your health or your life. Please, let's not send this message. It is wrong; it is unfair; it is dangerous.

Let us pass this bill with an overwhelming majority. We must send an urgent message to the White House that if the President vetoes this bill, he and his advisers will be playing with more than just politics; they will be intervening in the lives of women across this country and denying them information to which they are legally entitled.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I rise in very strong support of this conference report.

Let me say that there are 353 of us on the floor of this House who voted for this bill. Let me suggest to my colleagues that since we did that nothing has changed in this bill. There is no reason for any one of the 353 people who voted to make sure that children in this country were properly immunized, who voted to make sure that NIH did its appropriate research, that voted to have Head Start and chapter I help lift up and give opportunity to young people in America; there is not one reason to change that vote.

Why?

Two issues have been discussed significantly on this floor, one of which is the so-called gag rule. Eight out of ten Americans on every poll are against the gag rule. Eight out of ten Americans polled say that physicians and medical personnel ought to be able to tell people their legal medical options, and not to do so is not proper. Eight out of ten Americans.

The other issue that has been raised on this floor has been the issue of forward funding. As the gentleman from Michigan [Mr. PURSELL] pointed out, OMB and the President suggested $1.4 billion in forward funding. When 353 Members of this House, on June 26, voted for health, voted for education, voted for workers safety, there was $2.9 billion in forward funding, almost $3 billion. Yes, there is a little more this time because we reached out for additional cancer funds for women's health issues. We reached out for SLIAG to make sure that immigration was taken care of.

Mr. Speaker, 353 Members were correct on June 26, and they will be correct today when they vote yes on the people's bill.

Mr. PURSELL. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I rise in opposition to H.R. 2707. Family planning is not abortion. It is killing human life.

Mr. PURSELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Speaker, I rise for the purpose of bringing the Members up to date on where the NATIONAL MARROW DONOR PROGRAM is today.

Mr. Speaker, included in the 1992 Health and Human Services appropriations conference report under consideration today is $16.3 million in funding to continue the outstanding lifesaving work of the National Marrow Donor Program.

My colleagues should take great pride in the role the Congress has played in establishing and supporting this national and international registry of volunteers who are giving the living gift of life and hope to thousands of men, women, and children who would die from leukemia or one of more than 60 blood disorders now treatable with a marrow transplant.

With funds included in past appropriations bills for the National Institutes of Health and the Navy to fund the operations of the national program and a nationwide donor recruitment campaign, we have more than doubled the size of the registry in the past 12 months and soon will exceed 500,000 volunteers. With the donor rolls increasing at the rate of 20,000 per month, we are experiencing greater success in finding matched donors for patients in need of a transplant. The number of transplants utilizing unrelated donors identified through the registry this year will be double the number completed in 1990. To date, almost 1,000 patients have been a second chance at life with a marrow transplant.

My colleagues also should take great pride in knowing that the National Marrow Donor Program established by this Congress spans the globe and saves lives here and abroad. On 64 occasions, marrow has been harvested from a volunteer in another nation and been transported to the United States for transplant. On another 48 occasions, Americans have donated marrow for patients needing a transplant in Canada and abroad.

The National Marrow Donor Program works, it saves lives, and it gives otherwise terminally

ill patients and their families hope where just a few short years ago there would have been none. The success of this program is measured in the faces of those patients who are alive today because of the generosity of another person willing to donate marrow to a complete stranger.

Just about every day somewhere in our Nation a patient suffering from leukemia or any one of a number of blood cancers is receiving the gift of life in the form of a marrow transplant. It is with great pride that I can report to you that this Saturday, at All Children's Hospital in St. Petersburg, FL, my constituent and friend Grant Hartley will be receiving his gift of life. For Grant, a courageous and very sincere 28-year-old, who I have introduced to many of you, Saturday will be the first day of his new leukemia free life.

When I first met Grant 2 years ago, he had already been searching the registry for more than a year for a matched donor. At the time, there were fewer than 90,000 volunteers in the national registry and the chances of finding a donor were slim. This was especially so for Grant because he is a black American and 3 years ago when he began his search, there were fewer than 1,000 black American volunteers.

Because genetics play such a vital role in matching the marrow of donors and patients, it is more than likely that the donor for a black American patient will be a black American. The same is true for all ethnic groups such as Hispanics, Asians, and native Americans. As Grant's case indicates, we are having greater and greater success today identifying matched donors for minority patients.

This is in large part due to my colleagues on the Appropriations Committee and in this Congress who have supported my requests over the past 2 years for expanded Federal funding for donor recruitment and testing programs, especially targeted to minority communities. With funds appropriated in two supplemental appropriations bills last year, we kicked off a concerted national minority donor recuritment campaign last fall in Pinellas County, FL, which I represent, and throughout our Nation and since that time minority representation in the registry has increased more than three-fold.

There is no secret that the success of the National Marrow Donor Program is people because the more people we educate about the program and recruit as volunteers the better the chance that we have at finding matched donors for every patient in need of a transplant. You need only to meet someone who has had the opportunity donate marrow to know that mere words cannot describe the excitment of being able to save the life of a complete stranger.

David Smith, another constituent and friend of mine from St. Petersburg, FL, is one of the most eloquent spokesmen I have met who can describe the thrill of donating marrow. He has donated not once but twice and is one of the few people anywhere in the world who can say that through his willingness to volunteer he has offered life to two people.

Mr. Speaker, this is a program of heroes devoted to the greatest cause of all—saving lives. Every member of this Congress is a hero for the role they have played in supporting the establishment and growth of the National Marrow Donor Program. Grant Hartley and David Smith are heroes for their roles in encouraging others to become involved in this program.

The short amount of time I have today does not enable me to name all the heroes who have built this program and made it such an international success. At a later time, Mr. Speaker, I would like to dedicate a special order of this House to identify all the doctors, medical scientists, and nurses who pioneered the technology of marrow transplantation and perform life-saving transplants every day. I also would like to salute the individuals at the transplant and donor centers around the country and the world who coordinate every step along the way required to bring about a marrow transplant.

Mr. Speaker, they are all heroes in a program which got its start right here in this chamber and will continue to expand, with funds included in this bill, to save lives and give hope to families throughout the world.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Ms. MOLINARI] to close debate on this side.

Ms. MOLINARI. Mr. Speaker, I approach the podium, and I must confess that I speak on this conference report unable to separate out my being as a legislator and as a female. I must confess that I am astounded and overwhelmed by what I have heard advised here today.

Mr. Speaker, I say to my colleagues, "If you don't like a law, don't fund it, don't fund a discussion about it," and I must confess that I find it remarkable that in this great well of democracy some have suggested we have no legal obligation to a law, we have no moral obligation to inform women of their rights in this country.

However, Mr. Speaker, as my colleagues know, American women cannot be fooled anymore. They know that whether this gag rule is enforced or not, abortions will continue, but family planning clinics will close. American women cannot be fooled anymore. They know this is not about budget busting, and they know that the President did not change the regulations.

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American women cannot be fooled any more, but today we can be hurt and today we will find out just how much freedom we have in America. And we are afraid, I believe, of the answer.

Mr. Speaker, I must confess, so am I.

Mr. NATCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in strong support of the conference report, and I commend the chairman of the subcommittee on his excellent work.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Speaker, Bush's memo yesterday on the gag rule is one of the most cynical documents I have ever seen. It applies only to doctors, a very small percentage of the family health care professionals who counsel low-income women under title X. Professional nurses are still gagged, and so are others who work in the clinics.

The memo and the rule only allows abortion referrals when a doctor knows a woman's health is threatened by pregnancy. Even if that is relevant, it is impossible to make that determination.

Finally, to top it all off, a poor woman can only be referred to a health care provider whose primary care activity is not abortion. That sounds fine, except that most States do not have a full service health care provider that does abortions.

The White House memo is designed to get the administration off the hook on the gag rule and to give protection to the gag rule, antichoice supporters in the House. I say that it will not work. If we vote for the conference report, we will put an end to that fraud.

Mr. Speaker, I urge the Members to vote for the conference report and support all the programs that the American people so richly deserve.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker, let me commend Chairman NATCHER as well. Without this bill, our country will again widen the gap between the health care haves and the have-nots. Here is what is going to happen in the next few months:

If you are a rich woman and you want to know about family planning, you go to your private doctor. Your private doctor tells you about all your pregnancy options. If you are poor, if you are a poor working woman, you go to a federally funded family planning program. But the woman who does that would get no information about her pregnancy options.

The gentleman from Minnesota said that the President has changed the gag rule. The fact is that nothing has changed. A poor working woman still could not get any information about her pregnancy options. Medical censorship would still be in place.

Mr. Speaker, I urge my colleagues to support the conference report.

Mr. NATCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, I rise in support of the conference agreement on H.R. 2707. This bill includes funding for our Nation's most important domestic programs. In addition, it bans the use of funds to implement the administration's regulations that prohibit federally funded family planning clinics from providing information about all legal medical options.

This is not a decision I have reached lightly or without considerable thought and reflection.

Indeed, as my congressional record indicates, I have always felt it important to be an advocate for those who have no voice. This is still my firm position. But I stand here today as a Member of Congress who feels it's imperative that health care be given the attention and resources necessary to assure that all women, whether they be rich or poor, have access to the quality health services necessary to lead a full and active life.

Should the administration's regulations on restrictive counseling procedures go forth, some organizations which currently receive title X funds may have to decide whether to forgo Federal funding. Should clinics be forced to make this decision, progress in meeting the health care needs of women, which is already tenuous at best, will be set back considerably. I cannot support that.

Title X clinics have made important contributions to women's health care since the program's inception in 1970. This funding facilitates voluntary family planning and educational services to almost 5 million low-income women each year through a network of nearly 5,000 family planning clinics. In Tennessee alone, title X services are provided at approximately 141 clinic sites throughout the State.

Title X is the only major program for low-income women providing comprehensive reproductive health care services. While the range of services can vary among individual clinics, key services include screening for cervical and breast cancer. With the rates for these cancers reaching alarmingly high levels, I feel its imperative that all women, regardless of their ability to pay, have access to the best care possible.

And to title X critics, I must point out that since the enactment of the program, use of title X funds for abortion as a method of family planning has always been prohibited by statute and regulation. Title X guidelines have required clinics to provide nondirective counseling—that is, counseling which does not favor one option over another—to women who request information on options for the management of their unintended pregnancy. Should the administration's gag rule be funded through this bill, poor women, who by virtue of their economic circumstances must rely on federally funded planning clinics rather than consultations with private physicians, will bear the brunt of cutbacks in essential title X-funded health care services.

I urge my colleagues to join with me in reaffirming congressional support for women's health care. Support the conference report.

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

The SPEAKER pro tempore (Mr. McDERMOTT). The gentleman from Kentucky [Mr. NATCHER] is recognized for 2 minutes.

Mr. NATCHER. Mr. Speaker, we have 13 appropriation bills each year that go through our committee. Each year we say to the people of the United States of America that this is the bill that has something in it for every man, woman, and child in the country.

We believe, Mr. Speaker, that if we educate our children and take care of the health of our people, we will continue living in the strongest country in the world. In this bill we have $6,707,000,000 in chapter 1, elementary and secondary education. There is $9 billion in this bill for biomedical research grants, 6,000 new grants and 22,000 total grants.

In this bill, Mr. Speaker, we have $1,989,000,000 for the National Cancer Institute. We have $920 million for the Job Corps, $650 million for maternal and child health grants, $1,900,000,000 for the AIDS research, education, and care program, and $2,202,000,000 for Head Start.

Mr. Speaker, $133 million is set aside for breast cancer research, and there is $50 million in addition for screening. We have $298 million for childhood immunization, and we have $825 million for child care.

Mr. Speaker, in this bill for the feeding program for the elderly, we are funding Meals on Wheels for our older people. They go in at noon, and they are hungry; they need help. We see some of them walk through the door with their heads up, some with their heads down. These are the people we love, Mr. Speaker, the people we love and respect, and we take care of them. Meals on Wheels is included in this bill.

This is the bill that means so much to the people of the United States of America. I ask every Member of this House to vote for this conference report and say to the people of the United States that we know what is going on with this bill. I ask the Members to take a good look at all of it. The Members can ask my friend, the gentleman from Michigan [Mr. PURSELL], the ranking minority member, one of the very able Members of this House. We know what is going on.

Mr. Speaker, let us stay with the conference report. I ask respectfully that every Member of this House vote for this conference report.

Mr. GRADISON. Mr. Speaker, I rise in opposition to the conference report on H.R. 2707, the fiscal year 1992 appropriations act for the Departments of Labor, Health and Human Services, and Education. Much of the discussion on this conference report has centered on the issue of the future of the title X program. I have serious concerns about that program and the continuing inability of the Congress and the President to reach an agreement on this question. In addition, I object strenuously to the budgetary treatment of many of the programs in this conference report.

There are serious budgetary problems, totaling over $4.2 billion, with this conference report. For example, over $3.6 billion of obligational authority is delayed under this bill until the last day of the 1992 fiscal year, thereby pushing the resulting outlays into fiscal 1993. This gimmick permits the conferees to claim credit for funding these various programs in fiscal year 1992 without actually paying for them until fiscal year 1993. However, this is clearly counterproductive since the fiscal year 1993 discretionary spending caps are already tighter than those for fiscal year 1992.

The summer youth employment program is a perfect example. Normally, funds for the summer 1993 program would be included in the fiscal year 1992 appropriations. This year, the conferees have advance funded the $188 million for the program.

Another gimmick is to provide $406 million in additional funding for the Low Income Home Energy Assistance Program [LIHEAP] by classifying that funding as an emergency under the budget agreement. Without question, this emergency designation will not hold up to Presidential scrutiny. The promise to increase LIHEAP funding this matter, therefore, is an empty one and will do nothing to provide additional funds for the program.

There has been some discussion on this floor today about whether the conference report directly violates the budget agreement and who—OMB or the Congress—is more responsible for the use of delayed obligations as a budgetary gimmick to evade problems with the spending caps. In my view, as the ranking Republican on the House Budget Committee, this discussion begs the question. The issue is whether this House should sanction the use of budgetary gimmicks at all. I believe we should not. To do otherwise violates the spirit of the budget agreement and, in my view, the spirit of that agreement is just as important as a technical violation. Condoning budgetary legerdemain gradually erodes the foundation of the budget agreement and, at some point, all fiscal discipline is likely to be lost. The gamesmanship over fiscal policy must end or it will end the budget process.

The other and, in the public's mind, more significant issue in this conference report is the Porter amendment which would preclude the administration from implementing regulations issued in 1988 to govern the title X program.

I have long been a strong supporter of the title X program. This preventive family planning program is a critical Federal initiative to bring needed services to the poor and to women of low and moderate income. I have also opposed the appropriation of Federal funds for abortion except where the life of the mother is at risk.

I appreciate the concern of the administration that the title X program should adhere to its statutory mandate as a preventive family planning program which separates itself from the provision of abortion services. However, I remain concerned about the provisions in the Federal regulations issued in 1988 to govern the program which appear to restrict, in many cases, the ability of a woman who requests information from a title X clinician about the option of abortion from receiving that information. My chief concern is that a woman who requests information about abortion ought to be provided with an opportunity to have her questions answered. I am not interested in, and will not support, any effort to provide backdoor Federal funding for abortion. I am concerned about maintaining the integrity of the federal family planning program.

The title X program has lacked an authorization for several years. This concerns me greatly. It is unwise for any Federal program to lack a clear expression of congressional in-

tent. I, along with several other Members of this House, have offered suggestions to the administration on a compromise on the title X issue that might be acceptable to all parties.

The President, in a November 5, 1991, memorandum to the Secretary of Health and Human Services, outlined the basic principles that, in his view and based on his interpretation of current law, should govern the program. I believe that memorandum may provide the basis upon which we may be able to craft a compromise on the title X program that has eluded us for so long. In my view, the President should go farther and clearly delineate publicly what he is prepared to except. To reach a compromise, however, both sides on this issue will have to give a little, but the onus is on the President to show us where he wants the program to go. We are not there yet, but, I believe, we are getting closer.

Mr. Speaker, defeat of this conference report will give us an opportunity to remove the offending budgetary gimmicks in this bill and continue to work toward a compromise on title X. Failure to do both of these will guarantee a Presidential veto. It would be irresponsible of the House to not return to conference to work out these problems. I urge my colleagues to defeat H.R. 2707.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise in support of H.R. 2707 because of the many health and social service programs funded by this bill. These programs are essential to our lives.

Among the necessary programs, H.R. 2707 provides funding for the low-income housing energy assistance program [LIHEAP]; Head Start; AIDS research, prevention, and treatment; substance abuse and maternal and child health. These programs aid low-income Americans with energy costs. They educate and care for our children and teenagers. They are helping to eliminate the devastating infant mortality rate in this country, and they are fighting against AIDS, a disease that is tearing this Nation apart. The American people need and deserve these programs.

Additionally, this bill includes language that would block enforcement of the gag rule in 1992 on abortion counseling for federally funded family planning clinics. Family planning clinics provide health services and counseling to women who have nowhere else to go. In many cases these clinics are the only places poor women can go to receive all their health care. The gag rule will impede the ability of health professionals in title X funded clinics to give the care and information women need. I believe we need to encourage and support family planning clinics, not obstruct and deter what is known to be a successful component of family planning and health care programs.

Mr. Speaker, while I will support this bill in the end, I would also like to voice my objections to the delayed-funding mechanism used in this bill. While I was not here last year to participate in the budget negotiation process, a budget agreement was reached and passed by this House. The agreement called for tough choices to be made in all spending areas. However, this year rather than making tough budget choices required under last year's agreement, Members of Congress continue to fund programs at levels which the budget cannot support. This conference report will increasingly limit next year's funding options for labor, HHS, and education appropriation programs. Eventually the piper must be paid.

In closing, while I support many of the programs funded by this bill, I hope that next year the Appropriation's Committee will make the tough choices rather than putting them off yet another year.

Mr. MCCANDLESS. Mr. Speaker, the conference report on this bill numbers 124 pages, and there are people in this Chamber who think the only important thing is one paragraph.

If we are going to overturn the gag rule, let's do it. Bring up a straight reversal, no strings attached, no money involved. But let's not go through this every year, as this bill would have us do, and have our colleagues forced to vote for more spending simply because they're concerned with one paragraph.

When it gets right down to it, I'd support an effort to overturn the title X regulations. To fulfill their medical responsibilities, I believe a health care worker must present all options to a patient, including the factual option of abortion. It is then up to the patient to make a choice.

But I am not going to be bullied into voting for another budget-buster just because of one paragraph. This bill is $21.7 billion over last year's levels totaling over $200 billion in spending next year. Thanks to budget gimmicks like delaying costs until the last day in the fiscal year, we meet our budget summit ceilings, but we must remember this is the summit that is bringing us record deficits. This is not a game to see how close to the budget ceilings we can get.

For the last 4 years, Labor-HHS bills have grown at an annual rate of 10 percent and above, with this year coming in at 12 percent growth. Over the next few years, it is projected spending will grow at a similar rate. When is this going to stop?

I'm not going to let that one paragraph blind me to the real issue. This conference report is not an abortion bill; it's another big government spending bill with the same old deficit trickery which just happens to have one paragraph on abortion. I urge my colleagues to join me in voting no on this conference report.

Mr. GOODLING. Mr. Speaker, I rise in strong support of the conference report on H.R. 2707, the fiscal year 1992 appropriations bill for the Departments of Labor, Health and Human Services, and Education. As ranking Republican of the Committee on Education and Labor, I want to commend Chairman NATCHER, the ranking member Mr. PURSELL, and the members of the Labor-HHS-Education Subcommittee, for having so successfully defended the priorities of the House in the vital policy and programmatic areas encompassed by this bill. Moreover, I believe they should be further congratulated for having once again achieved this success in the face of perhaps the most difficult conference they have had to deal with in years.

The Appropriations Committee and this body once again expressed their steadfast commitment to the funding of elementary and secondary education programs. I was very pleased to learn that the conference report provides for a very generous 10.4-percent increase over the past fiscal year's level of funding for the ESEA chapter 1 account on an overall basis. This remarkable level of overall support for the backbone of the Federal effort to help our disadvantaged children in school is also reflected in the funding increases the conference report provides for many of chapter 1's various programmatic components. Thus, I want to express my particular appreciation for the increases over last year's funding provided to the basic grants to LEA's—10.5 percent—to the Even Start Program—40.6 percent—and to the State Migrant Child Program—4.7 percent.

This past spring the Committee on Education and Labor worked on a major new literacy bill, the National Literacy Act, which the President subsequently signed—Public Law 102–73. Among the new programs this legislation created was one I hoped this appropriation measure would be able to launch right away: the establishment of State Literary Resource Centers, which were one of the components of the President's education initiatives. The conference report reveals that this will be the case; I was very pleased to find that it provides $5.0 million to get these centers established.

Our conferees should also be thanked for their steadfast efforts to support the funding of our postsecondary student assistance programs. Among these, the College Work Study Program has never experienced any difficulties and is unanimously supported by my committee. I was glad to find that the conference report increases its funding by $20.3 million over last year's level.

Turning now to the conference report's funding proposals for the Department of Labor's agencies, programs, and activities, I would like to express my appreciation to our conferees for restoring all of the other body's proposed cuts in the funding of two key Bureau of Labor Statistics programs: the Federal Economic Indicators program, a long-term effort to improve the quality of Federal economic data, and the program of surveys needed to make the locality-based comparability pay adjustments for Federal workers required under the Federal Employees Pay Comparability Act of 1990.

Finally, I was pleased to find that the conference report funds the Occupational Safety and Health Administration's [OSHA] Federal and State enforcement activities at a level that is $500,000 over the President's request. My concern here, and I'm sure Chairman NATCHER and Representative PURSELL share it with me, is that when the Secretary of Labor applies the $32 million undistributed reduction to the Department's salaries and expenses accounts required by the conference report's general provisions, I would hate to see OSHA's share of the undistributed reduction impare the agency's enforcement function. I would appreciate the Appropriations Committee monitoring the application of the reduction so that the agency's enforcement function is not weakened.

Mr. LOWERY of California. Mr. Speaker, I rise today to announce my opposition to H.R. 2707, the Labor, HHS, Education Appropriation Act for fiscal year 1992. I do so with great disappointment because while there are many worthwhile provisions contained in this important bill, there is one provision to which I have objected in the past, and will do so again

today by voting no. I would also like to commend Chairman BILL NATCHER and the ranking minority member, Congressman CARL PURSELL for their continuing dedication to bringing this bill to the floor.

I speak in reference to what has become widely known and touted by various interest groups as the infamous gag rule. Mr. Speaker, despite the hoopla which has been generated by these groups, I stand firm in my belief that we need to retain the current title X regulations. Since I'm on this topic, I will take the opportunity to remind my colleagues the purpose and intent of the 92d Congress when they enacted the title X program.

First, it was designed to provide family planning services to couples who needed assistance with conception or who needed help in preventing conception. Because the program was established to assist in preconception planning, I repeat, preconception planning, it was not their intent to provide service of any kind once a pregnancy was involved. Although post-conception services are not provided through title X, many pregnant women do qualify for a host of other Federal programs that do provide pregnancy services.

Second, these preconceptions services were intended to prevent abortion from every becoming necessary. In 1988, the Department of Health and Human Services enacted regulations to clarify what activities do and do not constitute family planning as defined by the title X program. With regard to abortion, the regulation is neither vague nor ambiguous. To the contrary, it is clear, concise, and unequivocal. It states, and I quote:

> Family planning does not include pregnancy care (including obstetric or prenatal care). As required by section 1008 of the Act, abortion may not be included as a method of family planning in the Title X project.

In short, the title X program's restriction to preconception family planning means that once a woman is diagnosed as pregnant, she no longer qualifies for services through title X.

I could go on for days and weeks on this contentious and divisive issue because I know that there are colleagues of mine who differ with me on this issue, both Republican and Democrat. However, I would also like to stress other programs that are funded by this bill which I have always supported in the past, and still do support in principle and substance, but will have to vote against today because of the inclusion of the provision which would overturn the title X regulations.

As we all know, this conference report significantly increases funding in areas relating to medical research. I think that it is safe to say that one of the most important aspects of this relates to women's health. I am glad that the House and Senate conferees agree with me that the national Cancer Institute should make breast, cervical, and ovarian cancer one of its top priorities. It is especially heartening to know that the requested $50 million for the breast and Cervical Cancer Mortality Program was kept as part of the final bill. With approximately 1 out of every 10 American women developing breast cancer during her lifetime, this funding is vital in helping them maintain their health. Underserved women all across the country, including those in my district will be able to obtain quality mammograms and pap smears.

Another health related concern of mine is that of Alzheimer's disease. Approximately 4 million Americans are inflicted with this dreadful disease. Back in March of this year, I introduced a resolution that designates the month of November in 1991 and 1992 as "National Alzheimer's Disease Month." It shares the wide bipartisan support of 225 of my distinguished colleagues. I have discussed in detail the importance of funding Alzheimer's research on and off the floor to them repeatedly. With this disease affecting one out of very three American families, it remains one of our Nation's most expensive health problems—costing the United States $90 million per year. I've seen up close what the dreadful effects of this disease can do to the patients and their families. The endless burdens of having to take care of an Alzheimer's patient merit the Federal Government's support.

With respect to the education front, I would like to pay particular attention to the Head Start and Impact Aid Programs. I am proud to say that I have supported these programs from the first days I served as a public servant when I was the deputy mayor of San Diego.

The Head Start Program is one I am always proud to support. It is one I support not only because of its success since its inception in 1965 * * *; I support it because every single one of its goals and intentions are worthy of all of my colleagues support. This program has been able to assist preschool aged children from low-income families effectively function in their school environment and take an active role in their community. This program has shown our youth the importance of an education and implanted in them the basic values that help make our society a better place to be. I have always been a strong supporter of the concept that a solid education should remade available to all of our Nation's children, and to that end, I will do everything I can as a member of the Appropriations Committee to make sure that this program continues to receive adequate funding.

Another provision which I have always ardently supported is that of the Impact Aid Program. As the representative of a city which is the homeport to one-fourth of the United States naval fleet and contains over 15 military installations, I can appreciate the significance of this program. Approximately 25,000 federally connected students reside within the boundaries of my district. It gives me great pride to be able to stand here today and note that San Diego has consistently provided a high-quality, well-balanced educational curriculum to the children of our military families. With the rising cost of educating students at-risk of dropping out or, those students from military families who transfer frequently from school to school, federally impacted schools bear a special burden of providing instruction without the benefit of an adequate budget to cover these costs. I commend the chairman, Mr. NATCHER, and members of the conference committee for their continued support for this program.

In closing, I would like to stress that while I am forced to vote "no" on this conference report, I support a convincing majority of the programs that will benefit from its passage. However, it distresses me greatly that a majority of the conferees elected to retain the title X language knowing that it would face a guaranteed veto by the President. I support the President on this issue and stand firm in my own personal opposition to its inclusion. It is my sincere hope that after the President vetoes this bill, that the appropriations subcommittee will expediently drop the Porter amendment and immediately repass this important piece of legislation.

Mr. RICHARDSON. Mr. Speaker, I rise today to express my strong support for the Labor-HHS-Education appropriations conference report which includes language prohibiting the enforcement of the administration's gag rule regulations.

The 21st century is almost upon us and I find it difficult to believe, let alone understand, that a regulation prohibiting access to information on women's health would be tolerated or accepted. If such a gag rule were placed on information on health services for men, I don't think it would be tolerated.

The gag-rule compromises the patient/doctor relationship. A physician has the obligation to inform a patient of all medical options and every patient has the right to know those options. The administration's regulations prohibit the exchange of this vital information, preventing a physician from performing his/her duties and limiting the information a patient needs to make an informed decision about her reproductive health. Additionally, it adversely and disproportionately effects low-income women not women who can afford to go to a private physician.

Mr. Speaker, I am pleased to support the Labor-HHS-Education appropriations conference report and I urge my colleagues to do the same.

Mr. STUDDS. Mr. Speaker, I rise in strong support of this conference report, which prohibits implementation of the administration's gag rule in family planning clinics.

The gag rule is unwise, it is unethical, and it should be illegal. When the Congress created the title X family planning program 20 years ago, we did not intend to muzzle health care providers. Rather, we intended to ensure that all women, regardless of their economic circumstances, have access to complete information about their health care options.

Supporters of this dangerous regulation would have us believe that this is a debate about abortion. But it is not. Ask our colleagues who are not pro-choice but who oppose the gag rule.

We are not talking about the Federal Government funding abortions. That is prohibited by law and nothing in this bill would change that. All we are ensuring is that low-income women and teenagers will be entitled to complete information about their medical condition, to the same description of medical options available to them as to those who can afford private care.

Mr. Speaker, with this vote today, 406 men will be setting Federal policy in an area that we personally know nothing about—on a subject that affects a woman's life in the most profound way. Not one of us has ever been or ever will be faced with an unplanned pregnancy. Not one of us will ever experience the anxiety of the pregnant 16-year old from the Bronx, or Hyannis, or New Bedford. Not one of us will be forced to receive medical advice that we cannot trust because it is incomplete.

We can only imagine ourselves in the shoes of the barely literate woman who is suffering from severe diabetes and uncontrolled high blood pressure, who visits the family planning clinic and learns that she is pregnant. The administration says that she could not be told that her pregnancy might be a threat to her life, and that she might want to seek abortion counseling.

Yet, many of our colleagues today will vote to place restrictions on her physician's ability to advise her and on her ability to receive quality medical care.

Mr. Speaker, a Republican consultant reported in today's Washington Post that a compromise acceptable to both sides had been torpedoed by the President's Chief of Staff, John Sununu. Once again, politics has triumphed over principle at the White House. President Bush may have scored a few more points with the anti-choice forces, but with 70 percent of Americans opposing the gag rule, he is flouting the public will.

I urge my colleagues to side with the American Medical Association, the American Academy of Obstetricians and Gynecologists, the American Nurses Association, and the American Public Health Association. I urge my colleagues to side with American women, and not with John Sununu.

Mr. HOAGLAND. Mr. Speaker, I would like to express my support for H.R. 2707, the Labor, Health, and Human Services, and Education appropriations conference report before us which restores the cuts the administration proposed for the Impact Aid Program. Impact aid provides Federal dollars in lieu of lost tax revenues to local schools districts that are impacted by Federal installations and must educate federally connected students. Most importantly, this conference report ensures funding for federally connected "B" students which President Bush proposed to eliminate. These are students whose parents usually work on Federal property but do not live on Federal property.

I testified and prepared a letter to the Labor, Health and Human Services, and Education Appropriations Subcommittee, which 83 Members of the House joined in signing, expressing our opposition to the administration's impact aid cuts. We are very grateful to the Appropriations Committee and especially Chairman NATCHER for their hard work and recognizing that these cuts would cause serious harm to our Nation's school districts and the families of those schools.

In my congressional district—the home of Offutt Air Force Base and the headquarters of the Strategic Air Command—impact aid is a critical source of funding to educate 10,000 federally impacted students. For example, the Bellevue school district last year received about $10.9 million of its total $45 million budget from the impact aid program. In 1992, Bellevue will receive approximately the same amount of funding even though the cost of educating its students will rise by 7 percent. And meanwhile the numbers of federally impacted student continue to grow. The Bellevue school district's enrollment has grown from 8,326 to about 8,800 student in the past 3 years. There is a tremendous Federal responsibility to these communities.

Ultimately, the issue is one of equity. All parents expect their schools to provide these students a quality education. Impact aid does not provide extra funding to these schools. It provides basic funding, for books, teachers' salaries, educational materials and equipment. Congress did not establish this program as a special benefits; it is the fulfillment of a Federal responsibility because schools lose property and sales taxes because of the presence of Federal property.

I will vote "yes" today to maintain the impact aid program. This is a clear Federal obligation which means a great deal to the students in my congressional district and schools across the country.

Mr. MORAN. Mr. Speaker, today I rise in support of H.R. 2707 and urge all of my colleagues to vote with me in favor of this important legislation.

The Labor, Health, and Human Services appropriations bill contains many important provisions. Aid to Families with Dependent Children, Head Start, infant mortality initiatives, research of breast and cervical cancer, and many other important initiatives have all been extended in this legislation. While all of these provisions are important to the health and well-being of our citizens, none are as important to the integrity of health professionals as the provision overturning the gag rule.

By restricting physicians from discussing specific medical options with their patient, the administration is placing a muzzle on the rights of women and health care providers. The administration is telling doctors and counselors at federally funded clinics not to discuss abortion, even it the woman is the victim of rape or incest as well as in cases of gross fetal abnonmality. The administration is subverting the rights of women to receive adequate medical information and forcing physicians to limit their medical advice.

This gag rule sets an alarming precedent that extends beyond the scope of health care workers and effects all recipients of Federal funds. In fact, Chief Justice Rehnquist, in writing the majority opinion regarding the gag rule, argued that the Federal Government has the right to censure individual speech for partisan political motives.

If this ruling stands, many physicians and counselors across the Nation will pull out of this program rather than compromise their ethics. Counselors and physicians who refuse to acept this ruling and stand up for the rights of their patients will have their funding cut and will be forced to close down. Thousands of low income women across this country will be denied access to family planning care and will be denied the same safe and legal medical options as those women who are able to go to a private physician.

The irony of this situation, Mr. Speaker, is that the Congress created the title X family planning program in 1972, to ensure that all women have equal access to pre-natal health care. This ruling subverts this mandate and graphically demonstrates that the administration is determined to destory this important program for partisan political gain. The net effect of this gag rule will be that less women will receive crucial information regarding health care and less women will practice sound family planning. I ask my colleagues, is this the direction we want to take for health care, for women's rights, for free speech?

I urge my colleagues to vote yes on the conference report and overturn this gag rule.

Mr. LEVIN of Michigan. Mr. Speaker, I will be brief. I would like to praise the conferees for retaining language that would preclude the administration from implementing the so-called gag rule. I would like to add my voice to those of my many colleagues who are supporting this provision.

The gag rule is censorship, it is nothing else. I would also like to commend our two physician colleagues for their forward stand on this issue. They are absolutely right. By warping the doctor-patient relationship, this rule would force health professionals to violate their ethical oaths and legal obligations. As I have stated before, if we are going to restrict physicians and nurses in federally funded clinics from discussing all pregnancy-related options with their patients, what is the next step? Would it be constitutional to prohibit discussing the ill effects of drug abuse based on the argument that it might actually encourage drug use? Or prohibit physicians from warning patients about the dangers of AIDS because arguably it might encourage intercourse? Or prevent them from discussing specific options for treatment that might involve expensive procedures, because this might increase Federal health expenditures?

At a time when there is great concern about the health care women in this country are receiving, the gag rule would be a step backwards. We must strive to continue marching forward toward improving health care to all of our citizens. The election yesterday in Pennsylvania explicitly demonstrated the will of the people in this matter.

I urge all of my colleagues to vote for accepting this conference report and send the message to the President that his interest in health care is crucial, but that his interest must not be toward dismantling our system, but working to improve it.

Mr. PENNY. Mr. Speaker, today's vote on the Labor/HHS/Education appropriations conference report puts me literally between a rock and a hard place. On the one hand, the bill represents the programs I most believe in—the people programs—the heart and soul of good government. It increases spending for Head Start, chapter 1, childhood immunization, healthy start and disease research. These are all correct and good priorities.

On the other hand, the bill perpetrates a spending sleight of hand that fools no one. The conference agreement delays the obligation of $4.3 billion in spending until September 30, 1992, the last day of fiscal 1992, conveniently sliding most of the outlays into fiscal 1993. Technically, the bill meets the 602(b) budget targets for discretionary budget authority. However, it violates the spirit if not the letter of the 1991 budget agreement, and seems to assume that the spending limits will magically disappear next year allowing us to go back to business as usual.

Is this any way to run a government? I don't think so. As I have said many times, we have to be honest about how we pay for these programs and not mortgage our children's future in the process.

Despite my strong distaste for the methods used in this bill, I will support it. I also pledge to work for more honesty in financing these

programs in fiscal 1993 by making cuts in other areas. I urge my colleagues to do likewise.

Mr. HOUGHTON. Mr. Speaker, I rise in support of the conference report on the Labor/HHS appropriations bill, H.R. 2707. I do so because of its focus on a program highly important for the needy in the Northeast. The program is Low-Income Energy Assistance [LIHEAP].

When the House first considered this bill in June, I questioned whether it did do enough for the program. The fact is that it cut LIHEAP to a level 38 percent below last year—tough medicine for the elderly, the poor and the disabled throughout the northeast, particularly those in my district—the 34th District of New York State.

A few details: Last winter, LIHEAP provided aid to 30,032 families in the 34th District—one-fifth of all families. Fifty percent of the funds in Allegany County were spent on emergency cases. If there had been no LIHEAP funds these people would have lost their heat. Half of the recipients in Allegany County are elderly and 60 percent must live on less than $6,000 per year.

In June, Chairman NATCHER assured me that he would work in conference to increase spending on LIHEAP. He kept his word. The total funding for LIHEAP in this bill is $1.486 billion. That is 5 percent above last year. It also does not violate the budget agreement.

Mrs. SCHROEDER. Mr. Speaker, this afternoon, we will vote on the Labor, HHS and Education conference report. I urge my colleagues to vote "yes" on the conference report. This is not an abortion vote. This vote is about access.

First, the administration's gag rule denies women access to basic medical information. The gag rule would prohibit federally funded family planning clinics from counseling on abortion. Even women who request information regarding abortion will be denied that access—even where the life of the mother is in danger. As a result, the prohibition forces doctors and nurse practitioners to violate medical ethics and puts them in jeopardy of malpractice.

Second, enforcement of the gag rule could severely limit access to family planning services. Currently, one out of every five women receiving family planning services relies on a federally funded clinic. For 83 percent of these women federally funded clinics are their only source of family planning services. In addition to contraceptive services, these clinics offer diabetes, anemia, and breast and cervical cancer screening, as well as screening for sexually transmitted diseases, including HIV. Enforcement of the administration prohibition on abortion counseling will compel these clinics to reject Federal funds in order not to violate ethical standards. In many cases these clinics will be forced to close. Thousands of women will be denied basic health care services.

Where will these women seek services? In many cases they will go to a hospital, or a prenatal care clinic. However, in hundreds of counties with a federally funded family planning clinic, there are no hospitals or prenatal clinics. In addition, only half of all OB/GYN and family practitioners provide contraceptive services to Medicaid patients. In short, in many cases these women have no place else to go.

Access to medical care, a basic human right, is what this vote is all about. Vote "yes" on the Labor, HHS, and Education conference report.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of the conference report on H.R. 2707, the fiscal year 1992 Labor, Health, and Human Services and Education appropriations bill. I do so as a Republican, as a woman, and as a mother of three, and I do so in the name of simple decency. I want especially to address my remarks to those of my colleagues who want to keep Government out of our lives.

Mr. Speaker, as you are aware this report contains language that would prohibit regulations which deny Federal support to family planning programs that use other resources to provide abortion services, information or referrals. In other words, we act today to lift the gag rule.

This issue is the most intimate and most profound moral decision that a woman has to face. Do we want to put Government into the position of making these decisions?

I say to my colleagues that without the language in the conference report we are saying that we support a two-class system. A two-class system in this society that is: those who have the money to make the choice can make their own moral choice for themselves; but those who do not have the money to give them access to private health care will have to continue to be victimized. In my own district, family planning services which rely on Federal funding, would lose 12 percent of their budget, forcing them to close clinics, thus reducing the number of women they can care for.

I also warn my colleagues that without this language, physician-patient relationships are in jeopardy. The need for open dialog between patient and physician is crucial. Constraints on what a physician can say to a patient can only result in serious medical implications for the patient.

Mr. Speaker, in the name of simple decency I say to my Republican colleagues that we must keep Government out of this moral decision and I urge them to vote "yes" on this conference report.

As I have indicated, H.R. 2707 addresses one of the most pressing issues facing the Nation today, by ensuring the rights of physicians and patients in title X. Yet that is but part of the legislation, and but one reason to support this conference report.

It has been said that the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy and the handicapped. In funding the Departments of Labor, Health and Human Services, and Education, we would do well to remember those words.

The programs supported through these departments represent vital lifelines to American citizens of all ages, and I am pleased to see the committee efforts to increase the funding of programs of such importance.

To ensure that the causes of research and science move forward, the committee recognizes the invaluable work done at the Centers for Disease Control, the National Institutes of Health, the Alcohol, Drug Abuse and Mental Health Administration, and the Family Support Administration, and has brought funding to these agencies to historic levels. Through these agencies, we commit ourselves in working to end horrors as divergent as Alzheimer's disease, breast, ovarian, and cervical cancer, and infant mortality. At the same time, we act to bring immunization, drug and alcohol treatment and research, and vitally needed health professionals to those who are in need.

Perhaps foremost in fiscal year 1992, Head Start will see its highest funding level ever—$2.2 billion. This program is one of the few in Congress that we can call an unqualified success, and I am encouraged that H.R. 2707 recognizes the crucial role Head Start plays in the lives of so many disadvantaged children. With that said, we must continue our support of Head Start in years to come, to work toward 100-percent eligible participation. While that may seem a distant goal, the committee's action this year, and our own commitment, will serve to bring it increasingly closer.

I am likewise pleased to see funding for several crucial initiatives in my own State of New Jersey. Certainly, one of the most important health concerns to face the Nation, especially in our region, is the growing prevalence of Lyme Borreliosis, the most common tick-borne disease. The committee recognition of this, and support of the work of the National Institute of Allergy and Infectious Disease in combatting this disease, are encouragement to those afflicted with Lyme disease, and a source of hope that we will find treatment and cure of this epidemic.

Similarly, while we have acted in this bill to target an unprecedented $2 billion to AIDS research, care, and intervention, I would call the special attention of my colleagues to vital work being done under title II of the Ryan White CARE Act, and the Special Projects of National Significance [SPINS]. In fiscal year 1992, under SPINS, $5 million are targeted to AIDS-related indigent dentistry, often the frontline of detection for patients with AIDS. I know every member of my delegation is proud of the work being done by the University of Medicine and Dentistry of New Jersey, and St. Joseph's Hospital, in treating these patients.

Owing to the committee's action in funding more than $2 billion to the National Cancer Institute, I am pleased to see that UMDNJ will also be able to continue its benchmark work in cancer treatment and prevention.

These are but a few of the programs we will act to fund today, representative of a larger whole which will truly touch every American in some way. I extend my thanks and congratulations to the members of the Appropriations Committee for their excellent work in crafting so vital a piece of legislation, and again urge my colleagues to support H.R. 2707, the Departments of Labor, Health and Human Services, and Education, and Related Agencies appropriation bill for fiscal year 1992.

Mr. GOSS. Mr. Speaker, today we are considering legislation appropriating almost 205 billion taxpayer dollars to finance three of our largest Government departments. The programs we are discussing today will provide health care to the poor and elderly, educational opportunities to the underserved,

badly needed research funds for Alzheimer's disease and cancer, and training and employment services to a country increasingly in need of economic relief. No one denies the necessity of these programs—but, Mr. Speaker, do these concerns outweigh our responsibility to fiscal accountability and to support important Federal regulations about the appropriate use of taxpayer dollars?

Today I cast my vote with many reservations. This bill I am voting against maintains the status quo of a badly torn Medicare and Medicaid health care safety net and an unsatisfactory Social Security bureaucracy. I suppose we should be grateful that these overburdened programs did not suffer further arbitrary cuts.

This bill provides $175 million for cancer and Alzheimer's research but holds these funds until the last day of the 1992 fiscal year, ensuring that they will not be scored against this year's spending limits, and instead hiding these obligations in the fiscal 1993 closet. Who knows what havoc this will wreak on next year's budget? These are empty promises. No one will even see this money until next year and we will have to reconcile these obligations with next year's budget restrictions.

Another major issue must also be considered along with the complexities of this bill. For it seems as if we are not talking about health care, we are not discussing senior citizens or the future of education. Instead, it seems as if this vote will turn on the issue of abortion. It is unfortunate that programs as important as those contained in this bill are clouded by the politics of abortion. However, this seems to be the case, and we cannot ignore it.

Therefore, I must remind my colleagues that this country does not recognize abortion as a method of family planning. The administration does not recognize it, the Supreme Court does not recognize it, the American people do not recognize it. Federal funds should not be used for abortion counseling and I unequivocally oppose any loopholes which allow this to occur. For these reasons, Mr. Speaker, I must stand firm and ask the conferees to reconsider their report and come back with responsible and enactable legislation, as I am sure they now will.

Mr. MOODY. Mr. Speaker, I rise in support of the Labor-HHS conference report. I support this agreement for several reasons, including the provision that overturns the administration's gag rule that outlaws the discussion of all legal medical options in clinics supported by title X funds. I urge my colleagues to support this important conference report.

The conference report is crucial to women in this country. Recent studies have shown that women's health needs have long been ignored and this legislation will help rectify this injustice. The conference agreement significantly increases funding for the National Institutes of Health's Office for Research on Women's Health. It also urges the National Cancer Institute to make breast, ovarian, and cervical cancer its top priorities by increasing funds for research in these areas. Far too many women suffer and die each year from cancer. By increasing the research funding we will be better able to fight this terrible disease and save many more women's lives.

The conference agreement also increases funding to title X which provides family planning assistance to poor women and most importantly the agreement overturns the administration's policy with this program that discriminates against these women. The administration's policy, which was upheld this summer by the Supreme Court's decision in Rust versus Sullivan, injects government into the doctor-patient relationship by directly restricting the professional advice that a doctor can give a woman about her pregnancy.

The administration's title X regulations absolutely forbid doctors in family planning clinics that receive any Federal funds from counseling patients about abortion, even when the patient requests such information or when abortion might be medically indicated. This policy forces doctors to violate their Hippocratic oath, which requires that they always give their best professional opinion. It gags health care professional care and advice and has thus become known as the gag rule.

The Bush administration's gag rule is poor health policy. It sets up a two-tiered system of medicine based solely on income and it denies health care professionals the right of free speech.

I find the broader implications of the gag rule to be truly frightening. Under the logic of this policy any professional receiving Federal funds could be forced to limit or alter their professional advice to meet political dictates. I believe it is unethical to mandate what a professional can tell patients strictly because Federal funds are involved.

Today Congress can act to reestablish the right to free speech for every American, regardless of whether or not they receive Federal funds. We can also reestablish the right to know all your legal medical options regardless of your income level.

It is also important to note that this bill has funding for many important programs including Head Start, employment and training, Social Security, low-income home energy assistance, guaranteed student loans, and a variety of other education and health programs. The funding in this bill is critical to so many Americans at a time when they are feeling the strains of recession.

Please vote for the Labor-HHS conference report for all Americans and support the women of this country by increasing the funding for their health care needs and to protect their right to know all their legal medical options.

Mr. RANGEL. Mr. Speaker, I rise in support of the conference report on H.R. 2707, the Labor, Health and Human Services, and Education appropriations bill for fiscal year 1991. As chairman of the Select Committee on Narcotics Abuse and Control, I want to commend Chairman NATCHER and the House conferees for doing the best job possible under difficult budget constraints to fund our Nation's anti-drug programs.

The conference agreement provides $2.989 billion for substance abuse programs. This amount is $99.6 million more than appropriated for 1991 and $10.5 million over the administration's requests, although the priorities established by Congress in the bill differ somewhat from the President's proposals. For example, the administration's budget requested no increase for the Alcohol, Drug Abuse, and Mental Health Services [ADMS] block grant, the primary vehicle for Federal support of State substance abuse and mental health efforts. Instead, the administration proposed a new capacity expansion program to be financed in part by $68 million in new funding for HHS. The conference agreement increases the existing ADMS block grant by $91.3 million and provides no funds for the as yet unauthorized capacity expansion program. The bill also provides nearly $10 million more than requested for grants to States under the Drug-Free Schools and Communities Program. It increases the amount for emergency grants to schools severely affected by drugs by nearly $6 million over 1991 funding, although the 1992 level is about $9 million less than requested.

I am particularly pleased that the conference agreement provides nearly $10 million for the Community Youth Activities Program [CYAP]. The administration had proposed to eliminate this program in 1992. This would have prematurely terminated funding for a number of projects including a 3-year grant to New York State for model community mobilization-drug education programs for high-risk, inner-city minority youth in Buffalo and Albany. At a hearing in Buffalo earlier this year, the select committee was impressed by the testimony we heard from Western New York United on the encouraging results they have achieved to date with their CYAP funds. The bill before us today protects the 2-year investment we have made in this and other similarly situated programs. By allowing these programs to be completed, we will be able to obtain a complete evaluation of these promising prevention efforts to guide us in future funding decisions.

While I strongly support H.R. 2707 as the best result possible given current budgetary limitations, I am in no way satisfied that this bill is adequate to meet the substance abuse problems we face. A well-known, senior White House official recently told me that he conservatively estimates the cost of substance abuse on our society to be nearly one-quarter of a trillion dollars annually in lost productivity, lost revenue, and added governmental spending for health, welfare, criminal justice, and other drug-related program costs. Reducing the demand for drugs offers the best chance to reduce this enormous drain on our national resources, yet this bill provides not quite $3 billion for these efforts. This amount is just a drop in the bucket to fight a raging inferno.

Unquestionably, we need to do more, and the American people want us to do more. Some have speculated that public concerns about drugs have been replaced by rising doubts about the economy. But a recent Washington Post/ABC News poll shows that drugs and crime top the list of America's biggest worries.

Finally, this bill provides for delayed obligation of $4.3 billion. While I understand the budgetary restrictions that necessitated this decision, I am concerned that this delayed funding could force drastic cuts in programs next year under the current budget agreement. Having to resort to a device like this to meet important health and social needs of our citizens for this year makes all the more clear to me the need to redefine our budget priorities.

The world today is far different from the world that existed a year ago when the current budget agreement was reached. We have invested billions of dollars to address problems overseas. It is time we renewed our commitment to address the pressing problems we face at home, including drug abuse and the social and economic ills that contribute substantially to drug abuse. It is time to invest in the American people, upon whom the strength of our Nation ultimately depends, by providing decent jobs, affordable health care, and good schools. It is time to provide opportunity and hope for all citizens.

Ms. SLAUGHTER of New York. Mr. Speaker, our vote today marks an important milestone in the national effort to educate America's homeless children.

We have heard so much in the past few months about providing our children a choice in education. But we have heard almost nothing about the hundreds of thousands of homeless children who have no choice at all regarding their education.

This year, it is estimated, 500,000 to 1.5 million children will experience the horrors of homelessness. Among those of school age, more than 1 in 4 will miss school on a regular basis. In some cities, the ratio is estimated to be 1 in 2 who miss school.

Even the most conservative estimates from the Department of Education indicate that at least 67,000 homeless children do not attend school regularly.

The children who make up these statistics are our future work force. Without schooling, they will join the ranks of the unemployed and the underemployed.

Today, Mr. Speaker, the House has the opportunity to approve funding that will begin addressing the difficult problems which homeless children face getting an education.

Last year I introduced a measure to educate homeless children as part of the Stewart B. McKinney Homeless Assistance Amendments Act, and Congress authorized $50 million to implement the program. However, because the new law was passed after the appropriations process was completed, Congress actually allocated only $7.3 million for the program.

The bill we are considering today contains an appropriation of $25 million. Though this amount is still short of the full authorization of $50 million, I believe it represents a substantial improvement over last year and offers school systems around the country a better opportunity to deal with this growing problem.

Besides meeting basic transportation needs, these additional funds will help States provide health screening, counseling, and extra tutoring before and after school for homeless children and set up programs to identify and nurture the gifted and talented. In many school districts more Federal funding will provide transportation at family shelters so that children can attend their old neighborhood schools rather than be forced to change schools every time they move to a new shelter.

For those who insist such Federal expenditures are too much in light of our current budget deficit, consider this: the $25 million we seek to educate homeless children is less than one-sixth of the amount which the Federal Government spends each year on military bands. Yet at stake is nothing less than our economic future.

Each class of dropouts costs this Nation $240 billion in lost wages and future social services. With a declining worker base paying into Social Security, our country will not be able to meet the needs of its senior population in the future if we deny these children a chance to become productive participants in our society. Unless we invest in these children now, we face spending billions in the decades ahead coping with a new generation of homeless adults who are untrained and uneducated.

Mr. WEBER. Mr. Speaker, it saddens me to have to rise today in opposition to the conference report on H.R. 2707. Mr. NATCHER, our distinguished subcommittee chairman, CARL PURSELL, our ranking Republican Members, and my fellow subcommittee members on both sides of the aisle have invested a great deal of time and energy in what our chairman terms the "people's bill." I wish to thank them for the many courtesies they have shown me during the long months over which we have developed this measure.

In many ways, this measure as it emerged from the conference committee is still the people's bill. As my constituents in Minnesota struggle through the worst winter storm our State has ever experienced, I am reminded that this bill restores funding for the Low Income Home Energy Assistance Program.

As I work with my communities to address the critical and growing shortages of health professionals and closures of hospitals in rural Minnesota, I am reminded that this bill increases funding for the National Health Service Corps scholarship and loan programs, for family physician and allied health education, and for the Rural Health Outreach Grant Program. Further, it preserves funding for the Rural Hospital Transition Grant Program and other health professions education programs.

In many ways, this legislation puts our Nation's children first. We have provided substantial new funding for infant mortality and disability prevention initiatives, immunization programs, and Head Start and chapter I.

I care about those facing a choice this winter between heating their homes or putting food on the table. I care about rural residents forced to travel miles to urban areas for their health care. I care about our children being born sick for want of prenatal care and contracting potentially life-threatening disease for lack of immunization. I care about our children whose only chance to succeed in school may be the help they receive from Head Start and chapter I.

But I also care about the lives of the unborn, and that's why I must vote against this bill today. This bill includes a provision that would allow organizations to use Federal family planning money to promote abortions and steer clients to their abortion clinics. It would make abortion an acceptable option under the title X family planning program, and I cannot support that.

It saddens me that some are trying to use this bill as a way to fund counseling and referral for abortions. There is other legislation they could have used to bring this issue to a vote. Instead, they chose to hold the people's bill hostage in an attempt to require taxpayers to support abortion counseling and promotion.

Unfortunately, this issue has been misunderstood by many. They have been wrongly informed that this is an issue of free speech and will somehow intrude into the doctor-patient relationship.

The truth is that the title X program was set up in 1970 to provide preconception family planning. It was explicit in stating that abortion was not an acceptable method of family planning. Unfortunately, the program strayed from its original purpose. It became a way to refer a high number of women for abortions by Planned Parenthood and other recipients of title X funds. Over 85 percent of the pregnant women that walk into some of these title X clinics end up getting an abortion.

For this reason the Reagan administration promulgated regulations that would stop the counseling and referring of women for abortion at federally funded clinics.

Much has been said about what these regulations prohibit. Let me make clear what they do not prohibit. They do not prohibit a physician, in fact they require him or her, to refer a women to proper and immediate care if her life is endangered, even if that care may result in an abortion. That is specifically provided for in the language of the regulations, and the President's letter of yesterday reiterates that point.

Second, it does not prohibit a provider from using the word "abortion." The regulation simply states that title X programs are not engaged in the abortion referral, counseling or providing business, but they may provide a list of other clinics which offer a wide range of services including abortion, as long as that is not the clinics' primary function.

I will today sadly vote against this legislation. It is too bad that with all the good this bill would do, it is being held up by those who are trying to use tax dollars in the promotion of abortion. I look forward to supporting this bill, after the House sustains the President's veto and strips this objectionable provision from the bill.

Ms. SNOWE. Mr. Speaker, I want to express my concern over the provisions in this conference report that address the Low Income Home Energy Assistance Program. The House approved a total of $1.6 billion in funding for fiscal year 1992, while the conference adopted a total of $1.8 billion.

But the increased appropriation masks the true situation. In actuality, only about $1.1 billion will be available for poor families to heat their homes this winter, a figure which represents a cut of more than $500 million from funds appropriated in fiscal year 1991. More than $405 million will not become available for the LIHEAP Program until September 30, 1992—1 day before fiscal year 1993 begins—and $300 million can be released only if the President declares an emergency.

Mr. Speaker, we cannot continue to cut such a critical program year after year. In fiscal year 1985, spending for LIHEAP was $2.1 billion. By fiscal year 1991, the total had been reduced to $1.6 billion. Now, in the winter of 1992, this already strapped program will be slashed again to $1.1 billion. Even if the President declares an emergency, only $1.4 billion will be available for the cold months of fiscal year 1992.

The majority of LIHEAP recipients are families with incomes under $6,000 a year. These

households pay 65 percent of their entire income on rent and utilities only. Before this year's wrangling, the LIHEAP appropriations were already woefully inadequate. Fewer than 25 percent of eligible households receive assistance from LIHEAP, and of these few recipients, the program on average pays less than 25 percent of their energy bills.

My State of Maine will suffer this winter, Mr. Speaker. Average heating costs have risen from $600 per year in 1989 to a projected $880 in 1991. The average LIHEAP assistance payment in my State would only cover this price increase. As the LIHEAP funding dwindles, the number of Mainers receiving assistance plummets. It is estimated that in fiscal year 1992, more than 17,000 fewer Maine households will be able to participate in LIHEAP than in 1989, and this in a severely recessionary environment.

Mr. Speaker, I hope that we can recognize the impact of our LIHEAP appropriations errors on real people in this country. Next year I will continue to fight vigorously for reasonable funding for one of the Government's most critical programs. I only hope that future funding will reflect more concern about the crucial needs for the Low Income Home Energy Assistance Program.

Mr. LEVINE of California. Mr. Speaker, I rise in support of this conference report and in opposition to efforts to reinstate the gag rule.

Abortion is not the issue at stake here, although there is no question that the administration efforts to gag doctors at federally funded health clinics are clearly designed to further erode a woman's right to choose.

Instead, the real issue is freedom of speech and whether or not women will be allowed to receive medical advice from their doctors without Government intrusion.

If Congress were to allow this gag rule to stand, it would open the floodgates to all kinds of meddling and social engineering by Government into areas which the Government should not be involved.

If this gag rule were to stand would we next allow the Government to limit what lawyers could tell their clients? Would we tell teachers what they could teach their students?

The gag rule would force health clinics to choose between Federal funds and their clients' right to full and complete medical advice.

No doctor, no health clinic director, no patient, should be faced with such choices—particularly in a free society.

As I reflect on this issue I cannot help but be struck by the outrageousness of the administration's action. How could we have reached the point where, in the United States of America, the Government seeks to control the flow of medical information to its citizens?

At a time when the Soviet Union is moving headlong toward freedom of speech are we to move in the opposite direction?

Are the radical abortion opponents in the administration so afraid of what women will do it they receive full information about their options, that they would intrude into the doctor-patient relationship and endanger a woman's health?

Do they really believe that if they gag doctors, women will choose not to have abortions?

All of this reminds me of an Orwellian horror story. Control the flow of information and you control both minds and actions.

Congress must stand up to the administration and the antichoice zealots and ensure that every woman has the right to receive full and complete medical advice.

Supporters of the gag rule clearly understand that their position does not have the support of the American public. They claim that there never was any gag rule.

That is wrong and they know it. There was a gag rule and the administration sought to impose it on every doctor who works at a health clinic which receives Federal funds.

I ask my colleagues to join with me in supporting this conference report and a woman's right to choose, and, if the President chooses to veto this legislation, to override his veto.

Mr. HAYES of Illinois. Mr. Speaker. I rise in support of the conference report to accompany H.R. 2707, which makes appropriations for the Department of Labor, Health, and Human Services, and Education, and related agencies. I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, numerous accounts reveal that the Job Corps Program, administered by the Department of Labor, has been successful in catapulting the lives and careers of youth in our inner cities. It is clearly a program that works.

There are approximately 100,000 disadvantaged youth in the city of Chicago who have not succeeded in the traditional public school setting, or are unemployed and lack requisite education and skills to obtain meaningful employment. Additionally, there is a sizable gap between the supply and employer demand for skilled workers in Chicago. In 1989 the unemployment rate for black teenagers was 40 percent in the city of Chicago. So, it is an understatement when we conclude that young people in Chicago, as in many other urban and rural centers, face immense disadvantages that exclude them from opportunities to be successful and productive citizens.

I am pleased that this conference report contains funds for six previously approved Job Corps centers. I believe that these new centers, which will be selected on a competitive basis, will create geographies of opportunity for the youth of this Nation. I am certain that every urban center, Chicago included, can appreciate the great need for these additional centers.

Finally, I would like to commend Chairman NATCHER and all the members of the House Appropriations Subcommittee on Labor-Health and Human Services and Education for their hard work and dedication on this legislation.

Thank you, Mr. Speaker.

Mr. SCHEUER. Mr. Speaker, the program before us has become a lightning rod for the debate on the question of whether a woman has a right to an abortion. But the simple truth is—the Supreme Court has decided that a woman does have that right—and the title X program has not, and will not under this bill, pay for abortion services. The family planning program has proven its value and rightfully deserves reauthorization.

The focus of our debate today is the discriminatory policies the administration has selected to restrict a women's access to her constitutional right to an abortion and the denial of physicians' and counselors' rights to free speech.

The administration's regulatory gag rule requires that physicians treat patients differently depending on their financial status.

Women with money can receive full and truthful counseling about their options, including abortion; those who are forced to rely on the Government for their health care and family planning services are denied comprehensive pregnancy counseling.

Over 20 national medical and nursing associations oppose the gag rule including such eminently conservative groups as: the American Medical Association, the American Nurses Association, and the American Academy of Pediatrics.

These groups are opposed to the gag rule because it represents unprecedented and unacceptable Government interference with sound medical practice.

The regulations require health professionals to violate their code of ethics and to expose themselves to malpractice lawsuits.

There is no precedent whatsoever for such a radical department from medical practice or medical ethics over the decades which not only encourages but requires a doctor to withhold information critical to a woman in making informed judgments about her health options.

The Government is limiting what doctors can say confidentially to patients, an abridgement of both patients' and doctors' rights, and the doctor's hippocratic oath.

It is a perversion of medical practice.

The implications are frightening.

The Government can now tell doctors, "We don't like this treatment—so you can't discuss it with your patients. And if you do discuss it you forgo your rights to any Federal benefits.

Under this logic, tobacco companies could now put pressure on Federal authorities to prohibit doctors from informing patients of the links between tobacco smoking and lung cancer because, as the companies have continually maintained, no absolute cause and effect relationship has been established.

If you forget for one moment that the issue before us is abortion, it is inconceivable that Americans would tolerate a similar policy affecting a doctors absolute right to advise patients freely, or their ability to consult the full range of health care options available to them.

If passed, H.R. 2707 has the power to restore fairness to family planning services and give women the information necessary to make their own health care decisions.

Ms. NORTON. Mr. Speaker, the Congress today has the chance to ungag the doctors and unlock funds for neglected women's health. Poor women are the chief victims of the gag rule which, by shutting doctors up, shuts women off from vital information concerning abortions if they are dependent on federally funded clinics. And all women have been victims of insufficient national attention to health problems that have now assumed epidemic proportions—from breast cancer to osteoporosis.

Polls show that 71 percent of Americans believe that the gag rule is unfair to poor women. Ninety-one percent of Americans agree that it is important that poor women have access to clinics where they can seek advice on family planning and birth control. Seventy-six percent believe that "it makes sense for family planning clinics which receive Federal moneys to

give poor women advice about abortion." This is more than the two-thirds needed to make this bill veto proof. These majorities should rally the courage of this body.

May I make a special plea for indigent women in the District of Columbia. Theirs is a double jeopardy. Thanks to a Presidential veto exercised now for three straight years, we cannot use our own tax raised funds to finance abortions, in derogation of every principle of democracy and home rule. On top of this burden, the gag rule adds the outrage of perhaps deadly silence from the trusted authority figure. The physician may not advise poor women of where to go for funds or advice in lieu of seeking help in the district. This is not a rule. It is a cruel edict unworthy of any American court or the Congress.

The gag rule gives us a two tiered system of reproductive rights. This bill declares all women to have equal reproductive rights. And this bill will finally remove the label "low priority" from the health problems that affect women of every race and background.

Mr. AUCOIN. Mr. Speaker, I am particularly pleased that the conferees for the Labor, Health and Human Services and Education appropriations bill have provided at least $1.5 million for new outreach initiatives to migrant farmworkers and their families. This provision is in response to a migrant farmworker mobile clinic grant program included in the Senate committee report accompanying the bill. I am particularly proud of the program because it is based upon a successful mobile health clinic program in my district operated jointly by the Virginia Garcia Memorial Migrant Health Center and Northwest Medical Teams, a nonprofit volunteer physicians organization.

In my district, the mobile medical and dental clinic provides primary care and dental services to over 13,000 migrant and seasonal farmworkers and their families each year. It is a proven, cost effective way of overcoming health care barriers experienced by migrant and seasonal farmworkers, including isolation and the lack of transportation. The use of mobile clinics can take health care services directly to farm labor camps and other nearby locations.

Because I have seen firsthand the benefits of mobile medical outreach, I am a strong proponent of the Mobile Clinic Outreach Grant Program. I look forward to working with HRSA to develop a grant program that will help overcome the access barriers experienced by migrant farmworkers.

Mr. OBERSTAR. Mr. Speaker, the conference report that the House considers today is the single most important piece of legislation affecting the well-being of all Americans. There is funding in this $205 billion bill for health maintenance and health research; there is funding for quality of life programs such as LIHEAP energy assistance, child care, job training, and safety, and there is funding through Head Start and chapter 1 to educate America's young people to help create a better future.

This legislation is the yardstick by which we measure our degree of care for our fellow citizens. There are a number of programs in this bill that I have vigorously supported throughout my service in the Congress. I fought for funding for library services when the Reagan administration proposed the elimination of this program. I led the fight against reductions in the LIHEAP energy assistance program, as I have done since the inception of LIHEAP, and I have continuously supported increased funding for cancer research, especially breast cancer research. All of these programs receive important levels of funding in this bill.

Most of my colleagues know my personal and intense reason for supporting increased funding for breast cancer research: The loss of my wife, Jo, to the relentless advance of this disease. I remain deeply distressed and offended by Secretary Louis Sullivan concerning breast cancer research. Earlier this year, Secretary Sullivan wrote: "The $50 million earmark for breast cancer research and the development of a test for early detection of ovarian cancer is unnecessary." I will not be deterred from my mission to assure increased funds for breast cancer research, to provide women and scientists with the resources they need to fight this disease which has reached epidemic proportions, a disease which robs children of motherly love, guidance, and support.

There is, however, one offending provision concerning the prohibition of funds to be used to enforce the title X regulations, promulgated by the Department of Health and Human Services in 1988, the constitutionality of which was sustained by the Supreme Court this past May. The title X program was created to provide family planning services, not abortion services. President Bush has stated that he will veto the bill because of this provision. If he does so, I am confident that the Congress will sustain the veto and that the Subcommittee on Labor, HHS, Education will bring back to the floor this bill with the necessary corrective language. I will support the veto if the President expressly states that he finds only the Porter language concerning the title X regulations objectionable and that the President does not ask Congress for reductions in funding contained in this conference report. I will not support a veto if the President is critical of funding levels for programs under the jurisdiction of this appropriations bill. The White House congressional liaison staff have said that the President needs encouragement to veto this bill because of the offending title X provisions, and today I am offering that encouragement, but only on the title X issue and no other.

Ms. DELAURO. Mr. Speaker, I rise to express my strong support for this legislation—legislation vital to every American woman.

Significant attention has been given today to the provision in the conference report that would bar enforcement of the administration's "gag rule." As it should. The "gag rule" is a draconian attempt to withhold important medical information from women. It goes against everything we hold important in a free society.

But there is another, equally important, reason for supporting this conference report—it will dramatically improve the health of women. Included in this legislation are vital increases in funding for research into diseases that affect only women. Deadly diseases that kill over 50,000 women each year. This legislation proposes significant increases in research that will improve methods of early detection in cases of breast and ovarian cancer.

With these diseases, only early detection saves lives. I am here today because my cancer was detected early. I was lucky. But the sad reality is, too many women are diagnosed after it is much too late. And as a result, too many women are dying. It is a travesty that need not happen.

By increasing funding for the NIH and the CDC in the areas of women's health, we are signaling the Nation's health research establishment and women across the country that we are taking their situation seriously. By increasing funding we are reversing years of unwritten health care policy in this country that has treated women as an afterthought.

Mr. Speaker, I commend the committee for its work on this bill. Passage today is a matter of life and death for every American woman who is vulnerable to these diseases. I urge my colleagues to consider the needs of women who are endangered by these diseases as they cast their votes. And I urge the President not to play politics with such an important matter if this bill reaches his desk.

Mr. SERRANO. Mr. Speaker, I rise to support H.R. 2707, this motion contains several important programs that are crucial to my constituents.

Earlier this year I testified before Chairman Natcher, requesting that his committee appropriate funds for the only Federal program that would provide funding to States to reduce the number of dropouts. Since the School Dropout Prevention Basic Skills Improvement Act was passed and signed into law last year the dropout rate has worsened. According to the U.S. Department of Education, the number of high school graduates is expected to decline by 4 percent for this year.

However, I congratulate Chairman Natcher for appropriating funds for the current dropout demonstration assistance act, which has focused on demonstration programs that are, unfortunately, limited in the number of schools and students they actually serve. I hope that maybe next year P.L. 101–600 will receive an appropriation to aid States to alleviate the high dropout rates. Funding is urgently needed for this program that will encourage students to complete their high school education, and I will continue to urge the gentleman from Kentucky to do so.

Mr. Speaker, I would also like to compliment Chairman Natcher for increasing funds for the Job Corps. I supported the Job Corps 50–50 plan which would increase the quality of services offered by existing Job Corps centers and will add an additional 10 centers each year for the next five years.

My constituents are fortunate to have a great South Bronx Job Corps Center in their neighborhood. The South Bronx Job Corps Center is recognized by the U.S. Office of Job Corps as one of the ten best performing centers in the country. Last year it was awarded the prestigious director's award.

Mr. Speaker, I would like to note for the record that the unemployment rate for New York City is 8.9 percent, and for youth in the South Bronx it is estimated at almost 50 percent. Job Corps is a symbol of hope for the unemployed youth in the South Bronx. It is a second chance for the school dropout. Job Corps also is a service to employers who are facing shortages of qualified youth even in time of rising unemployment. Job Corps is a sound investment. It gives young people a second chance.

I am disappointed that there was not a significant increase in funding for the bilingual education act. Most recently the Department of Education's own longitudinal study indicated that children who receive bilingual education programs achieve higher than children who have no access to these programs.

Mr. Speaker, we need to reward successful academic programs that promote equity and access with funding. If these programs are fully funded at the elementary level, I am convinced that we will have less of a need for remedial programs in the higher grades.

Also of importance to my constituents, is an increase in programs: To curb and reduce infant mortality, fully fund the maternal and child health block grant, for the elderly, substance abuse and, the CDC breast and cervical cancer screening initiative. These increases are vital for communities such as the Bronx where the infant mortality rates and pediatric AIDS cases are the highest in the Nation.

I believe that with better funding for health, education and job training programs we can better prepare for our future. I urge my colleagues to support this pro-family bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

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. VOLKMER. 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 272, nays 156, not voting 5, as follows:

[Roll No. 380]

YEAS—272

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Boehlert
Bonior
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coughlin
Cox (IL)
Coyne
Cramer
Darden
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Guarini
Gunderson
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Machtley
Markey
Martin
Matsui
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Molinari
Moody
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Oakar
Oberstar
Obey
Olin
Olver
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Pickett
Pickle
Porter
Price
Pursell
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (TX)
Snowe
Solarz
Spratt
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Zeliff
Zimmer

NAYS—156

Allard
Annunzio
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bilirakis
Bliley
Boehner
Borski
Broomfield
Bunning
Burton
Callahan
Camp
Coble
Combest
Costello
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
de la Garza
DeLay
Donnelly
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fields
Gallegly
Gaydos
Gillmor
Gingrich
Goss
Gradison
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Holloway
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kanjorski
Kasich
Kolbe
Kolter
Kyl
LaFalce
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lowery (CA)
Luken
Manton
Marlenee
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Moakley
Mollohan
Montgomery
Moorhead
Murphy
Nichols
Nowak
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Poshard
Quillen
Rahall
Ray
Rhodes
Riggs
Rinaldo
Ritter
Roberts
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shuster
Smith (NJ)
Smith (OR)
Solomon
Spence
Staggers
Stallings
Stearns
Stenholm
Stump
Sundquist
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Wolf
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—5

Hayes (LA)
Hopkins
Martinez
Sangmeister
Slaughter (VA)

□ 1537

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

Mr. DURBIN and Mr. HUGHES changed their vote from "nay" to "yea."

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.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. Pursuant to the rule, the amendments in disagreement are considered as having been read.

The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 3: Page 2, line 15, strike out "$4,027,907,000" and insert "$4,059,821,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: $3,861,338,000".

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. NATCHER] is recognized for 30 minutes, and the gentleman from Michigan [Mr. PURSELL] is recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. PEASE].

□ 1540

Mr. PEASE. Mr. Speaker, I rise to engage in a colloquy with the chairman of the subcommittee.

I would like to congratulate the gentleman for another fine conference report. As he knows, I am one of the biggest fans of him as chairman of this subcommittee.

Mr. Speaker, I am interested in the funding provided in the bill for new Job Corps centers. The House bill origi-

nally did not include any money for new centers, is that correct?

Mr. NATCHER. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. PEASE. The Senate bill included funding for five new centers and certain locations were mentioned in the committee report. Is that correct?

Mr. NATCHER. That is correct.

Mr. PEASE. It is my understanding that the bill reported by the conference committee includes money for new centers, and that no specific center was earmarked in the bill. Is that correct?

Mr. NATCHER. That is correct .

Mr. PEASE. The city of Mansfield, OH, in my district, has put together a proposal for a Job Corps center. They feel their proposal is unique because it targets youth from smaller communities who historically do not fare well in centers located in urban areas. They have met with representatives at the Department of Labor and have received very positive feedback. It is my understanding that under this bill the city of Mansfield's proposal would be given equal consideration for one of the new Job Corps centers to be funded by this bill. Is that correct?

Mr. NATCHER. That is correct. The city of Mansfield's proposal would be considered on an even basis with any other proposal for a Job Corps center.

Mr. PEASE. Mr. Speaker, I thank the gentleman for this clarification.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I want to take a moment to thank my colleague from Kentucky, Congressman WILLIAM NATCHER, for his support for an increase in the appropriation for Job Corps. The $4.3 million in the capital account of the Job Corps appropriations bill will enable priority site acquisition and planning for new Job Corps centers.

Mr. NATCHER. Mr. Speaker, if the gentleman will yield, I support Job Corps because it helps so many poor young people obtain an education, learn a skill and get a job. Job Corps has shown that it helps young people and I am for any program that is effective.

Mr. DYMALLY. Mr. Speaker, as the chairman is aware, I have worked hard to attempt to bring a Job Corps center to Compton because we have so many young people who need help. Our unemployment rate is 17.6 percent, twice that of Los Angeles. Among young black males in Compton, unemployment is at 42 percent. Many of my constituents are young, poor, and low-income. The Compton Job Corps Center would offer a tremendous opportunity to young people who have little hope for the future.

Mr. NATCHER. You have made an excellent case for the needs of the youth of Compton. I hope you are successful in the competition for new centers.

Mr. DYMALLY. I wish to thank the chairman, the gentleman from Kentucky [Mr. NATCHER], my friends, Representatives STOKES, ROYBAL, and DIXON and Members in the other House who were so helpful in increasing funds for the Job Corps.

Mr. Speaker, I include for the RECORD a resolution of the city council of the city of Compton supporting a new Job Corps center, and various letters in support thereof as follows:

RESOLUTION No. 16.723

Whereas, there has been an increase in youth who are African-American, Hispanic, poor, homeless and disadvantaged and are more difficult to integrate into our society and economy; and

Whereas, youth (ages 16–22) unemployment in the City of Compton presently stands at 42% or three times the national rate; and

Whereas, one-fourth of all children born in the United States will be on some sort of welfare at some time in their lives, according to statistical trends; and

Whereas, the U.S. Department of Labor, Office of Job Corps has established a detailed step-by-step process of planning, developing building and contracting for the operation of new Job Corps Centers in the United States; and

Whereas, Job Corps has demonstrated that it has been successful in educating, training and job placing disadvantaged at-risk youth between the ages of 16 and 22; and

Whereas, local statistics substantiates the need for a new Job Corps Center in the City of Compton.

Now, therefore, the city council of the city of Compton does hereby resolve as follows:

Section 1. That the City Council of the City of Compton supports the construction and operation of a new Job Corps Center in the City of Compton.

Section 2. That the City Manager on behalf of the City Council be authorized to proceed with all efforts to assure the establishment of this facility and to assure a proportionate number of jobs will be reserved for the City's residents throughout each phase of this project.

Section 3. That a certified copy of this resolution shall be filed in each office of our elected, federal representatives and offices of the City Manager, City Clerk and Grants Management.

Section 4. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

Adopted this 5th day of November, 1991.

COMPTON UNIFIED SCHOOL DISTRICT,
Compton, CA, October 14, 1991.

Hon. TOM HARKIN,
Chairman, Subcommittee on Labor, Health and Human Services and Education, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: I am writing you to urge your support of the City of Compton as it relates to the upcoming consideration of cities to possibly receive appropriations for a Job Corps Center. It is my understanding that the Senate Bill includes $10 million for the construction of five new centers, and that the Senate report language acknowledges Compton, along with four other cities, that have demonstrated great need and strong community support for a Job Corps Center to ensure opportunities for our disadvantaged youth.

The City of Compton is in an employment crisis! In a recent study made pursuant to the adoption of a new general plan for Compton, it was revealed that the overall unemployment rate of Compton (17.6 %) is twice that of the City of Los Angeles. Of the 17 surrounding Southern California cities researched in that study, Compton's unemployment rate ranked highest. The Los Angeles County average is 8.6%. Thus making the City of Compton the unemployment capital of Los Angeles County.

We have other egregious problems inasmuch as our students' test scores perennially rank lowest in the State of California. Compton youth desperately need job training and job opportunities of the vocational nature consistent with the Job Corps program.

As to Black males between the ages of 16–24, it is estimated that the unemployment rate is 42%. This is particularly noteworthy in light of the fact that the population of our community (90,454) is 52% African-American and 44% Hispanic.

Within the State of California, nowhere is the need for a Job Corps Center as great as Compton, where minorities make up 99% of the population. Approximately 75% of the population in Compton falls into the low to moderate income category. Unemployment is rampant to the extent that Compton's Western neighborhoods currently have a 72.7% unemployment rate.

The Compton Job Corps Center, if established, will also serve the Los Angeles County area, where an estimated 47,000 youth were referred to the county probation office last year. The single Job Corps Center in Los Angeles serves an average of 735 youth aged 16–22 at any one time. While this Job Corps Center performs a valuable service to the Los Angeles community, its 3 to 4 month waiting list demonstrates the need for another Job Corps Center to serve the Los Angeles County.

I appeal to you to reconsider the Job Corps program a priority item, and in receding to the Senate version of the bill and the report language allowing for the establishment of five new centers, which would include the Compton Center.

Thanks in advance for your consideration of this request.

Sincerely,

DR. J.L. HANDY,
Superintendent.

CITY OF COMPTON,
Compton, CA, November 5, 1991.

Hon. MERVYN DYMALLY,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DYMALLY: I am writing to thank you for all of your work toward the establishment of a Job Corps Center in the city of Compton. I now understand that $4.3 million dollars is available for the construction of new centers. The city of Compton has a great need, as well as strong community support, for a Job Corps Center to ensure opportunities for our disadvantaged youth.

As you are aware, Compton is in an employment crisis. In a recent study made pursuant to the adoption of a new General Plan for the city, it was revealed that Compton's overall unemployment rate (17.6%) is twice that of the city of Los Angeles. Of the 17 surrounding Southern California cities researched in that study, Compton's unemployment rate ranked highest. The Los Angeles County average is 8.6%; thus making the city of Compton the unemployment capital of Los Angeles County.

There are approximately 20,124 disadvantaged youth between the ages of 16–22 that

reside in Compton. This represents approximately 22.3% of our total population. The unemployment rate for this target group is approximately 23%.

As for Black males between the ages of 16-22, it is estimated that the unemployment rate is 40%. This is particularly noteworthy in light of the fact that the population of our community (90,454) is 55% African-American and 44% Hispanic. We have other egregious problems inasmuch as our student's test scores perennially rank lowest in the State of California. Compton youth desperately need job training and job opportunities of the vocational nature consistent with the Job Corps Program.

Finally, our community is being devastated by the highly disproportionate number of single family homes (22,593) and a drop-out rate estimated as high as 70%. Our medium family income is only 23,949 and our city has been designated as a special impact area by the Department of Commerce. If there is any community that qualifies for a Job Corps Center, we most certainly are it!

I am pleased to inform you that we have an excellent site available, and look forward with much enthusiasm to hearing a positive response from you and your colleagues. On behalf of the city of Compton, I thank you for your effort.

Sincerely,

WALTER R. TUCKER III,
Mayor, City of Compton.

COUNTY OF LOS ANGELES,
DEPARTMENT OF PUBLIC SOCIAL SERVICES,
El Monte, CA, October 15, 1991.

Hon. ALAN CRANSTON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CRANSTON: I am writing to support the efforts of the residents of Compton, and their elected representatives, to secure passage of currently pending Federal legislation that will expand the Job Corps program and provide for a new Job Corps site in the City of Compton. The respected and successful education, training and rehabilitation programs administered by the Corps are well-suited to address the critical economic needs of the youth and young adults of Compton.

I welcome additional human services efforts that are intended to help meet the needs of persons served by the L.A. County Department of Public Social Services. Development of marketable skills and enhancement of job readiness are key Job Corps components that will be of considerable benefit in accelerating the movement of public assistance recipients into the job market.

Very truly yours,

EDDY S. TANAKA,
Director.

CITY OF COMPTON,
POLICE DEPARTMENT,
Compton, CA, August 8, 1991.

Hon. MERVYN M. DYMALLY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DYMALLY: I am writing this letter to express my sincere appreciation for the recent action taken by you in securing a job corps training center for the City of Compton.

The fact that only five new job corps training centers were authorized by Congress for the entire nation clearly demonstrates your persuasive abilities and tenacity in obtaining this most worthwhile project for our community.

I would also like to extend thanks to your Chief Legislative Director, Mr. Marwan Burgan, who has been in constant contact with members of my staff on this and other important matters.

Again, thank you for your efforts on behalf of the citizens of Compton.

Sincerely,

TERRY R. EBERT,
Chief of Police.

AFRICAN-AMERICAN CAUCUS,
CALIFORNIA DEMOCRATIC COUNCIL,
Carson, CA, November 4, 1991.

DEAR CONGRESSMAN DYMALLY: Knowing of your years of dedication as a champion for your district, I am positive it is not necessary to quote statistics relevant to the numbers of poor and minority untrained and unemployed youth that compose Compton and its surrounding communities. What is important is that we as an afflicted community support you as you act as an emissary of our impassioned concerns to your colleagues. It is important that your fellow members of Congress understand the depth of the desperation and despair existing within our communities.

Recently, I heard Los Angeles referred to as becoming a vanquished wasteland. If this is so, it is because of the inequitable burden of the disenfranchised massed within our urban boundaries. The circumstances that exist within these demographies were not of our doing. It is the results of great influxes of poor immigrants. Years of inadequate education and an inundation of alcohol, drugs and weapons dumped in our communities while exploiting our children for profit. It is the systematic undermining of our family structure. The decades of government band-aid approaches, denials and apathy to the social ills of minority, poor, urban communities.

As you carry this message, please convey the fact that the lack of incentive; the lack of employment; the lack of self actualization in mainstream America has victimized our communities, and that the victims historically have been blamed for the crime when in fact the real traversties live far from our communities under the guise of respectability.

Our communities have been exploited for so long that its problems are wearing on the fibers of the nation. The vast expansion of the under class in recent years is the result of this neglect and exploitation. It is the core of decomposition of our urban cities.

Now is the time, if ever, for concentrated reconstructive efforts. Comprehensive training and employment must be a priority. With economic mobility comes self worth and self respect. The establishment of a Job Corps Center in Compton, California is not just needed, it is crucial to the future development of Compton and its neighbors.

Sincerely,

VICTORIA MCKINNEY,
State Chairperson.

YWCA EXECUTIVE OFFICES,
Los Angeles, CA, October 15, 1991.

Hon. MERVYN M. DYMALLY,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN DYMALLY: The YWCA of Los Angeles, the contract operator for the Los Angeles Job Corps since 1965, strongly urges you to ensure that a new Job Corps Center is located in Compton, California. From the perspective of a Job Corps operator, we know the demands of the program, as well its successes. It is from this perspective we can see no more appropriate, or needed location for such a program anywhere in the State of California, or in the country for that matter.

Ethnic minority groups make up almost 100% of the population of the city of Compton. The unemployment rate is significantly higher than any of the surrounding municipalities, and approximately 75% of the residents fall in the low/moderate income category. Through its Compton Center, the YWCA of Los Angeles has provided support services to this community for over 10 years. This has included a solo program offering services to the displaced homemaker, Minority Women's Employment Seminars and other job readiness programs. However, this is just not enough.

Your support of a Job Corps Center in the City of Compton will expand the base of services provided in the municipality. Such a Center will not only enhance the potential of many community youth, but will also broaden the economic base of the City through additional trade opportunities, as well as an increase in available jobs.

Should you desire more information about the community and its employment service needs, and the needs of the youth, please do not hesitate to call either of us (Mrs. Harris (213) 636-1429 or Dr. Wiltz at (213) 482-3470).

Sincerely,

ELAINE HARRIS,
Director, Compton Center.

LAURA S. WILTZ, Ph.D.,
Chief Executive Officer.

COMPTON UNIFIED SCHOOL DISTRICT,
Compton, CA, October 18, 1991.

Hon. TOM HARKIN,
Chairman, Subcommittee on Labor, Health and Human Services and Education, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: I am writing to support the efforts of the residents of Compton, and their elected representatives, to secure passage of currently pending Federal legislation that will expand the Job Corps program and provide for a new Job Corps site in the City of Compton. The respected and successful education training and rehabilitation programs administered by the Corps are well-suited to address the critical economic needs of the youth and young adults of Compton.

I welcome additional human services efforts that are intended to help meet the needs of persons served by the Compton Unified School District. Development of marketable skills and enhancement of job readiness are key Job Corps components that will be of considerable benefit in accelerating the movement of public assistance recipients into the job market.

Sincerely,

RILEY JOHNSON, Jr.,
Assistant Superintendent.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, today I rise to bring to the attention of this body a funding reduction in the Labor-HHS bill which will seriously impair our ability to save taxpayers' dollars. Mr. Speaker, as you know, last November the Chief Financial Officers Act was passed by this body and the other body without dissent, and later signed by the President.

The CFO Act was passed in response to the gross abuse of taxpayers' dollars resulting from the HUD scandal, and because of numerous other examples of executive branch mismanagement. The legislation was designed to establish a front-line defense against fraud, waste, and abuse, and will help to restore the American public's confidence in the Federal Government.

When the appropriations bills for agencies with CFO's went to conference, I wrote letters urging the conferees to support the important goals of the CFO Act by either providing the requested funding or by restoring funding cut by the House and the other body. Despite my best efforts, however, certain agencies were hit hard during the conference process, including the Department of Health and Human Services. The Department requested funds for the inspector general so that it could implement the CFO Act. The House reduced that request by $9.5 million, and the other body reduced the request by another $5.65 million. The inspector general is at risk of losing an additional $2 million if he is asked to share in the Department's across-the-board reductions.

The Department's budget of $550 billion requested for fiscal year 1992 represents 36 percent of the total Federal budget. The inspector general's audits, investigations, and evaluations cover Social Security, Medicare, Medicaid, and some 260 other programs to assure the Congress and the administration that we do not have another HUD scandal.

Additionally, the Department's inspector general, Richard P. Kusserow, has been a leader within the inspector general community in implementing the CFO's Act. The Congress simply cannot afford to show a lack of support to an outstanding inspector general at a time when the country desperately needs funds for domestic needs.

Unfortunately, the conferees did not see fit to restore the amounts requested. The Department's office of inspector general pays for itself many times over. Last year the inspector general's work resulted in $5.8 billion in savings, settlements, recoveries and restitutions—a payback of $62 for every dollar funded for inspector general operations.

Since the requested funding was not approved in conference, the Department's inspector general will need to reduce its staff by an estimated 120 positions. The Department hopes to make these reductions through the normal attrition process, but because of the economy, its turnover rate is lower than usual. Therefore, other options are being considered, including furloughing its staff for up to 10 days per person. Eliminating these dedicated, hard-working, experienced, and invaluable employees' positions will place the inspector general in jeopardy of being unable to fulfill the requirements the Congress has placed upon the agency.

And, Mr. Speaker, I could not come to speak on this legislation without addressing the gag rule on title X public clinics. Although many people are trying to paint this as a fight on abortion, in fact, the gag rule, if implemented, would represent a much more frightening blow to the Bill of Rights. Because just as ominous as the erosion of personal choice is the erosion of elementary democratic tenets of free speech. Requiring the withholding of pertinent medical information by a health care professional is absolutely unthinkable. Anyone who has read this morning's memo from President Bush to Secretary Sullivan knows perfectly well that the creative rewording of the President's position is actually nothing new—George Bush is telling my constituents, those unable to afford private physicians, that they are second-class citizens. That they are going to receive inferior and severely limited medical information; that their doctor-patient relationships will be dictated by the Bush administration holding the Federal purse strings. I encourage each of my colleagues, regardless of their views on abortion rights, to join me in protecting the constitutionally guaranteed rights and privileges of all Americans.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 7: Page 3, line 4, strike out "$52,464,000" and insert: "$80,464,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Natcher moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$187,700,000 is appropriated for part B of title II of the Job Training Partnership Act, as amended, in addition to amounts otherwise provided herein for part B of title II, to be available for obligation for the period October 1, 1992 through June 30, 1993; and, in addition, $73,000,000".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. NATCHER] is recognized for 30 minutes.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I intend to rise in several instances this afternoon to highlight those amendments in disagreement which deal with programs that involve forward funding. If the managers of this bill would be so kind as to share with me some additional information on this particular item, I would be greatly appreciative.

I see by the amendment in disagreement that we are talking about $187,700,000 appropriated for part B of title II of the Job Training Partnership Act. Of that there would be $73 million that would be forward funded. Is that a correct interpretation?

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

Mr. PENNY. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, $187,700,000 would be delayed obligations.

Mr. PENNY. Mr. Speaker, there are several provisions such as this in this bill, not all of them are in disagreement, but in total there is 4.3 billion dollars' worth of funds which will not be obligated until September 30. Most of those outlays will then occur in the next fiscal year, crowding our budget in fiscal year 1993. I strongly object to this process. The only opportunity we will have today to express our disagreement with that type of funding is to single out these various amendments for a separate vote, and I would intend to do so on this item.

□ 1550

Mr. NATCHER. Mr. Speaker, I would like to call the gentleman's attention to the fact that when the President sent us his budget request for the fiscal year 1992, it had $1.4 billion of the delayed obligations for this bill. The House has approved delayed obligations in seven other appropriation bills this year. That includes $3.3 billion in the House-passed version of the Defense appropriation bill. I believe in VA-HUD, Mr. Speaker, in the President's budget that he sent to the Congress there was $380 million in delayed obligations.

Mr. Speaker, all down through the budget as presented we had delayed obligations. I say to the gentleman from Minnesota [Mr. PENNY], Mr. Speaker, that this is a procedure that we on our Committee on Appropriations have never had to contend with before.

We had all of these requests in the budget as presented, and I would hope that the gentleman from Minnesota [Mr. PENNY] would not insist upon a rollcall vote on these matters, knowing, as he does, where it started, and how it got up to the Hill.

Mr. PENNY. Mr. Speaker, would the gentleman again relate for the membership the dollar amount involved in

forward funding as requested by the White House?

Mr. NATCHER. The forward funding as requested by the White House for this bill was $1.442 billion, and I say to the gentleman from Minnesota [Mr. PENNY], and I say this to the gentleman because he is our friend, and I do not know of a provision in this bill pertaining to the health and the education of our children that the gentleman is not in favor of. I do not know of one that is in this bill, knowing the gentleman like I do.

You see, the position that we were put in in the very beginning with the budget as presented and, I say to the gentleman from Minnesota [Mr. PENNY], I would respectfully request that he not insist upon a rollcall vote on these matters. The gentleman knows the situation we were put in in the very beginning starting with the budget.

If there was a matter where we on the subcommittee and on the Committee on Appropriations had brought in a bill and we had all of the delayed obligations in there starting with our committee, it would be a different matter. This starts, and it has started, from OMB, the Office of Management and Budget, and not only the Appropriations Committee.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I am happy to yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Speaker, I appreciate the chairman yielding to me.

Mr. Speaker, I say to the chairman that it seems to me that when this House passed the Defense appropriations bill, there was something like $3.3 billion in forward funding in that bill, and the membership saw the uses and the need in those instances. No complaint was made in that instance.

Am I correct, I ask of the gentleman from Kentucky [Mr. NATCHER], the chairman, was it $3.3 billion in the Defense appropriations bill?

Mr. NATCHER. The gentleman is correct. That is the amount.

Mr. AUCOIN. Mr. Chairman, if the gentleman will yield further, how about the space station? Was that not on a forward-funded basis?

Mr. NATCHER. There was $754 million in delayed obligations in the VA-HUD bill.

Mr. AUCOIN. If the chairman will continue to yield to me, I would join him in urging my colleague, and I have a great deal of respect for him, I would urge him to not seek a separate vote on this question.

In the case of Defense, at $3.3 billion, in the case of the space station, in those cases, a vote of this kind was not requested here, because those were found necessary. We are dealing here with programs that are absolutely vital to human beings in this country, people who feel like they have been left out and forgotten. I am talking about the American people.

I would just urge him not to get a separate vote on this question.

I think, as the gentleman from California [Mr. PANETTA] said earlier today, the chairman of the Committee on the Budget, this is a perfectly appropriate procedure, and he is the chairman of the Committee on the Budget. I do not know of any chairman on the Committee on Appropriations subcommittees, any committee chairman who is a straighter arrow when it comes to the straight use of procedure on appropriations than the gentleman from Kentucky [Mr. NATCHER], my colleague, the chairman of this subcommittee.

So I join him in urging the gentleman not to ask for a vote on this subject.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY], one of the able Members of this House.

Mr. PENNY. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I do want to indicate that I agree with the chairman and the gentleman from Oregon in their remarks about other legislation, appropriations legislation, that has used this same tactic to fund various programs and purposes.

In particular, I opposed the space station funding for the very same reason that I am alarmed by some of the items in this bill, because next year that increased funding for that space station is going to further crowd research, is going to further crowd VA health care and other valuable programs.

It is that kind of obligation in one fiscal year that creates headaches and problems for us in the out years. I am fearful that we may be doing the same thing with this legislation, and it is for that reason that I wanted to draw attention to the fact that in this bill there is $4.3 billion worth of spending that will occur on September 30 and carry forward into the next fiscal year. That is not the way we ought to be setting our priorities here in this Congress.

If I wanted to press the point, I could not only call for a vote on amendment No. 7 affecting the Job Training Partnership Act, I could call for a vote on the amendment in disagreement No. 9, because there is forward funding involved there as well; I could call for a vote on amendment No. 38, which involves forward funding for the Centers for Disease Control; amendment No. 41, National Institutes of Health, here again, forward funding; amendment No. 47, affecting the National Institute for Allergies and Infectious Diseases; amendment No. 49 involving forward funding for the National Institute of Children's Health; amendment No. 52 involving funding for the National Institute on Aging; and amendment no. 55, including forward funding for various other programs and purposes; amendment No. 68, forward funding on alcohol and drug abuse; amendment no. 90, an amendment calling for funding of refugee assistance programs; amendment No. 93 for farm worker programs; amendment No. 94 for child-care programs; amendment No. 96 for human development services; amendment No. 112 for Department of Education programs; amendment No. 124, similarly in the Department of Education; amendment No. 158, student financial aid; amendment No. 164 involving certain higher education block grants. The list goes on.

The argument today is not so much over the independent merits of these various proposals. The argument is that altogether they amount to $4.3 billion worth of spending above and beyond the limits we set for ourselves for the coming fiscal year.

We did not evidently find room anywhere else in this appropriation bill to make the necessary cuts to provide for these priority items.

My frustration is that this bill, as so many other bills, involved choices, and we have shown an unwillingness to make those choices. Consequently, you are asking the membership today to vote for spending for health, human services and other programs way above the amount that we thought we had agreed to not only last fall with the budget agreement but earlier this year with our own budget resolution.

Again, I think it is important to stress the process that has been utilized in order to allow for these higher funding levels. It is important that we stress today the problems we are going to create for ourselves next year as we begin to experience the squeeze that these higher spending levels cause for the very programs in this bill that we all claim to support.

In deference to the chairman of the committee, for whom I have the greatest respect, I will not proceed to call a vote on each and every one of these items, but I do hope that as we proceed with next year's budget, we are careful to stay within the limits we set for ourselves.

□ 1600

It is the very least that we ought to do to honor our own limits. I would venture to say that the public at large is not terribly impressed without known spending lids, because even within the spending agreements that have been reached here on Capitol Hill, we have allowed the deficit to grow.

Again, I will not call for a separate vote on this item or the other items. I appreciate the opportunity the chairman has given me to draw attention to this practice of forward funding and I intend to object to this practice as it is

utilized in other measures as they come before this House.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I would just like to say to the gentleman that I appreciate and admire him for bringing this to the attention of the body. The gentleman has proposed amendments over the last few years to cut 2 percent, 3 percent, 4 percent, 1 percent, out of various spending bills, and I think I supported him on all of those. I believe the gentleman's supported me on a number of the pork barrel amendments that I sponsored in the past 6 to 8 months.

I would just like to ask the gentleman this question. I mean, we are forward funding $4.3 billion over the current limits that have been set, and we are obligating money on the last day of the fiscal year and we are going to have to rob Peter to pay Paul.

I mean, next year when we start setting spending limits, this money will not be there. That means there is going to be a compressed amount of money with which we pay the bills of this country.

I would just like to ask the gentleman this question. Why not call for a vote on these amendments? I have great respect for the gentleman from Kentucky [Mr. NATCHER]. He is one of the finest men in this House, but we have to set a record for the people of this country to follow as far as the spending practices of the Congress of the United States, whether it is on pork barrel spending or whether it is on forward spending.

I mean, this is a way to circumvent the budget agreement. I would just like to encourage the gentleman to call for votes on these things. I think it is extremely important that we set a record. The people of this country are facing a $400 billion deficit this year. The national debt has gone from $1 to $4 trillion in just 4 years. Interest on the national debt is up to 18 cents on a dollar. We have got to do something. Spending is out of control and here is one way to draw attention to $4.3 billion in spending that was not authorized.

So Mr. Speaker, I just would encourage the gentleman to reconsider doing that, and if the gentleman does not, I think I might.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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

Mr. BURTON of Indiana. 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 250, nays 175, not voting 8, as follows:

[Roll No. 381]

YEAS—250

Abercrombie	Frank (MA)	Morella
Ackerman	Gallo	Morrison
Alexander	Gaydos	Mrazek
Anderson	Gejdenson	Murtha
Andrews (ME)	Gephardt	Myers
Andrews (NJ)	Gibbons	Nagle
Andrews (TX)	Gilman	Natcher
Annunzio	Gonzalez	Neal (MA)
Anthony	Goodling	Neal (NC)
Applegate	Gordon	Nowak
Aspin	Gradison	Oakar
Atkins	Green	Oberstar
AuCoin	Guarini	Obey
Bacchus	Hall (OH)	Olin
Bennett	Hamilton	Olver
Berman	Harris	Ortiz
Bevill	Hatcher	Orton
Boehlert	Hayes (IL)	Owens (NY)
Bonior	Hefner	Owens (UT)
Borski	Hertel	Pastor
Boucher	Hochbrueckner	Payne (NJ)
Boxer	Horn	Pease
Brewster	Horton	Pelosi
Brooks	Houghton	Perkins
Browder	Hoyer	Peterson (FL)
Brown	Hubbard	Peterson (MN)
Bruce	Jacobs	Pickett
Bryant	Jefferson	Poshard
Bustamante	Jenkins	Price
Byron	Johnson (SD)	Rahall
Campbell (CO)	Johnston	Rangel
Cardin	Jones (GA)	Reed
Carr	Jones (NC)	Regula
Chapman	Jontz	Richardson
Clay	Kanjorski	Rinaldo
Clement	Kaptur	Roe
Clinger	Kennedy	Roemer
Coleman (TX)	Kennelly	Rogers
Collins (IL)	Kildee	Rose
Collins (MI)	Kleczka	Roybal
Conyers	Kolter	Russo
Costello	Kopetski	Sabo
Cox (IL)	LaFalce	Sanders
Coyne	Lantos	Sarpalius
Cramer	LaRocco	Savage
Darden	Lehman (CA)	Sawyer
Davis	Lehman (FL)	Scheuer
de la Garza	Levin (MI)	Schiff
DeFazio	Levine (CA)	Schroeder
DeLauro	Lewis (CA)	Schumer
Dellums	Lewis (GA)	Serrano
Derrick	Lipinski	Sharp
Dicks	Lloyd	Sikorski
Dingell	Long	Skeen
Dixon	Lowey (NY)	Slaughter (NY)
Donnelly	Machtley	Smith (FL)
Dooley	Manton	Smith (IA)
Downey	Markey	Smith (NJ)
Durbin	Matsui	Solarz
Dwyer	Mavroules	Spratt
Dymally	Mazzoli	Staggers
Early	McCloskey	Stallings
Eckart	McDade	Stark
Edwards (CA)	McDermott	Stokes
Edwards (TX)	McGrath	Studds
Emerson	McHugh	Swett
Engel	McMillen (MD)	Swift
Erdreich	McNulty	Synar
Espy	Mfume	Tallon
Evans	Miller (CA)	Tanner
Fascell	Mineta	Thomas (GA)
Fazio	Mink	Thornton
Feighan	Moakley	Torres
Flake	Mollohan	Torricelli
Foglietta	Montgomery	Towns
Ford (MI)	Moody	Traficant
Ford (TN)	Moran	Traxler
Unsoeld	Waxman	Wise
Vento	Weiss	Wolpe
Visclosky	Weldon	Wyden
Volkmer	Wheat	Yates
Walsh	Whitten	Yatron
Washington	Williams	
Waters	Wilson	

NAYS—175

Allard	Hammerschmidt	Penny
Archer	Hancock	Petri
Armey	Hansen	Pickle
Baker	Hastert	Porter
Ballenger	Hefley	Pursell
Barnard	Henry	Quillen
Barrett	Herger	Ramstad
Barton	Hoagland	Ravenel
Bateman	Hobson	Ray
Bellenson	Holloway	Rhodes
Bentley	Huckaby	Ridge
Bereuter	Hughes	Riggs
Bilbray	Hunter	Ritter
Bilirakis	Hutto	Roberts
Bliley	Hyde	Rohrabacher
Boehner	Inhofe	Ros-Lehtinen
Broomfield	Ireland	Roth
Bunning	James	Roukema
Burton	Johnson (CT)	Rowland
Callahan	Johnson (TX)	Santorum
Camp	Kasich	Saxton
Campbell (CA)	Klug	Schaefer
Carper	Kolbe	Schulze
Chandler	Kostmayer	Sensenbrenner
Coble	Kyl	Shaw
Coleman (MO)	Lagomarsino	Shays
Combest	Lancaster	Shuster
Condit	Laughlin	Sisisky
Cooper	Leach	Skaggs
Coughlin	Lent	Skelton
Cox (CA)	Lewis (FL)	Slattery
Crane	Lightfoot	Smith (OR)
Cunningham	Livingston	Smith (TX)
Dannemeyer	Lowery (CA)	Snowe
DeLay	Luken	Solomon
Dickinson	Marlenee	Spence
Doolittle	Martin	Stearns
Dorgan (ND)	McCandless	Stenholm
Dornan (CA)	McCollum	Stump
Dreier	McCrery	Sundquist
Duncan	McCurdy	Tauzin
Edwards (OK)	McEwen	Taylor (MS)
English	McMillan (NC)	Taylor (NC)
Ewing	Meyers	Thomas (CA)
Fawell	Michel	Thomas (WY)
Fields	Miller (OH)	Upton
Fish	Miller (WA)	Valentine
Franks (CT)	Molinari	Vander Jagt
Gallegly	Moorhead	Vucanovich
Gekas	Nichols	Walker
Geren	Nussle	Weber
Gilchrest	Oxley	Wolf
Gillmor	Packard	Wylie
Gingrich	Pallone	Young (AK)
Glickman	Panetta	Young (FL)
Goss	Parker	Zeliff
Grandy	Patterson	Zimmer
Gunderson	Paxon	
Hall (TX)	Payne (VA)	

NOT VOTING—8

Frost	Martinez	Sangmeister
Hayes (LA)	Murphy	Slaughter (VA)
Hopkins	Rostenkowski	

□ 1623

Mr. DICKINSON, Mrs. ROUKEMA, Messrs. DORGAN of North Dakota, COLEMAN of Missouri, PANETTA, BILBRAY, and KASICH, Mrs. PATTERSON, and Messrs HUCKABY, SKAGGS, and HOAGLAND changed their vote from "yea" to "nay."

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

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 9: Page 3, line 22, after "1993" insert ": *Provided further*, That for the period July 1, 1992, through June 30, 1993, no State shall receive more than 130 percent of its allotment percentage under section 201 of the Job Training Partnership Act for the program year July 1, 1991, through June 30, 1992: for additional amounts as follows:

"(a) In addition to amounts appropriated in this Act, there are appropriated to the Centers for Disease Control for "Disease control, research, and training", $10,000,000, which shall not become available for obligation until September 30, 1992.

"(b) In addition to amounts appropriated in this Act, there are appropriated to the Administration for Children and Families for "Low Income Home Energy Assistance", $200,000,000: *Provided*, That, notwithstanding any other provision of this Act, $405,607,000 shall become available for making payments on September 30, 1992.

"(c) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Compensatory Education for the Disadvantaged", $152,000,000, which shall become available on September 30, 1992, and shall remain available through September 30, 1993, of which $138,000,000 shall be available for basic grants under section 1005 and $14,000,000 shall be available for concentration grants under section 1006 of Chapter 1 of the Elementary and Secondary Education Act of 1965, as amended.

"(d) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Impact Aid", for construction and renovation of school facilities under section 10 of Public Law 81-815, $2,000,000, to remain available until expended, which shall become available for obligation on September 30, 1992.

"(e) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Vocational and Adult Education", $60,000,000, which shall become available on September 30, 1992 and shall remain available through September 30, 1993.

"(f) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Student Financial Assistance", $62,000,000 which shall be available for Supplemental Educational Opportunity Grants, and which shall become available on September 30, 1992 and shall remain available through September 30, 1993.

"(g) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Higher Education", $24,000,000, which shall become available on September 30, 1992 and shall remain available through September 30, 1993, of which $3,000,000 shall be available for carrying out section 602(a) of the Higher Education Act of 1965 and $1,000,000 shall be available for carrying out section 604 of the Act, and $20,000,000 shall be available for carrying out title IV, part A, subpart 4 of the Act: *Provided*, That, notwithstanding any other provision of this Act, of the amounts made available in title II for the Health Resources and Services Administration, "Health Resources and Services", $86,000,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for Centers for Disease Control, "Disease Control, Research, and Training", $94,000,000 shall not become available for obligation until September 30, 1992 but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Cancer Institute", an additional $63,446,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of health, "National Heart, Lung and Blood Institute", $54,555,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Dental Research", $7,903,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Diabetes and Digestive and Kidney Diseases", $28,457,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Neurological Disorders and Stroke", $27,357,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Allergy and Infectious Diseases", $45,627,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of General Medical Sciences", $48,104,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Child Health and Human Development", $27,368,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Eye Institute", $12,504,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available until title II for the National Institutes of Health, "National Institute of Environmental Health Sciences", $8,846,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute on Aging", $16,308,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Arthritis and Musculoskeletal and Skin Diseases", $7,593,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute on Deafness and Other Communication Disorders", $7,486,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Center for Research Resources", $15,000,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Center for Nursing Research", $2,646,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Center for Human Genome Research", $10,000,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "John E. Fogarty International Center", $800,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Library of Medicine", $3,500,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "Office of the Director", $12,500,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992.

"SEC. 100. (a) Notwithstanding any other provision of law, on or before December 1, 1991, the Secretary of Labor, acting under the Occupational Safety and Health Act of 1970, shall promulgate a final occupational health standard concerning occupational exposure to bloodborne pathogens. The final standard shall be based on the proposed standard as published in the Federal Register on May 30, 1989 (54 FR 23042), concerning occupational exposures to the hepatitis B virus, the human immunodeficiency virus and other bloodborne pathogens.

"(b) In the event that the final standard referred to in subsection (a) is not promulgated by the date required under such subsection, the proposed standard on occupational exposure to bloodborne pathogens as published in the Federal Register on May 30, 1989 (54 FR 23042) shall become effective as if such proposed standard had been promulgated as final standard by the Secretary of Labor, and remain in effect until the date on which such Secretary promulgates the final standard referred to in subsection (a)

"SEC. 100A. (a) The Senate finds that since the 1990 Budget Summit Agreement, extraordinary events in the world, particularly in Central Europe and the former Soviet Union may provide our country with an opportunity to re-examine the broad spending priorities embodied in the 1990 Budget Summit Agreement.

"(b) It is the sense of the Senate that the President of the United States and the Democratic and Republican leadership of the Congress should consider establishing new priorities. If it is so determined, based on current and changing world events, the defense spending path negotiated in the 1990 summit could be reduced in the future, then any such reduction should be made available

for reducing Federal budget deficits, reducing Federal tax burdens, increasing domestic spending, or any combination thereof".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER 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 matter inserted by said amendment, insert:

On page 16 of the House engrossed bill, insert after line 19 the following:

SEC. 100. (a) Notwithstanding any other provision of law, on or before December 1, 1991, the Secretary of Labor, acting under the Occupational Safety and Health Act of 1970, shall promulgate a final occupational health standard concerning occupational exposure to bloodborne pathogens. The final standard shall be based on the proposed standard as published in the Federal Register on May 30, 1989 (54 FR 23042), concerning occupational exposures to the hepatitis B virus, the human immunodeficiency virus and other bloodborne pathogens.

(b) In the event that the final standard referred to in subsection (a) is not promulgated by the date required under such subsection, the proposed standard on occupational exposure to bloodborne pathogens as published in the Federal Register on May 30, 1989 (54 FR 23042) shall become effective as if such proposed standard had been promulgated as a final standard by the Secretary of Labor, and remain in effect until the date on which such Secretary promulgates the final standard referred to in subsection (a).

(c) Nothing in this Act shall be construed to require the Secretary of Labor (acting through the Occupational Safety and Health Administration) to revise the employment accident reporting regulations published at 29 C.F.R. 1904.8.

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 13: Page 5, line 19, strike out "$3,151,825,000" and insert "$3,178,485,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 13 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$3,148,655,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 26: Page 18, line 5, after "VIII," insert "X".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER 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 matter inserted by said amendment, insert "X, XII".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 29: Page 18, line 16, strike out "$86,000,000" and insert '$50,000,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$125,000,000, of which $25,000,000 shall be for the Healthy Start program".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. Without objection, the motion is agreed to.

Mr. BURTON of Indiana. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The gentleman from Indiana will be recognized.

Does the gentleman from Kentucky [Mr. NATCHER] seek time on the motion?

Mr. NATCHER. Mr. Speaker, I reserve my time at this time.

The SPEAKER pro tempore. Does the gentleman from Michigan seek time?

Mr. PURSELL. Yes. Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. PURSELL] is recognized for 30 minutes.

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

Mr. PURSELL. I yield to the gentleman from Massachusetts.

Mr. EARLY. Mr. Speaker, I thank the gentleman from Michigan [Mr. PURSELL] for yielding, and, through him, I would like to speak to the gentleman from Indiana [Mr. BURTON] just briefly.

I say to the gentleman, "Please listen just a little bit. When we went to conference on this bill, there were several projects specifically earmarked. Now they were earmarked by the most senior Members in the other body. On each and every one of these there was the gentleman from Kentucky and the gentleman from Michigan insisting there be no earmarks. They were not easy fights. They were fights that went on for several hours. In every one of them, in every one of them, the earmark was removed. Every single item in this bill is open to open competition.

Now, when we speak for forward funding, I say to my friend, the gentleman from Indiana [Mr. BURTON], and I really would like him to listen on this, that the two people most opposed in the subcommittee were the gentleman from Kentucky [Mr. NATCHER] and the gentleman from Michigan [Mr. PURSELL]. They were vehemently opposed to it in all instances.

Now they also noted the fact that it was initiated by the administration. They did not like that, but it was initiated by OMB. The chairman swallowed hard, and he accepted that, and then we proceeded on.

As far as it was brought up in the conference, the defense bill had forward funding, and, when one thinks about the Defense bill, if they think of the billions and billions of dollars that are in the pipeline, that have been in the pipeline for several years, that is really just forward funding.

□ 1630

But the chairman insisted that he was vehemently opposed, and the gentleman from Michigan [Mr. PURSELL] could not have been more opposed to it, but it had been initiated by the President. It had been done to a certain degree, it had been done in the HUD bill, it had been done in the defense bill, and it had been signed by the President. So despite that, the chairman and the gentleman from Michigan [Mr. PURSELL] did not prevail because we could not make it work, because we could not get to it.

My final point, I say to the gentleman from Indiana [Mr. BURTON], is that in the last rollcall you made your point. I really think if you think about it a little bit, you will have achieved what you wanted to do. You let anyone that wanted to get on record in opposition to forward funding be in opposition. Now, I think there is a courtesy here other than a rhetorical courtesy. I think there is a courtesy that when you speak here, you realize this is the only Member of this House who has been here over 30 years and who has made 13,071 consecutive votes, has never missed a vote, and the gentleman

from Kentucky is probably the most respected person in this body. So you could just recognize that you made your point, having given a courtesy to the gentleman on your side and to the gentleman from Kentucky who vehemently opposed forward funding.

Mr. Speaker, I really think it would be in the best interest of everyone in this House and in the best interest of Government if the gentleman would do that.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Speaker, I have a parliamentary inquiry.

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

Mr. BURTON of Indiana. Mr. Speaker, as I understand it, on these motions on amendments in disagreement, those who are opposed get some portion of the time. I was not allocated any time, nor was the question put by the Chair on whether or not the gentleman from Tennessee or the gentleman from Michigan was opposed. If they are opposed, they get the time, and I will ask them for time, but if they are not opposed, according to the rules, I believe I get part of the time.

The SPEAKER pro tempore. The Chair would state that ordinarily the gentleman from Kentucky and the gentleman from Michigan would be recognized on each amendment. However, at the time the motion is offered, if another Member challenges the minority Member and the minority Member is not opposed, then that Member making the challenge would be entitled to one-third of the time.

Mr. BURTON of Indiana. As a further parliamentary inquiry, Mr. Speaker, usually the Chair puts the question to those involved, the chairman and the ranking member: "Are you opposed to the motion?" And if they are not opposed, then those who are opposed are granted part of the time.

The SPEAKER pro tempore. The Chair normally does not put that question to the two managers unless there is a challenge.

Mr. BURTON of Indiana. With all due respect to my colleague from Tennessee and my colleague from Michigan, Mr. Speaker, I make that request.

The SPEAKER pro tempore. On this amendment, the gentleman's request is not timely. The gentleman from Michigan [Mr. PURSELL] controls the time. The gentleman from Indiana would have to ask for time from the gentleman from Michigan.

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

Mr. Speaker, I would like to say to my dear friend, the gentleman from Indiana [Mr. BURTON], that if he wants 10 minutes, I am going to yield him 10 minutes.

Mr. BURTON, let me say this to you: We have 13 appropriation bills that were sent up here by the President through OMB. Let me say, Mr. BURTON, that I like the President. In 7 of the 13 appropriation bills we have delayed obligations of $8,700 million, of which $2 million was requested by President Bush. He sent it up here.

I say to the gentleman, frankly, that I agree with him. As my good friend, the gentleman from Massachusetts [Mr. EARLY], pointed out, in the conference we had some problems with it. It was sent up here by the President.

Mr. BURTON, I am going to yield you this time, but let me ask you something. Just as a matter of common decency, Mr. BURTON, you are a good Member of the House, and I say, don't put these Members through the eye of a needle. They sent this up here from downtown. We did not start it up here. We did not start it, Mr. BURTON. That is one thing you cannot blame on the Congress of the United States. You cannot blame us.

Every time you pick up a newspaper in the last few days they blame the Congress for something. I say, don't blame us for this. I say, Mr. BURTON, I like you, you are a good Member of the House, but don't do that to us, Mr. BURTON.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. NATCHER] has yielded 10 minutes to the gentleman from Indiana [Mr. BURTON], and the gentleman from Indiana is recognized.

Mr. BURTON of Indiana. First of all, Mr. Speaker, I have great respect for my colleague, Mr. NATCHER, of Tennessee, and my colleague, the gentleman from Michigan [Mr. PURSELL].

Mr. NATCHER. Mr. Speaker, Tennessee is right next door to me, and we love them all. We love everybody in Tennessee and Kentucky, but I am from Kentucky.

Mr. BURTON of Indiana. I am sorry, sir. I apologize, Mr. NATCHER. My wife is from Corbin, KY, and she would shoot me if I did not mention her great State.

Mr. Speaker, let me say, after all these niceties, that if the President of the United States circumvents the budget agreement or the Congress, it is wrong. That is wrong. We made a budget agreement, and we said we were going to live within those budgetary constraints. Today, on the last day of the fiscal year, we are now going to circumvent that to the tune of $4.3 billion.

Let me just say this: I do not care if it is in this bill or the Defense bill, if there is forward funding, I am going to oppose it. We have a $400 billion deficit staring us in the face this year. We have quadrupled the deficit; we have gone from $1 trillion to $4 trillion with the national debt in the last decade.

For the past 6 months I have been fighting pork-barrel spending on this floor. I have fought and had amendments down here for $65,000, $1 million, $5 million, $10 million, and $700 million. But in this particular piece of legislation there is $4.3 billion in forward funding, and we are saying, "Well, the White House asked for a lot of it, and we asked for a lot of it, and because of that we should turn our backs on it and not pay any attention."

The budget agreement is being circumvented. We are going beyond what we agreed to spend, and because of that, we are obligating next year $4.3 billion and we are going to have to take that out of spending next year. In other words, the pie next year is going to be smaller. So what do we do? We are forward funding into it next year. What we are doing is misleading ourselves and the American people. We are spending way beyond our means.

This is even worse than pork-barrel spending. We tell the American people we made an agreement, a budget agreement, that we are going to live with it, and then we forward fund to circumvent it. Give me a break. I have said this so many times, and I do not know how many people have even listened to it. I do not know how many times I have said this, but I know people are tired of hearing it. But I am going to say it again and again and again.

Listen to this: We raised taxes last year by $181 billion, the largest tax increase in history, to get control of spending, and here we are 1 year later with the largest deficit in history, $400 billion in 1 year. We have an economy that is stagnating, we have people out of work, and we just keep on spending. The national debt has gone from $1 trillion—and it took us 200 years to get there—to $4 trillion in 10 years, and we keep on spending. So here we are after we make a budget agreement circumventing that budget agreement to the tune of $4.3 billion.

□ 1640

Mr. Speaker, I would just say I think I am not making a point that is important to me, I am making a point that is important to 250 million people in this country and their kids. Now, think about that. Who is going to pay these bills? Four trillion dollars in debt. Eighteen cents out of every dollar is going to just pay the interest. And it is going to get worse and worse, and we are circumventing the budget.

Come on, guys. We have got to get control of spending. You say, "Well, Dan, you have made your point. You have called a vote. You lost. So let's all go home and forget about it."

I am not going to forget about it. You bring these things down here and I am going to call votes. I am just telling you right now: you circumvent the budget agreement and do forward funding on any of them, and we are going to stay here. You may hate my guts, but we are going to do it.

Mr. PURSELL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HENRY].

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

Mr. Speaker, let me say simply that in my conscience and I think in my voting record on budget issues, I agree with the substance of the remarks of the gentleman from Indiana [Mr. BURTON].

Mr. Speaker, as the distinguished gentleman from Kentucky [Mr. NATCHER] has pointed out, we have these problems not just in the Congress, but with the executive branch, which engages in the same process as well. I recognize that the gentleman from Kentucky [Mr. NATCHER], perhaps more than anyone I can think of on the Committee on Appropriations from his side of the aisle, has fought and resisted this practice of forward funding. I think that should be in the RECORD. I also think we ought to reemphasize the fact that the gentleman from Michigan [Mr. PURSELL] has consistently fought that practice.

But I agree with what the gentleman from Indiana [Mr. BURTON] is saying. This is one of the reasons people back home question whether this institution as an institution is working. But I have to say to my friend, the gentleman from Indiana [Mr. BURTON], I disagree with his tactics and the means for employing it and making the point.

I am wondering if we could not have a unanimous consent request, an opportunity to group these 16 or 17 forward-funded items that are in dispute, and give an opportunity to vote them all up or down en bloc. We could set aside some time for debate so everyone knows and the record clearly shows what the issue is.

Mr. Speaker, I think that is fair to the American people, it is responsible, and our records will show one way or the other where we stand on these things.

But as a matter of procedure to have this House contending on these issues one by one in a process that may take us to midnight, and stands in interruption of the other work before this body, I have to say that, quite frankly, I think it is counterproductive. I think it creates anger and the temptation for misspoken words between Members, and is also counterproductive to the gentleman from Indiana [Mr. BURTON] in what he seeks to get from the House.

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

Mr. HENRY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I think the gentleman has made a constructive suggestion. I have to say I agree with some of the concerns expressed by the gentleman from Indiana [Mr. BURTON]. But I would ask if the gentleman is intending to make such a motion, if he would be kind enough to exempt amendment 41 from that, because amendment 41 has another issue involved as well which I think needs airing before the House today.

Mr. HENRY. Mr. Speaker, reclaiming my time, I think we could very quickly resolve which ones ought to have separate votes or not. That would be fine with me. I am not sure I can name the amendments by number. I would leave that to the gentleman from Kentucky [Mr. NATCHER] or the gentleman from Michigan [Mr. PURSELL] to work out with the Members.

Mr. Speaker, let me simply say as a matter of record, I think all of us could do this. I will vote with the gentleman from Indiana [Mr. BURTON] on each of these questions if they are offered individually. The question is not where I stand; the question is whether or not we can have a procedure which facilitates consideration of the issue, while at the same time lays the record bare before the American public. I think a unanimous-consent request, if it could be offered by the chairman, if it would be accepted by the gentleman from Indiana [Mr. BURTON], would certainly be something I would be willing to support.

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

Mr. Speaker, first I would like to thank the gentleman from Michigan [Mr. HENRY] for his statement. I want the gentleman to know I appreciate it.

With the exception of the amendment that the gentleman from Wisconsin [Mr. OBEY] has talked about, there would be 15 under a unanimous-consent request and, Mr. Speaker, we have no objection to it.

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

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. HENRY. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I just want to point out that in the event the "no" vote carries, then the gentleman from Kentucky would need 16 separate amendments to amend the amendments in disagreement. So you will have to include a unanimous-consent request for permission to make the amendments substitute amendments, or we will be in real trouble with this bill.

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

Mr. HENRY. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, I will have to change the statement that I just made on this side. We have several Members who would object to the unanimous-consent request.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. EARLY].

Mr. EARLY. Mr. Speaker, I would ask the gentleman from Kentucky [Mr. NATCHER], probably the most respected Member of this Chamber, to ask the membership to stay on the floor for the next vote. After we vote on the next vote, if a quorum will stay in this House, we will dispose of every amendment quickly. I would urge all Members to participate and cooperate in what we are trying to do.

We are not trying to fool anybody, we are just asking the Members to remain in the House. If the membership wants to have a vote, then there will be a vote. As a courtesy to the gentleman from Michigan [Mr. PURSELL] and the gentleman from Kentucky [Mr. NATCHER], which falls on deaf ears in many places, where people talk about what they want to earmark, when somebody does something about it and it is not a political approach, it means nothing. Mr. NATCHER stood in that conference and rejected every single earmark, but that does not mean anything with some Members. Also the gentleman from Michigan [Mr. PURSELL] did it.

Mr. Speaker, I would urge the gentleman from Kentucky [Mr. NATCHER] to ask the Members after the next vote to stay on the floor.

Mr. NATCHER. Mr. Speaker, the gentleman is correct. That is the hope of the subcommittee chairman and the subcommittee.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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

Mr. BURTON of Indiana. 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 253, nays 168, not voting 12, as follows:

[Roll No. 382]

YEAS—253

Abercrombie	Borski	Collins (MI)
Ackerman	Boucher	Conyers
Alexander	Boxer	Costello
Anderson	Brewster	Cox (IL)
Andrews (ME)	Brooks	Coyne
Andrews (NJ)	Browder	Cramer
Andrews (TX)	Brown	Darden
Annunzio	Bruce	de la Garza
Anthony	Bryant	DeFazio
Applegate	Bustamante	DeLauro
Aspin	Byron	Dellums
Atkins	Campbell (CO)	Derrick
AuCoin	Cardin	Dicks
Bacchus	Carr	Dingell
Berman	Chapman	Dixon
Bevill	Clay	Donnelly
Bilbray	Clement	Dooley
Boehlert	Coleman (TX)	Downey
Bonior	Collins (IL)	Durbin

Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
LaFalce
Lantos
LaRocco
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Machtley
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Price
Quillen
Rahall
Rangel
Reed
Regula
Richardson
Rinaldo
Roe
Roemer
Rogers
Rose
Roybal
Russo
Sabo
Sanders
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Skeen
Slaughter (NY)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—168

Allard
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Carper
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
English
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Geren
Gilchrest
Gingrich
Glickman
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hoagland
Hobson
Holloway
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kostmayer
Kyl
Lagomarsino
Lancaster
Laughlin
Leach
Lewis (FL)
Lightfoot
Lowery (CA)
Luken
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Nichols
Nussle
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (VA)
Penny
Petri
Pickle
Porter
Pursell
Ramstad
Ravenel
Ray
Rhodes
Ridge
Riggs
Ritter
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Rowland
Santorum
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skelton
Slattery
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Walker
Weber
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Fish
Frost
Hayes (LA)
Hopkins
Martinez
Myers
Oberstar
Rostenkowski
Roukema
Sangmeister
Slaughter (VA)
Smith (FL)

□ 1709

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

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

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCDERMOTT). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 35: Page 19, line 17, strike out all after "program" down to and including "$260,000,000" in line 20.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended as follows: In lieu of the sum named in said amendment, insert "$290,000,000".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

□ 1710

The SPEAKER pro tempore (Mr. MCDERMOTT). The Clerk will designate the next amendment in disagreement.

Mr. PURSELL. Mr. Speaker, I plan to make a unanimous consent request for the benefit of our caucus and on both sides so that we can go home early.

Mr. Speaker, I ask unanimous consent that Senate amendments numbered 38, 49, 52, 68, 90, 93, 96, 112, 124, 135, 151, 158, 164, 188, and 219 be considered en bloc, and printed in the RECORD, and that the motions to dispose of said amendments as printed in the Joint Statement of Managers be considered as read and that the motions not be subject to a division of the question.

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

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, Mr. Speaker, I certainly do not want to keep all of my colleagues here all night, but I would like to make a point that I think is very, very important.

You know, we had some elections yesterday all across this country, and it was pretty evident that the people of this country do not like incumbents or people who are in very much, and the reason that they do not like us is because they do not trust us.

One of the reasons they do not trust us is because we do things like this.

Mr. Speaker, I would like to have everybody's attention for a minute if I can get it.

We made an agreement, and we are circumventing that agreement with this group of amendments. There is $4.3 billion in forward funding, and that means that we are going to spend $4.3 billion more, and we are going to set it into the next year, $4.3 billion, and the people of this country are concerned about their jobs, they are concerned about their incomes, they are concerned about health care and all of these things, and we are spending ourselves into such a hole that we are never going to get out.

The interest, the interest is 18 cents on $1 of taxes collected. I hope the Members are listening to this. We are not doing anything about it. We are exacerbating the situation.

We all look at each other and say, "Yes, we know it. He is right. That is right." But we do not do anything about it. And I am telling the Members that we are hurting the country very much and we are hurting ourselves and this institution, and the President, I submit, is hurting himself as well by this forward funding. We are all in this together even though we have strong ideological differences.

We have got to come to grips with spending. We have got to come to grips with it, or the future generations of this country are going to really, really suffer. This is just not rhetoric. It is a fact, and you know it, and I know it.

I would just like to say to my colleagues that I hope, I hope that if I acquiesce this time, the next time we will do something about this.

I am not going to object to this tonight, but I would like to say the next

time we come up with any bill that involves forward funding, I am going to call for votes on every single one of the motions in dispute.

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

Mr. BURTON of Indiana. Further reserving the right to object, I am happy to yield to the gentleman from Michigan.

Mr. PURSELL. Mr. Speaker, my motion puts the amendments en bloc so that we have a record vote on the approximately $4 billion the gentleman speaks of, so he is going to get his vote.

Mr. BURTON of Indiana. Well, I appreciate that, but I want you to know that the next time we have this kind of forward funding I am going to object to every single motion so that everybody can plan on it, and we are going to have votes on every single one of them that I can get a vote on.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. NATCHER. Mr. Speaker, reserving the right to object, and under my reservation, I yield to the gentleman from California [Mr. PANETTA].

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

Mr. Speaker, I think it is important to make three points. No. 1, this bill, despite our concerns about it being advanced funding, does not violate the budget agreement or the Budget Act or the budget resolution. It is well within the Budget Act and the outlays for the fiscal year 1992.

As to the advanced-funding issue, the fact is that the President himself asked for advanced funding of $1.5 billion in this bill, and when we passed the defense bill, it included $3.3 billion in advanced funding. I did not hear the gentleman complain at that time when we pass the legislation.

So the point is that there are precedents for the advanced funding. It does not involve a violation of the budget agreement, and the priorities that are in this bill are the right priorities for this country.

Mr. NATCHER. Mr. Speaker, further reserving the right to object, as I pointed out a few minutes ago, in 7 of the 13 appropriation bills that were sent to the Congress from the President and OMB, we have a total of $8.7 billion in delayed obligations and, Mr. Speaker, to be quite frank and honest with you, I do not agree with that procedure.

We had a little over $1 billion in our bill.

As my good friend, the gentleman from Michigan [Mr. PURSELL], has said, during the conference on this bill, we had all kinds of problems with this matter, but, Mr. Speaker, I am not going to object to the unanimous-consent request for many reasons, one of which is that I believe down deep in my heart that every Member in this House on both sides of the aisle are for this bill, because this is the bill that appropriates the money for all of health and all of education, and I will take my chances with the Members in the House.

Let us have a vote.

Mr. Speaker, I withdraw my reservation of objection.

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I will not prolong this, but the gentleman from California [Mr. PANETTA] made some very strong remarks.

I would just like to say that regardless of what has been said, the deficit is going to be close to $400 billion this year. We are forward funding in this bill. I do not care whether it is the White House or the Congress that is doing it, if it was Defense, and if I had known about it, you had better believe I would have been down here objecting to that as well.

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

Mr. BURTON of Indiana. Further reserving the right to object, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, the only reason why the gentleman from California can make those remarks about the Budget Act is because of the gimmicks that are being used in this bill in order to avoid the Budget Act.

So the gentleman from Indiana is right on target with regard to what is happening here. This is a specific attempt to evade the provisions of the Budget Act.

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 various Senate amendments referred to in the unanimous-consent request are as follows:

Senate amendment No. 38: Page 20, line 22, strike out all after "facilities" down to and including "1992" in line 25.

Senate amendment No. 49: Page 24, line 18, strike out all after "development," down to and including "1992" in line 21 and insert "$523,826,000: *Provided, however,* That funds made available under this heading to conduct the SHARP survey of adult sexual behavior and the American Teenage Survey of adolescent sexual behavior shall instead be expended, at the same outlay rate, to carry out title XX of the Public Health Service Act".

Senate amendment No. 52: Page 25, strike out all after line 14 down to and including "1992" in line 17 and insert "$397,176,000: *Provided,* That of the funds made available under this heading, $22,000,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992".

Senate amendment No. 68: Page 28, line 18, strike out "$2,917,742,000" and insert "$3,175,832,000: *Provided,* That notwithstanding any other provision of this Act, funds appropriated for salaries and expenses of the Department of Labor are hereby reduced by $4,939,000; salaries and expenses of the Department of Education are hereby reduced by $1,646,000; and salaries and expenses of the Department of Health and Human Services are hereby reduced by $20,415,000".

Senate amendment No. 90: Page 37, strike out all including line 1 down to and including "1992" in line 4 and insert "$410,630,000: *Provided,* That of the funds made available under this heading for State cash and medical assistance, $116,616,000 shall not become available for obligation until September 30, 1992".

Senate amendment No. 93: Page 37, line 22, after "program" insert ": *Provided,* That the funds made available under this heading for carrying out section 681(a)(2)(A) of the Community Services Block Grant Act shall not become available for obligation until September 25, 1992".

Senate amendment No. 96: Page 39, line 15, strike out all after "Act," down to and including "management" in line 17 and insert "$3,563,063,000: *Provided,* That of the amounts appropriated, $21,470,000 shall be available for carrying out the Family Violence Prevention and Services Act of 1988: *Provided further,* That of the funds made available under the heading for carrying out the Older Americans Act of 1965, $25,000,000 shall not become available for obligation until February 1, 1992".

Senate amendment No. 112: Page 46, line 22, strike out "$7,042,750,000" and insert "$6,256,202,000".

Senate amendment No. 124: Page 47, line 26, after "2" insert ", $1,952,000, to remain available until expended, shall be for payments for decreases in Federal activities under section 3(e)".

Senate amendment No. 135: Page 50, line 11, after "gram" insert ", not less than $55,000,000 of these funds shall be transferred to the Community Health Centers program, and not less than $20,000,000 shall be transferred to the Comprehensive Child Development Centers".

Senate amendment No. 151: Page 52, line 10, strike out "of which".

Senate amendment No. 158: Page 53, line 6, strike out "$6,853,000,000" and insert "$6,900,356,000".

Senate amendment No. 164: Page 55, line 8, strike out "$821,438,000" and insert "$810,557,000".

Senate amendment No. 188: Page 58, line 12, after "education;" insert "$18,404,000 shall be for star schools (of which $1,000,000 shall become available for obligation on September 30, 1992) and, of which $4,000,000 shall be to establish a demonstration of a statewide, two-way interactive fiber optic telecommunications network, carrying voice, video, and data transmissions, and housing a point of presence in every county;".

Senate amendment No. 219: Page 74, after line 10, insert:

SEC. 513. Notwithstanding any other provision of this Act, funds appropriated for salaries and expenses are hereby reduced by 1 per centum.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I move that the House recede from its disagreement to the amendments of the Senate numbered 38, 49, 52, 68, 90, 93, 96, 112, 124, 135, 151, 158, 164, 188, and 219 and concur therein with the amendments as printed in the joint statement of the managers.

The SPEAKER pro tempore. The Clerk will report the motion.

Mr. NATCHER moves that the House recede from its disagreement to the amendments of the Senate numbered 38, 49, 52, 68, 90, 93, 96, 112, 124, 135, 151, 158, 164, 188, and 219 and concur therein with amendments.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 188, not voting 11, as follows:

[Roll No. 383]

AYES—234

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boxer
Brewster
Brooks
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cox (IL)
Coyne
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Jacobs
Jefferson
Jenkins
Johnson (SD)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Kolter
Kopetski
LaFalce
Lantos
LaRocco
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Livingston
Lowey (NY)
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Obey
Olver
Ortiz
Owens (NY)
Owens (UT)
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Price
Quillen
Rahall
Rangel
Richardson
Rinaldo
Roe
Rogers
Rose
Roybal
Sabo
Sanders
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Skeen
Slaughter (NY)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)

NOES—188

Allard
Archer
Armey
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bellenson
Bennett
Bentley
Bereuter
Billirakis
Bliley
Boehner
Broomfield
Browder
Bunning
Burton
Callahan
Camp
Campbell (CA)
Carper
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
English
Erdreich
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Geren
Gillmor
Gingrich
Glickman
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hoagland
Hobson
Holloway
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Johnston
Kasich
Kennedy
Klug
Kolbe
Kostmayer
Kyl
Lagomarsino
Lancaster
Laughlin
Leach
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Luken
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moody
Moorhead
Neal (NC)
Nichols
Nussle
Olin
Orton
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (VA)
Penny
Petri
Pickle
Porter
Pursell
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Ridge
Riggs
Ritter
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Russo
Santorum
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skelton
Slattery
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Walker
Weber
Weldon
Wolf
Wylie
Zeliff
Zimmer

NOT VOTING—11

Boucher
Fish
Frost
Hayes (LA)
Hopkins
Martinez
Oberstar
Rostenkowski
Sangmeister
Slaughter (VA)
Smith (FL)

□ 1739

Mrs. LLOYD changed her vote from "aye" to "no."

Mrs. BYRON, Ms. SNOWE, and Messrs. JOHNSON of South Dakota, BORSKI, and VOLKMER changed their vote from "no" to "aye."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MAZZOLI). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 41: Page 22, strike out all after line 16 down to and including "1992" in line 19 and insert "$2,010,230,000, of which $184,647,000 shall not be available for obligation until September 30, 1992, but shall be available until September 30, 1993".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$1,989,278,000: *Provided*, That of the funds made available under this heading, $223,446,000 shall not become available for obligation until September 30, 1992: *Provided further*, That the Director of the National Institutes of Health, within thirty days of enactment of this Act, may transfer such portion of $160,000,000 which becomes available on September 30, 1992 as she deems appropriate to other Institutes for research directly related to the prevention, treatment or cure of cancer".

Mr. PURSELL (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 Michigan?

There was no objection.

□ 1740

PARLIAMENTARY INQUIRY

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

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

Mr. OBEY. Mr. Speaker, it is my understanding that, if the chairman of the subcommittee, the gentleman from Kentucky [Mr. NATCHER], and the ranking member, the gentleman from Michigan [Mr. PURSELL], are both in support of this motion, as a Member who is opposed to it, I would be entitled to a portion of the time.

The SPEAKER pro tempore. The gentleman from Wisconsin is correct.

Does the gentleman seek recognition?

Mr. OBEY. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman from Michigan opposed to the motion?

Mr. PURSELL. Mr. Speaker, I will oppose it, but I will give the gentleman from Wisconsin time.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. NATCHER] is recognized for 30 minutes.

Mr. NATCHER. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I am rising in opposition to this motion, and I

hope people understand there is absolutely nothing political or partisan in this debate. We have had a lot of those arguments today, but this debate is different. it is very much on substance.

Mr. Speaker, I think the committee has made a big mistake in the way it is funding NIH research, and I want to explain what I mean. it is going to take a little time.

The conference report accepted the amendment from the Senate which earmarked $160 million of the funding provided to NIH on a delayed basis, but it targets that only to cancer. I want to explain that I think that this is a very bad idea, not only for persons who are afflicted with diseases other than cancer, but also I think it is a bad idea for anyone concerned about our ability to make progress on cancer research.

Mr. Speaker, I want to start by saying to those in this Congress who are concerned about and who are supportive of what the committee did with respect to encouraging support for breast cancer and other cancers like that, that this issue has nothing whatsoever to do with that argument. This is a very different issue. Basically, what we are dealing with is this:

Back in the early 1970's, very bluntly, we had a competition. We had a bidding war between then-President Richard Nixon and Senator KENNEDY to demonstrate who was most against cancer politically. So, we had very large amounts of additional money that went into the Cancer Institute. There was a 400-percent increase in the Cancer Institute over the 1970's. The problem with that is this:

Yes, we needed more money in cancer research, but, as we focused only on that institute, we starved a good many of the other institutes at NIH, and very specifically we starved the General Medical Science Institute at NIH. If my colleagues understand medical research, they will understand that research is serendipitous and in fact many of the most important discoveries that enable us to fight cancer today originated at an institute other than the Cancer Institute. A number of them originated at general medical sciences, which devotes almost all its budget to basic medical research, which is the basic building block upon which all other institutes eventually build.

So, Mr. Speaker, we had almost a disease-of-the-month-club approach to funding NIH in those days. We had lobby groups come in here pushing for cancer research, for Alzheimer's disease, for Huntington's disease, for Lou Gehrig's disease. You name it. This committee decided that that was bad for medical research. It was going to hinder our ability to make progress on all diseases.

So, for the last 10 years, with a couple of rare exceptions, we have followed the principle that we would allocate dollars to NIH on the basis of where science led us, not on the basis of where politics led us.

So, what we did is we followed an approach which enabled each institute to fund roughly the same percentage of the best science that researchers wanted to do, fund it out of their institutes.

This year, because of the action of the other body, and because of our failure to stop that in conference, we now, I think, have slipped back into the old habits, and we have this $160 million which is targeted only at cancer.

I was willing to accept that if it was broadened enough so that some of that money could be used by the director of NIH for other life-threatening diseases, but I did not win the argument. In fact, I was the only vote for my position, and I do not expect to win anything here tonight. But I think my colleagues have a right to know why I think this is bad business because we are going to be debating this issue again.

Mr. Speaker, there are a number of reasons why I think it is bad business. First of all, it will very much squeeze our ability to fund other institutes. We already have the genome research project, which is going to take $105 million this year, which is going to squeeze down our ability to fund other institutes, and next year what will happen is what every lobby group concerned about heart disease, concerned about Parkinson's disease, concerned about Lou Gehrig's disease, and all the rest, they will come in here and say, "Hey, we want you to do for us what you did for cancer last year," and we are going to have immense pressure to politicize the entire research operation at NIH, and that is bad business because we ought to be allocating those dollars on the basis of where the best scientific opportunity is, not on the basis of where the biggest squeeze comes from, the lobbies around town.

The other problem we have with this approach is that we will twist what researchers try to do. There will be a tremendous pressure on researchers who want to get dollars for their research grants to find some way to claim that they have a cancer angle in their research, and that means we are going to have all kinds of researchers in the country going through pretzel twists in order to justify what they are doing. I think that is bad business, and it just seems to me that we ought not do this.

Now, if the Cancer Institute had been hurt over the last 5 years more than other institutes, I would say maybe we ought to make an exception. But the fact is that from 1988 through this year the Cancer Institute's budget went up by 35 percent. Meanwhile heart-lung-blood went up 24 percent. Almost twice as many people die of those diseases as die of cancer, and the research funding for the Institute of Neurological Disorders and Stroke went up by a minuscule 9 percent. So, I do not think that we are helping the institute that has been hurt the most.

Secondly, what we are doing is creating a very anomalous situation. Right now what NIH does is they take all of the research grants that come in, and then they toss out the research which is least justifiable, and then they try to fund as much as they can of the remaining approved scientific research that has come in through the grant process. If this amendment is approved tonight, and all the money were to go for competitive grants, we would be funding 48 percent of that research at NCI, but we will be funding only half that research at heart-lung-blood. We will only be funding 22 percent at the Institutes for Deafness and Communicative Disorders, assuming the same percentile as last year's. We will have created a very warped research pattern.

□ 1750

We will have created a very warped research pattern, and I think we will have done a disservice to all science in the process. I know that some people outside this room will walk away and say, "My God, look at OBEY. He is against cancer research."

That is absolute nonsense. I have fought for cancer research for almost the entire 20 years I have been a member of this committee, given my own life history, I suspect that is the disease that is going to get me, because when I was younger, I used to work with asbestos and I smoked at the same time, and I know what the odds are of avoiding cancer once you have done both of those things simultaneously.

So I do not do this because I have any objection to progress in cancer research. Obviously I do not. But I think the best way to achieve progress in cancer research, in heart disease, in neurology problems, in all of these things, is to give the most flexibility possible to NIH to allocate those dollars, and when we start saying that this pot of money is only going to be able to be available without exception to this disease or that disease, we invite research based on the desire of lobby groups, not research based on the best judgments of the best scientists in the country in terms of where our best research opportunities lie.

So that is why I am opposing this amendment. I very much regret doing this. I love this subcommittee and I respect its work, but my conscience will not let me support the committee in this instance, and I think I need to keep my conscience more than the committee needs to keep my vote. That is why I oppose this amendment as I am opposing it here this evening.

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

Mr. OBEY. I yield to the gentleman from Michigan.

Mr. PURSELL. Mr. Speaker, I would like to congratulate the gentleman from Wisconsin [Mr. OBEY]. He has been extremely challenging in the committee to keep our discipline and our position fair and properly balanced within the various NIH institutes.

This spring we are going to see that Dr. Healy proposes to us in Congress strategic plans for each of the institutes. I think that although we will have an opportunity to review and to go back and rethink it, as the gentleman from Wisconsin [Mr. OBEY] pointed out tonight, that we should not be looking at powerful lobbies for individual institutes but rather we should look at the professional decisions that are made for good public policy and good results.

So I concur in the gentleman's concern and the concern in the Senate after that point was made in conference. He has made an excellent point, one that we ought to think about very seriously, and we will have a chance to address that issue come spring in our hearings.

Mr. Speaker, again I want to thank the gentleman from Wisconsin [Mr. OBEY].

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the distinguished gentleman from Kentucky, the chairman of the committee, for yielding time, and I am sorry that I must take the floor to oppose the gentleman from Wisconsin [Mr. OBEY], whom I consider a friend.

Mr. OBEY. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. Yes, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I tried to make the point that the earmarking I am concerned about has nothing whatsoever to do with the other provision in this amendment that I know the gentlewoman is supporting. They are very different issues.

Mrs. SCHROEDER. Mr. Speaker, let me say to the gentleman from Wisconsin that I feel like we were the skunk at the garden party, because the Congresswomen have been after the gentleman from Kentucky and many others to put more specific things in the bill. The gentleman from Kentucky made the same eloquent arguments that the gentleman from Wisconsin made, that he did not want to interfere and he did not want to micromanage, but the thing we were saying over and over again was that we found defined as good science and good research never had any women in it, that the norm turned out to be a 190-pound male, and that women were left out of everything.

What we wanted to do was this: We wanted specific earmarks, and we did not get specific earmarks. This was a compromise the gentleman from Kentucky tried to work out to accommodate some of the leverage we were trying to get as we moved to close the gap between where we are and where we want to be in the next 10 years. I think that that is what he was trying to do.

So I felt guilty as I listened to the gentleman from Wisconsin talking. So that is the problem we have. The White House accused us of micromanaging, and everybody else did, too, but let me just tell the gentleman that we tried to do this with the legislation in the mid-1950's. The Congresswomen went to NIH and tried to increase some of the focuses on different diseases and different things. They promised it was going to happen, and then it did not happen. That is why we have gotten much more issue-specific, because it does not turn out to be good science but male science.

Mr. OBEY. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I know that the gentlewoman is interested, for instance, in the ability of the Heart-Lung Institute to do research on coronary diseases, which is relevant to women's problems. The problem is that the earmarking that is done for NCI on this will get in the way of the Heart-Lung-Blood Institute's ability to do that, and I do not think she wants to do that.

Mrs. SCHROEDER. Mr. Speaker, I think one of the things that is very important to point out to the gentleman is that the very critical research the gentleman from Kentucky and the committee did fund is cutting through all those institutes. It is the big megastudy that will go on for 10 years. It will be the Blood-Lung Institute. It will be everything filling in the gaps and putting women into the research that they have been left out of for the last 10 years. It is going to be one of the biggest things around.

They initially funded it for $25 million, but that makes it a little unique from what NIH normally does. We are just saying that we want to play catch-up ball. So in a way the figures are not quite what the gentleman thinks they are if he looks at the other pieces the gentleman from Kentucky has put in for women.

Mr. Speaker, I thank the gentleman for his contribution.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I had not intended to comment on the remarks of my friend, the gentleman from Wisconsin [Mr. OBEY], but let me tell the Members what I think the real problem is. The problem is that we are giving $34 billion in research for the Defense Department on new creative ways to have destruction, and we have $8.5 billion for trying to find cures for diseases.

I think the American people are saying, "Listen, it's about time we find cures for diseases in this country," which would, by the way, reduce the cost of health care dramatically.

So I am for taking money out of the military so we do not have this conflict within the discussion here and give us $4 billion. They will still have $30 billion in the military. Then we could add that to the NIH budget, and believe me, it would go a long way toward finding cures for diseases.

Mr. Speaker, I wanted to engage in a colloquy with the chairman of the subcommittee. I have been testifying before the gentleman's committee, and we asked for $50 million for new funds for breast cancer research. We did that because it is so underfunded now. As I understand it, the total funds provided in the bill for the National Cancer Institute exceed the level at which the NCI Director assured us it provided at least $42 million over the 1991 level for breast cancer research; is that the gentleman's understanding?

Mr. NATCHER. Mr. Speaker, if the gentlewoman will yield, the gentlewoman is correct. This is the amount estimated by the National Cancer Institute. At the time I want to thank the gentlewoman from Ohio for her assistance and support not only in the program pertaining to breast cancer, cervical cancer, and screening, but everything in this bill. Ever since the gentlewoman has been a Member of the Congress, she has walked right down that road with us in all matters pertaining to health and the education of our people, and we appreciate it.

Ms. OAKAR. Mr. Speaker, I thank the gentleman. He is very kind, and I certainly owe the gentleman tremendous respect.

Mr. Speaker, the bill, as I understand it, also provides a 67-percent increase, which is $8 million, so that with the efforts of the gentlewoman from Hawaii [Mrs. MINK] and others, we have funds for ovarian cancer, a 37-percent increase, or $8.6 million in funds for cervical cancer, a 100-percent increase for prostate cancer, because that is a disease that afflicts a lot of men; is that correct, I ask the chairman of the subcommittee?

Mr. NATCHER. Mr. Speaker, the gentlewoman is correct. These are the estimates of the National Cancer Institute.

□ 1800

The bill also funds the comprehensive women's study at $25 million, and fully funds the CDC Medicaid breast and cervical cancer screening initiative at $50 million.

Mr. Speaker, I am convinced that this is a victory for the families of this Nation, and that the gentleman from Kentucky [Mr. NATCHER] is a man of his word. And lest anybody wonder why women want diseases targeted and line

itemed, and I know that goes against the grain of some Members, I want to say that I think if you just take breast cancer, and you could name just about any of the diseases, but breast cancer is an epidemic. We do not have a Breast Cancer Institute; we have an AIDS Institute that is funded at about $1.7 billion.

I support that. But since 1980, 100,000 Americans have died of AIDS. Since 1980, 400,000 women have died of breast cancer. Now, if that is not an epidemic, I do not know what is. So here we try to get a few more dollars in that are targeted for these diseases, and we are told by some that we ought to let NIH decide.

Baloney. Even though I respect tremendously Dr. Bernardine Healy, who has been turning things around since she took over about a year ago, the first woman in its history, I have to tell you that there is a dramatic need in this country to focus in on what we are doing to cure diseases.

In 1987, only 13.7 percent of the funds were spent on research related to women's health. So if you do not think that there is a need to go ahead and target some of these diseases, in a small way, by way of comparison, then I do not know what else we should do.

But I do want to thank the gentleman from Maryland [Mr. HOYER], the gentleman from Ohio [Mr. STOKES], my chairman, the gentleman from California [Mr. ROYBAL], Senator BROCK ADAMS, and Senator HARKIN.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. EARLY].

Mr. EARLY. Mr. Speaker, I thank the chairman for yielding time.

Mr. Speaker, I stand in strong support of the motion offered by the gentleman from Kentucky [Mr. NATCHER]. I disagree with the comments of the gentleman from Wisconsin [Mr. OBEY] and the comments of the gentleman from Michigan [Mr. PURSELL].

Since 1981, in constant dollars the National Institutes of Health as a whole has grown 27 percent, while at the same time the National Cancer Institute has decreased 6.2 percent. Since 1980, in constant dollars, the Cancer Center's budget had decreased 14 percent, clinical cooperative groups have decreased 32.4 percent, cancer prevention and control has decreased 32.9 percent, and cancer contracts for research and development have decreased 47.9 percent. The $160,000,000 increase in this appropriations bill will only bring the National Cancer Institute back to the 1980 level of funding in constant dollars.

Currently, one person dies every 62 seconds in this country of cancer. However, as a result of the National Cancer Act which was passed 20 years ago, the cancer survival rate has increased from 39 percent to 52 percent resulting in over 7 million cancer survivors today during those two decades. Also as a result of the Cancer Act, death rates for persons under age 65 from colon/rectal cancer have decreased by 15 percent; bladder cancer by 25 percent; and cervical cancer by 40 percent. Though death rates from childhood cancers have decreased 36 percent, cancer still remains the leading cause of death by disease in children under 15.

Mr. PURCELL. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would like to address some of the comments that the gentlewoman from Ohio [Ms. OAKAR] has made. I commend the gentlewoman for her work with breast cancer and in the medical field, but I do take exception with the people that want to keep cutting defense, cutting defense, cutting defense.

Mr. Speaker, we are cutting defense by 25 percent. I would like to remind Members that the men and women that came back from Desert Storm came back alive. There is even a more critical disease called a bullet that we want to keep from happening in the future.

Mr. Speaker, if our oil supplies had been shut off, thousands of people that we want to see safe would be freezing this winter. The defense is being cut so much. The other side of the aisle is lambasting the President on unemployment. Hundreds of thousands of jobs have been cut and lost because of some of the cuts in defense. That in itself has people unemployed, no health insurance coming forward. They are not paying taxes, they are drawing unemployment.

Mr. Speaker, we have all this concern about people. Quit firing people and quit cutting the defense of this country.

Mr. Speaker, I would say to the gentlewoman from Ohio [Ms. OAKAR] that it is also important to know that a lot of those defense dollars went toward space research, toward some of the medical facilities and the very things the gentlewoman is talking about.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I am happy to yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, let me just say that I was talking specifically about research dollars, which, by the way, has completely turned around. In 1980, we spent about 80 percent of our research dollars, and remember, 90 percent of all research dollars are Government-sponsored. But we spent 80 percent of that on health and education, how to find cures for disease. Twenty percent went for the Pentagon.

Today it is just the reverse. We spent $34 billion on the Pentagon, and $8.5 billion on research.

Mr. Speaker, let me just say that all Americans, including myself, were astounded at the great ability of the Patriot missile. But that missile is 1970's technology. We are way ahead of the eight ball in terms of finding creative ways to find more creative weapons.

Mr. Speaker, I would like to add one last thing. I was a sponsor, along with the gentleman from Massachusetts [Mr. MAVROULES] and others on the economic conversion bill; $200 million is not enough to convert defense jobs to civilian jobs.

Mr. Speaker, I think that is what we ought to be doing, have more conversion so that we do not have any jobs relative to decreasing the defense budget.

Mr. CUNNINGHAM. Mr. Speaker, reclaiming my time, I agree with the gentlewoman. We should do some of those conversions. But we cannot do it overnight. We are cutting defense by 25 percent. We must have time to carry over those conversions.

Mr. Speaker, we have a bill coming up to take out $1 billion and give it to the Soviet Union in aid. To me that is ridiculous. In the first place, I would not give any money.

As for the men and women in our armed services, I flew in a squadron that did not have the necessary parts, did not have the technology. The Patriot missile, that shows, yes, if we have missiles coming into this country one day, I want beyond 1970 technology defending your children and mine.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Speaker, I would like to take my few minutes here to extend my deepest appreciation to the chairman of the Subcommittee on Labor-Health and Human Services-Education of the Committee on Appropriations, the gentleman from Kentucky [Mr. NATCHER].

Mr. Speaker, certainly from the moment that I came to Congress this year, bringing an idea with respect to additional research funds for early detection of ovarian cancer, he gave me all the support that I could have possibly expected from this committee. The gentleman encouraged me to bring the matter before the subcommittee and testify and bring witnesses and demonstrate the tremendous need in this area.

Mr. Speaker, I have an absolute admiration for the gentlewoman from Ohio [Ms. OAKAR], who has single-handedly raised the level of perception of this country and understanding of this Congress on the tremendous neglect that women's health issues have had over the decades. She has made possible the additional moneys that we are now putting into such vital areas as breast cancer.

Mr. Speaker, in the area of ovarian cancer, the problem is much more difficult. It is not a case of looking through research to find a cure. What we have to do here is to find an early detection test.

The women who have been found afflicted with ovarian cancer generally are found in the terminal stages. They have no chance of recovery. They are dying young, in the late thirties and early forties, some few perhaps in the sixties.

Mr. Speaker, this is an affliction which brings tremendous tragedy to families all across the country. There are 28,000 new cases every year, of which 12,000 from past cases die. It is a silent killer because no one has been able to make a test that could determine whether a woman actually is afflicted with this disease.

So I am hoping through the generosity of this committee, with the additional $8.5 million that has been earmarked of this money to the Cancer Institute, that there will be aggressive efforts made to help this country find a test so that these thousands of women can go in to their doctors and to their clinics and be assured that, once found in the early stages, they have a chance to survive.

Mr. Speaker, there are countless victims in my own community who raised this issue to me, and I could not believe the statistics that I found at the Cancer Institute at NIH, that there was no basic research being done. This is a distinct place for the Government to have a role.

Mr. Speaker, I am so pleased that this committee has seen fit to increase the money.

Mr. Speaker, I say to our chairman, the gentleman from Kentucky [Mr. NATCHER], I assure you, as happy as I am here today in acknowledging the work of this subcommittee, I will be back next year asking for additional funds, because I know that the funds that we are appropriating this year will bring us that much closer to accomplishing the necessary task and saving the lives of these thousands of women. I thank you very much.

□ 1810

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Speaker, I would like to ask the distinguished chairman of the Subcommittee on Labor, Health and Human Services, Education of the Committee on Appropriations, who is my chairman on that subcommittee and who has done an extraordinary job on behalf of education and health in putting together this remarkable bill, I would like to ask the gentleman a question regarding congressional intent with respect to the use of funds appropriated in this legislation to the Department of Labor for use with respect to the targeted job tax credit [TJTC].

Mr. Chairman, TJTC is a program jointly administered by the Department of Labor and the Internal Revenue Service. The Department of Labor's role is to coordinate the processing by the State jobs services of TJTC claims filed by employers, while IRS' role relates to ensuring that the technical TJTC requirements in the Tax Code are followed. This legislation appropriates approximately $20 million to DOL for distribution to the State job services for processing TJTC claims.

Unfortunately at this time the enactment of an extension of TJTC in the Tax Code beyond its December 31, 1991 expiration date in this session of Congress is in doubt, leaving the possibility that TJTC will have to wait until early in the next session for further extension. As a firm believer in TJTC, I deeply regret we may be unable to extend the credit in a timely fashion this year.

Mr. Chairman, it is expected that employers will continue to file numerous TJTC claims with the State jobs services through December 31, 1991, the date when the current credit expires. These claims, even absent an extension of TJTC in this session, are valid and must be processed. I am concerned, however, that absent an extension, the State jobs services will terminate TJTC operations after December 31, and might be tempted to use their TJTC appropriations for other purposes, causing a potentially costly and inefficient pile-up of unprocessed claims to exist when TJTC is extended next year.

I wish to ask the chairman whether it is his understanding that the TJTC funds which are appropriated in this bill are to be used exclusively for the purpose of processing those TJTC claims and that because funds are being appropriated for that purpose, the State job services should remain in operation as long as it is necessary to process TJTC claims filed through December 31, 1991.

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

Mr. MRAZEK. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, I would like to say to my distinguished colleague that he is correct in his understanding, and I call upon the Secretary of Labor to instruct the State job services to stay open after December 31, 1991, to process targeting jobs tax credit claims using the funds which we are appropriating for that purpose.

I want to thank the distinguished gentleman for the colloquy that we have just had. I want him to know that he is one of the good members of our committee and one of the good Members of the House.

Mr. Speaker, I yield 1 minute to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I commend his committee for providing $10.3 million in the bill for the NIH Office for Women's Health Research. This Office will be charged with overseeing clinical trials and monitoring the status of women researchers. I commend my friend and esteemed colleague, Congresswoman MARY ROSE OAKAR, for her leadership on this important issue. She has worked long and hard to see that women's health research is funded, and her efforts have come to fruition in this bill. She has done all the women of America a great service.

Twenty-five million dollars will facilitate the women's health initiative, a long-term study on women's health proposed by the Director of the NIH. In addition, funding is included for the establishment of a comprehensive gynecological and obstetrical research program at the National Institute of Child Health and Human Development.

This is very critical research which is desperately needed. Women in our Nation feel disenfranchised by our medical system. And no wonder, considering the past policy of our standard in medical research. The result of this shortsighted policy has been serious, substandard health treatment and diagnosis for women.

Diagnosis and treatment for women lags far behind those for men, and the result has been human tragedy. Breast cancer alone is an epidemic in this country, and we need to get serious now if we are to prevent the needless suffering and death of more women from this disease. The day has come for women's health care to be given equal weight.

The establishment of an office at NIH for women's health research is a milestone in the quest to find cures and treatments for diseases such as breast, cervical, and ovarian cancer. By passing this legislation, we send a strong signal that women's health care is important to all of us.

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

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 42: Page 22, line 19, after "1992" insert ": *Provided further*, That within the funds provided under this heading the Institute shall establish a Matsunaga-Conte Prostate Cancer Research Center".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 42 and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 64: Page 28, line 5, after "only" insert ": *Provided*, That $10,000,000 of this amount shall be available for extramural facilities construction grants if awarded competitively".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further*, That $7,500,000 of this amount shall be available for extramural facilities construction grants if awarded competitively".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 65: Page 28, line 5, after "only" insert ": *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to high-priority activities the Director may so designate: *Provided further*, That no such appropriation shall be increased or decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 65 and concur therein with an amendment as follows: In lieu of the term "high-priority" named in said amendment, insert "emergency".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 66: Page 28, line 8, after "Health," insert "including the acquisition of real property".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 66 and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 71: Page 28, line 25, after "XVII," insert "XX,".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 73: Page 29, line 21, strike out "$95,756,000" and insert "$69,283,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 73 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$101,870,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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 32, line 5, after "achieved" insert ": *Provided further*, That the Secretary shall make a determination prior to October 31, 1991, and thereafter prior to the first day of each quarter of the fiscal year, about the extent to which such contingency funds may be necessary to be expended and that the distribution of such funds shall be made on the same basis as funds otherwise provided in this account".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER 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 inserted by said amendment, insert ": *Provided further*, That the use of the term "unanticipated costs" in the foregoing proviso refers only to costs associated with unanticipated workloads: *Provided further*, That the Secretary shall make a recommendation upon enactment of this Act and thereafter prior to the first day of each following quarter of the fiscal year, about the extent to which contingency funds may be necessary to be expended".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. NATCHER] is recognized for 30 minutes.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. EARLY].

Mr. EARLY. Mr. Speaker, the language in our committee report which pertains to the Worcester City Hospital is of critical importance to the city of Worcester. As the committee is aware, litigation is pending to recover damages which were caused when HCFA's fiscal intermediary, Blue Cross/Blue Shield, made duplicate payments to City Hospital for more than 20 months during fiscal years 1988, 1989, and 1990. It is my understanding that the clear intent of our report language is to instruct HCFA that no funds from this appropriations bill are to be used to collect this overpayment from the city of Worcester until the litigation is complete and the responsible parties have been identified and held accountable through court action. Is that correct?

Mr. NATCHER. Mr. Speaker, if the gentleman will yield, his interpretation of the committee report's language is absolutely correct.

Our committee recognizes the severe financial crisis which would be caused if HCFA presses the city of Worcester to repay the duplicate payments at the present time. The language inserted directs HCFA and its fiscal intermediary to suspend all activity regarding the collection of overpayments until the pending litigation is resolved. We believe strongly that it is appropriate to defer payment until the matter is resolved by the judicial system, and the intent of the committee is set forth in the report language.

Mr. EARLY. Thank you for elaborating on the committee's clear mandate to HCFA and its fiscal intermediary. May I raise one other issue regarding HCFA's actions in this matter. Unfortunately, the consequences of HCFA's aggressive actions to date have been drastic. The agency's demands for repayment, widely publicized in the press, have struck devastating blows to the stability of City Hospital as an acute-care facility. Cash flow to support operating expenses has been great-

ly destabilized by HCFA's withholding of current Medicare payments to which the hospital is fully entitled. In some cases, HCFA has used the payments as offset to the alleged debt. More recently, the regional office of HCFA has ordered a total freeze on all Medicare funds to City Hospital. Due to the hospital's inability to obtain full Medicare payments currently due, Worcester City Hospital ceased operating as an acute-care facility in September 1991.

Our committee report language addresses payment activity during the duplicate payment period only, the period from December 1987 through September 1989. Am I correct in asserting that all Medicare-related payments to which the hospital is entitled, since September 1989, should be flowing freely and on a timely schedule—with no freezes and no arbitrary withholding of payments on HCFA's part? City Hospital must have a cash-flow base on which they may depend, even as the hospital is undergoing a conversion to a subacute facility. Is it the committee's intent that all current Medicare payments to which the hospital is entitled, and to which it would have been entitled in the absence of the duplicate payment dispute, should be released immediately?

Mr. NATCHER. If the gentleman will continue to yield, that is precisely the committee's intent. The on-hold status which HCFA is to institute by direction of the committee pertains only to the duplicate payment issue. All other Medicare funds to which Worcester City Hospital is entitled should be released without delay. Our committee is deeply concerned about the damage which has already been sustained by City Hospital as an acute-care facility, and we recognize that a stable cash flow is essential to the continual delivery of services at this facility.

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

Mr. EARLY. I yield to the gentleman from Michigan.

Mr. PURSELL. Mr. Speaker, we concur with Chairman NATCHER in confirming that this is the committee's intent, that HCFA should suspend all activity related to the recovery of all overpayments made in Worcester City Hospital until the pending litigation is resolved.

We also believe that all Medicare payments to which the city hospital is entitled should be released immediately.

Mr. EARLY. I want to thank both the ranking member and the chairman very much.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 87: Page 36, line 7, strike out "$1,000,000,000" and insert "$1,300,000,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 87 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$1,500,000,000, of which $80,000,000 is hereby designated by Congress to be an emergency requirement pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 94: Page 38, line 2, strike out "$25,000,000" and insert "$13,000,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 94 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "no funds are provided for fiscal year 1992".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 95: Page 38, line 12, strike out all after "100-485," down to and including "Act" in line 15 and insert "$89,828,000, together with amounts to be transferred from the account 'Family Support Payments to States' equal to the reduction in payments from that account because of the costs incurred by the Secretary of Health and Human Services in reviewing sample cases for quality control purposes as required by section 408(b)(1)(B) of the Social Security Act, and because of the offsets applied for fees owed by the States for their use of the Federal Parent Locator Service authorized under section 453 of the Act".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER 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 stricken and inserted by said amendment, insert "$92,500,000, together with such sums as may be collected, which shall be credited to this account as offsetting collections, from fees authorized under section 453 of the Social Security Act".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 99: Page 39, line 17, after "management" insert ": *Provided further*, That of the amounts provided under this heading $3,400,000, to remain available until expended, shall be for the White House Conference on Aging".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 99 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further*, That of the amounts provided under this heading $2,000,000 shall be for the White House Conference of Aging, which shall only become available for obligation upon enactment into law of authorizing legislation and shall remain available until expended".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 108: Page 46, after line 13, insert:

SEC. 215. During the twelve-month period beginning October 1, 1991, none of the funds made available under this Act may be used to impose any reductions in payment, or to seek repayment from or to withhold any payment to any State under part B or part E of title IV of the Social Security Act, by reason of a determination made in connection with any review of State compliance with the foster care protections of section 427 of such Act for any Federal fiscal year preceding fiscal year 1992.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 108 and concur therein.

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 109: Page 46, after line 13, insert:

SEC. 216. Section 499A(c)(1)(C) of the Public Health Service Act (42 U.S.C. 289i(c)(1)(C)) is amended—

(1) by striking out "9" in the matter preceding clause (i) and inserting in lieu thereof "11"; and

(2) by striking out "3" in clause (iii) and inserting in lieu thereof "5".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 109 and concur therein.

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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 47, line 22, strike out "$764,756,000" and insert "$769,708,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER 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 sum proposed by said amendment, insert "$771,708,000".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 126: Page 48, line 25, after "1991" insert ", except that any percentage increase or decrease in the cost of an equivalent level of education described in section 3(d)(2)(B)(i) shall be multiplied by two in making such determinations under section 3(d)(2)(B)".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 126 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further*, That none of the previous provisos related to revisions in the use of prior year data in determining payment amounts provided for under this account or related to preliminary payments shall be effective for fiscal year 1992 and preliminary payments shall be authorized on the same basis as provided for prior to the enactment of P.L. 102-103".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 130: Page 49, line 10, strike out "$1,238,709,000" and insert "$1,249,117,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 130 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$1,236,963,000".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 132: Page 49, line 14, after "I," insert "$3,800,000 shall be for civic education programs under section 4609, $1,162,000 shall be for programs for Native Hawaiians under section 5134, $30,304,000 shall be for emergency grants under section 5136,".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 132 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert "$3,800,000 shall be for civic education programs under section 4609, $30,304,000 shall be for emergency grants under section 5136.".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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 49, line 24, after "Act," insert "section 330 of the Public Health Service Act (Community Health Centers), and section 670T of the Comprehensive Child Development Act,"

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from the disagreement to the amendment of the Senate numbered 133 and concur therein

with an amendment, as follows: In lieu of the matter inserted by said amendment, insert "sections 329 and 330 of the Public Health Service Act (Migrant and Community Health Centers), and section 670T of the Comprehensive Child Development Act.".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman for Kentucky [Mr. NATCHER].

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. 140: Page 51, line 7, strike out "$1,998,501,000" and insert "$2,071,158,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate Numbered 140 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$2,077,158,000".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 141: Page 51, line 7, strike out "$18,368,000" and insert "$25,103,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 141 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$31,103,000".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 142: Page 51, line 9, after "(c)" insert ", including $6,000,000, to remain available until expended, for a continuation of a grant, begun in fiscal year 1986 under this section, to a hearing research center to support basic and applied research activities".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 142 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert ", including $6,000,000, to remain available until expended, for a grant to a hearing research center to support applied and basic research activities, which shall be awarded competitively, and $6,000,000 for grants to establish regional comprehensive head injury prevention and rehabilitation centers, which shall be awarded competitively".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 143: Page 51, line 9, after "(c)" insert ": *Provided*, That, until October 1, 1992, the funds appropriated to carry out section 711 of the Rehabilitation Act of 1973 (29 U.S.C. 796e) shall be used to support persons currently receiving grants under the section".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 143 and concur therein with an amendment, as follows: In lieu of the word "persons" named in said amendment, insert "entities".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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 52, line 10, after "education" insert ", $2,500,000 shall become available on October 1, 1991, for tribally controlled postsecondary vocational institutions under title III, part H,".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 150 and concur therein.

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 156: Page 53, line 2, after "384" insert ", and $10,000,000 shall be for State Literacy Resource Centers under the National Literacy Act of 1991".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER 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 inserted by said amendment, insert "$5,000,000 shall be for State Literacy Resource Centers under the National Literacy Act of 1991, and $5,000,000 shall be for prison literacy activities as authorized under section 601 of the National Literacy Act of 1991, as amended by Public Law 102-103.".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 161: Page 54, strike out lines 14 to 25 and insert:

For the costs of guaranteed loans, including administrative costs other than Federal administrative costs, as authorized by title IV, part B, of the Higher Education Act, as amended, such sums as may be necessary to carry out the purposes of the program: *Provided*, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended. In addition, for administrative expenses to carry out the guaranteed loan program, $40,000,000.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 161 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert:

(INCLUDING TRANSFER OF FUNDS)

For the costs of guaranteed loans, including administrative costs other than Federal administrative costs, as authorized by title IV, part B, of the Higher Education Act, as amended, such sums as may be necessary to carry out the purposes of the program: *Provided*, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended. In addition, for administrative expenses to carry out the guaranteed loan program, $45,000,000. In addition to amounts appropriated in this Act for liquidation of contract authority in the "Guaranteed Student Loans (Liquidation)" account, there is also provided for payment of obligations incurred under contract authority entered into pursuant to title IV, part B, of the Higher Education Act, as amended, $1,114,748,000 which shall be transferred to the Guaranteed Student Loans (Liquidation)" account, there is also provided for payment of obligations incurred under contract authority entered into pursuant to title IV, part B, of the Higher Education Act, as amended, $1,114,748,000 which shall be transferred to the Guaranteed Student Loans (Liquidation) account.

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 167: Page 55, line 23, after "improvements" insert ": *Provided further*, That funds appropriated for Special Programs for Students from Disadvantaged Backgrounds may be allocated notwithstanding section 417D(d)(6)(B) (20 U.S.C. 1070d) to the Ronald E. McNair Post-Baccalaureate Achievement Program".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 167 and concur therein.

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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 56, after line 26, insert:

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For the costs of direct loans, as authorized by title VII, part F, of the Higher Education Act, as amended, $7,539,000: *Provided*, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 and that these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $30,000,000: *Provided further*, That obligated balances of these appropriations will remain available until expended, notwithstanding the provisions of 31 U.S.C. 1552(a), as amended by Public Law 101-510. In addition, for administrative expenses to carry out the direct loan program, $566,000.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 172 and concur therein.

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 176: Page 57, line 20, strike out "$228,999,000" and insert "$255,893,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 176 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$258,684,000".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 179: Page 58, line 1, strike out "$28,000,000" and insert "$20,000,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 179 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$29,900,000".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 181: Page 58, line 4, strike out all after "Education" down to and including "programs;" in line 5.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 181 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert ", including $6,000,000 for a high technology demonstration grant, including equipment, which shall be awarded competitively;".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 197: Page 61, after line 25, insert:

SEC. 306. Subsection (e) of section 1321 of the Higher Education Act of 1965 (20 U.S.C. 1221-1(e)) is amended by inserting at the end thereof the following new paragraph:

"(7) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of money, gifts or donations of services or property.".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 197 and concur therein.

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 200: Page 62, line 8, strike out "$32,693,000" and insert "$34,683,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 200 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$32,688,000".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 205: Page 63, line 22, strike out "$2,000,000" and insert "$3,000,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 205 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$1,750,000".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 206: Page 63, after line 22, insert:

NATIONAL COMMISSION ON CHILDREN

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Children, as established by section 9136 of the Omnibus Reconciliation Act of 1987, Public Law 100-203, $950,000 to remain available through December 31, 1992.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 206 and concur therein.

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 213: Page 66, line 25, after "1992" insert "credited in 12 approximately equal amounts on the first day of each month in the fiscal year".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 213 and concur therein.

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 214: Page 67, line 20, strike out "$74,037,000" and insert "$73,287,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 214 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$72,287,000".

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

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. 218: Page 73, strike out all after line 23 over to and including line 10 on page 74.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 218 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

SEC. 513. (a) Notwithstanding any other provision of this Act, funds appropriated for salaries and expenses of the Department of Labor are hereby reduced by $31,991,000; salaries and expenses of the Department of Education are hereby reduced by $10,660,000; and salaries and expenses of the Department of Health and Human Services are hereby reduced by $142,349,000, including $8,000,000 of funds appropriated in this Act for travel costs of the Public Health Service: *Provided*, That the reduction for travel costs shall be from the amounts set forth therefor in the budget estimates submitted for the appropriations.

Mr. PURSELL (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

□ 1830

A motion to reconsider the votes by which action was taken on the several motions and on the conference report was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2950, INTERMODAL SURFACE TRANSPORTATION INFRASTRUCTURE ACT OF 1991

Mr. ROE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2950) to develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is their objection to the request of the gentleman from New Jersey?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. HAMMERSCHMIDT

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

The Clerk read as follows:

Mr. HAMMERSCHMIDT moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2950, be instructed to insist on those provisions contained in title I of H.R. 2950 (as passed by the House) providing for a strong national highway system program.

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 30 minutes, and the gentleman from New Jersey [Mr. ROE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

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

Mr. Speaker, the motion I am offering today would instruct the conferees on H.R. 2950 to insist upon House provisions that establish and fund a strong National Highway Program.

The proposed National Highway System is a system of those highways that have the greatest national significance. The system would include the existing Interstate System plus approximately 110,000 additional miles of roads that carry the most traffic in interstate commerce and serve other national goals, such as access to ports and airports and national defense needs.

This system is really the centerpiece of the restructured highway program that is being proposed for the post-interstate era. The focus of the National Highway Program will be both to maintain the enormous investment we have put into the Interstate System, as well as to improve and maintain other principal arterial routes. These other routes, which were left off the original Interstate System, are not adequate, in most cases, to serve traffic needs that have developed due to economic growth in the last 35 years. Many of these routes are two-lane roads that carry heavy volumes of truck traffic and are consequently unsafe. Nationally, the need for improvement on these roads is great.

The House bill provides for a level of funding and a structure for decision-making that will enable us to begin to meet the needs of the National Highway System. The Senate bill, on the other hand, provides a level of dedicated funding for the National Highway System that is inadequate to address the demonstrated needs of that system. Indeed, the establishment of a National Highway System in the Senate bill was not originally a part of the basic structure of the bill; it was really an afterthought, and the levels of funding reflect that fact.

In the administration's view, the levels of funding in the House bill are not sufficient to address the needs of the proposed National Highway System. I would note in this regard that in crafting the House bill we struck a balance by providing significantly increased funding for mass transit, by providing much "greater flexibility" for States to use highway funds for mass transit, and by providing metropolitan areas with more direct funding. At the same time, this balance included what we felt was a minimally adequate level of funding for the National Highway System.

It is vitally important for the national transportation system that the conference report on H.R. 2950 maintain the House provisions of the National Highway System. I urge my colleagues to support this motion to instruct the House conferees to insist on the House position providing for a strong National Highway System.

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

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

Mr. Speaker, I rise in support of the motion offered by the distinguished gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member of our Committee on Public Works and Transportation.

I think in his statement he has expressed the view and the intent of the committee, and we on this side would strongly support this motion to instruct.

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

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Speaker, I would like to clarify some information regarding the motion to recommit that was before the House on this bill and the representation at that time under the motion to recommit that we would not have any projects left in the bill that did not have matching State money, 80/20. In that, one of the sections struck was section 149.

However, one of the specific complaints I had had in the course of the deliberations was section 150 of the bill. Section 150 states:

Any Federal expenditure under this section and section 149 for such project shall be treated as a part of the non-Federal share of the cost of such flood control project.

That does not refer to the bridges that were in the Molly Ann's project, but it does refer to flood control projects which go along with those bridges. The responsibility rests with the Army Corps of Engineers to do the project.

The Federal share of that project is $16.2 million which will come out of the general funds of the Treasury. However, because of the language that was included in the bill, the $5.4 million that is the State's matching amount will not have to be paid, and the Federal Government must pay for the non-Federal share of the project, and so by not pulling out that section, we have, in fact, in that part of the bill, created another situation where the State is going to be relieved from having to pay its share of the project.

Now, it is my understanding that the motion to recommit was supposed to correct all of these problems, and it did not, in fact, correct the problem with regard to section 150.

My question is as you go to conference whether or not there is an intention to correct this particular problem with matching share as well.

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

Mr. WALKER. I am happy to yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I would say to the gentleman, from listening to the earlier colloquy between the gentleman and the gentleman from Indiana [Mr. BURTON], the gentleman's concern was that they believed the language of section 150 would operate to relieve the State of New Jersey from the 20-percent local match that would otherwise be required by section 149.

The motion to recommit was intended to correct any ambiguity that

might exist with respect to the Federal share on any of the special projects including that Molly Ann's Brook project that the gentleman mentioned in his colloquy.

Just to repeat for the RECORD, the instruction in the motion to recommit reads as follows:

Notwithstanding any other provision of this Act, the Federal share payable on account of any project authorized to be carried out under section 128(h), 134(c), 140, 149, 157, or 505 (other than a project for a Federal lands highway or a federally owned bridge) shall be 80 percent.

This instruction makes it clear that "notwithstanding any other provision of this Act" the Federal share on any project in section 149 of the bill shall be 80 percent. Since it is section 149 that authorizes $9.5 million for the Molly Ann's Brook project, the motion to recommit guarantees that a 20 percent local match will be required on the project, notwithstanding any ambiguity that might be created by the language in section 150 of the bill.

Mr. Speaker, I understand the gentleman's concern, and now it goes a little beyond that, and all I can say is that we are aware of his concern and we will try to recognize it as we go to conference.

Mr. WALKER. Mr. Speaker, do I understand the gentleman correctly that the intention of the committee was that problems such as 150 were also going to be dealt with, and that we were going to assure that every section of the bill assured local share?

Mr. HAMMERSCHMIDT. If the gentleman will yield further, in my view, by guaranteeing that the State of New Jersey will have to match the $9.5 million in Federal funds for the Molly Ann's Brook project with a 20-percent local share, the motion to recommit addresses the concerns raised by the gentleman.

Mr. WALKER. The problem is that the gentleman is right on the $9.5 million which is the bridge portion of the act. That is section 149. The gentleman did address that. But the problem is that I raised the questions with regard to section 150.

□ 1840

That was not addressed, and section 150 still remains in the language of the bill, and under section 150 you would still be able to have the state relieved of its matching share.

It was my understanding with all the debate we had that night that we were intending that all of these projects that had matching problems be dealt with, and all I am asking here is whether or not that is going to be complied with or whether or not we have carved out a special exemption here which in my mind ought to be done.

Mr. HAMMERSCHMIDT. Well, I cannot, of course, speak for the conferees. All I can say to the gentleman is that we know his concern and we will certainly take it into account as we go to conference.

Mr. WALKER. Well, Mr. Speaker, with that assurance I will not pursue it further, but I do want to make the point that I think the House accepted the motion to recommit on good faith that we were dealing with the entire range of projects that were in the bill that had matching share problems. I think it is incumbent upon the committee then to deal with these in a way which assures there are no matching share problems in the bill when it comes back.

Mr. SHUSTER. Mr. Speaker, will my good friend the gentleman from Arkansas, yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, as the author of that motion, it was indeed my intention that we would require a match of 80-20 on all the projects for which there was money in the bill.

The problem is that this is a different section and a different matter that relates to water resources. Frankly, we did not focus on that. We thought by saying all the money would indeed cover that; however, this is a different section and it in fact is not in the bill. It is part of the water resources bill.

So I join with my friend, the gentleman from Arkansas, in saying that we know the gentleman's concern and will attempt to address it.

Mr. WALKER. Well, Mr. Speaker, that is even more of a problem then, because what we are doing is we are including language that is making a mandate on another bill somewhere that is evidently out of scope with this bill. One has to wonder then how it got in this bill and just what exactly it was doing there and why we are trying to relieve the State of its matching share in an area where there is not even any money in the bill.

Mr. SHUSTER. Mr. Speaker, if the gentleman will yield further, whatever the gentleman's concern might be, the facts are what we were trying to address was the 80-20 split in the highway bill and that is what this gentleman intended to address.

Now it has been brought to our attention that indeed there is another section here beyond that which we did attempt to address.

All we can say is that we are aware of the gentleman's concern and we will certainly consider it as we go to conference.

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

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

The SPEAKER pro tempore (Mr. MCDERMOTT). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

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

RECORDED VOTE

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 394, noes 3, not voting 36, as follows:

[Roll No. 384]

AYES—394

Abercrombie	Dellums	Hunter
Ackerman	Derrick	Hutto
Alexander	Dickinson	Hyde
Allard	Dicks	Inhofe
Anderson	Dingell	Jacobs
Andrews (ME)	Dixon	James
Andrews (NJ)	Donnelly	Jefferson
Andrews (TX)	Dooley	Jenkins
Annunzio	Doolittle	Johnson (CT)
Applegate	Dornan (CA)	Johnson (SD)
Archer	Downey	Johnson (TX)
Armey	Dreier	Johnston
Aspin	Duncan	Jones (GA)
Atkins	Durbin	Jones (NC)
AuCoin	Dymally	Jontz
Bacchus	Early	Kanjorski
Baker	Eckart	Kaptur
Ballenger	Edwards (CA)	Kasich
Barrett	Edwards (OK)	Kennedy
Barton	Edwards (TX)	Kennelly
Bateman	Emerson	Kildee
Bellenson	Engel	Kleczka
Bennett	English	Klug
Bentley	Erdreich	Kolbe
Bereuter	Espy	Kolter
Berman	Evans	Kopetski
Bevill	Ewing	Kostmayer
Bilirakis	Fawell	Kyl
Bliley	Fazio	LaFalce
Boehlert	Feighan	Lagomarsino
Boehner	Fields	Lancaster
Bonior	Flake	Lantos
Borski	Foglietta	LaRocco
Boucher	Ford (MI)	Laughlin
Boxer	Ford (TN)	Leach
Brewster	Franks (CT)	Lehman (CA)
Brooks	Gallegly	Levin (MI)
Broomfield	Gallo	Levine (CA)
Brown	Gaydos	Lewis (CA)
Bruce	Gejdenson	Lewis (FL)
Bryant	Gekas	Lewis (GA)
Bunning	Geren	Lightfoot
Burton	Gibbons	Lipinski
Bustamante	Gilchrest	Livingston
Byron	Gillmor	Lloyd
Callahan	Gilman	Long
Camp	Gingrich	Lowery (CA)
Campbell (CA)	Glickman	Lowey (NY)
Campbell (CO)	Gonzalez	Luken
Cardin	Goodling	Machtley
Carper	Gordon	Manton
Carr	Goss	Markey
Chandler	Grandy	Marlenee
Chapman	Gunderson	Martin
Clement	Hall (OH)	Matsui
Clinger	Hall (TX)	Mazzoli
Coble	Hamilton	McCandless
Coleman (MO)	Hammerschmidt	McCloskey
Coleman (TX)	Hancock	McCollum
Collins (IL)	Hansen	McCrery
Collins (MI)	Harris	McCurdy
Combest	Hastert	McDade
Condit	Hatcher	McDermott
Conyers	Hayes (IL)	McEwen
Cooper	Hefley	McGrath
Costello	Hefner	McHugh
Coughlin	Henry	McMillan (NC)
Cox (CA)	Herger	McMillen (MD)
Cox (IL)	Hertel	McNulty
Coyne	Hoagland	Meyers
Cramer	Hobson	Mfume
Crane	Hochbrueckner	Michel
Cunningham	Holloway	Miller (CA)
Dannemeyer	Horn	Miller (OH)
Darden	Houghton	Miller (WA)
de la Garza	Hoyer	Mineta
DeFazio	Hubbard	Mink
DeLauro	Huckaby	Moakley
DeLay	Hughes	Molinari

Mollohan	Richardson	Stenholm
Montgomery	Ridge	Stokes
Moody	Riggs	Stump
Moorhead	Rinaldo	Sundquist
Moran	Ritter	Swett
Morella	Roberts	Swift
Morrison	Roe	Synar
Mrazek	Roemer	Tallon
Murtha	Rogers	Tanner
Myers	Rohrabacher	Tauzin
Nagle	Ros-Lehtinen	Taylor (MS)
Natcher	Rose	Taylor (NC)
Neal (MA)	Roth	Thomas (CA)
Neal (NC)	Roukema	Thomas (GA)
Nichols	Rowland	Thomas (WY)
Nowak	Roybal	Thornton
Nussle	Russo	Torres
Oakar	Sabo	Torricelli
Obey	Sanders	Towns
Olver	Santorum	Traficant
Ortiz	Savage	Traxler
Orton	Sawyer	Unsoeld
Owens (NY)	Saxton	Upton
Oxley	Schaefer	Valentine
Packard	Scheuer	Vander Jagt
Pallone	Schiff	Vento
Panetta	Schroeder	Visclosky
Parker	Schulze	Volkmer
Pastor	Schumer	Vucanovich
Patterson	Sensenbrenner	Walker
Paxon	Serrano	Walsh
Payne (VA)	Shaw	Washington
Pease	Shays	Waters
Pelosi	Shuster	Waxman
Perkins	Sikorski	Weber
Peterson (FL)	Sisisky	Weiss
Peterson (MN)	Skeen	Weldon
Petri	Skelton	Wheat
Pickett	Slattery	Whitten
Pickle	Slaughter (NY)	Williams
Porter	Smith (IA)	Wilson
Poshard	Smith (NJ)	Wise
Price	Smith (OR)	Wolf
Pursell	Smith (TX)	Wolpe
Quillen	Snowe	Wyden
Rahall	Solarz	Wylie
Ramstad	Solomon	Yatron
Rangel	Spence	Young (AK)
Ravenel	Spratt	Young (FL)
Ray	Staggers	Zeliff
Reed	Stallings	Zimmer
Regula	Stark	
Rhodes	Stearns	

NOES—3

Gradison	Green	Penny

NOT VOTING—36

Anthony	Gephardt	Olin
Barnard	Guarini	Owens (UT)
Bilbray	Hayes (LA)	Payne (NJ)
Browder	Hopkins	Rostenkowski
Clay	Horton	Sangmeister
Davis	Ireland	Sarpalius
Dorgan (ND)	Lehman (FL)	Sharp
Dwyer	Lent	Skaggs
Fascell	Martinez	Slaughter (VA)
Fish	Mavroules	Smith (FL)
Frank (MA)	Murphy	Studds
Frost	Oberstar	Yates

□ 1903

Mr. TAYLOR of North Carolina and Mr. SCHIFF changed their vote from "aye" to "no."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees on H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991 and, without objection, reserves the right to appoint additional conferees:

From the Committee on Public Works and Transportation for consideration of the entire House bill—except title VII—the entire Senate amendment, and modifications committed to conference: Messrs. ROE, ANDERSON, MINETA, OBERSTAR, NOWAK, RAHALL, APPLEGATE, DE LUGO, SAVAGE, BORSKI, KOLTER, HAMMERSCHMIDT, SHUSTER, CLINGER, PETRI, PACKARD, BOEHLERT, and Mrs. BENTLEY.

From the Committee on Ways and Means, for consideration of title VII of the House bill, and sections 140E, 141 through 144, 271(b)(12), and 305 of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, RANGEL, STARK, ARCHER, VANDER JAGT, and CRANE.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 5, 121(a), 123, 124, 134 (a) and (b), 143, 184, 209, 322(m), 335, title V—insofar as it addresses railroads—sections 601(b), 608 through 610, 617, and 620 of the House bill, and sections 103(b) (1), (2), and (9), 106(a), 107, 113, 114, 115 (a)(2) and (d), 116, 117, 122(b), 127, 128, 131, 140G, 140T, 140U, 239, 261, 262, 319, and 336 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, SWIFT, SIKORSKI, LENT, and RITTER. Provided that Mr. DANNEMEYER is appointed in place of Mr. RITTER for consideration of sections 123 and 124 of the House bill, and sections 103(b)(2), 106(a)—insofar as it addresses 23 U.S.C. 133(a)(10)—107, 113, 114, and 319 of the Senate amendment.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 140I, 140N, part A of title II—except sections 204. 218, and 226—264, and 271 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, SWIFT, SHARP, ECKART, TAUZIN, SLATTERY, BOUCHER, MANTON, BRUCE, HARRIS, SYNAR, LENT, MOORHEAD, RINALDO, DANNEMEYER, RITTER, FIELDS, and OXLEY.

As additional conferees from the Committee on Interior and Insular Affairs, for consideration of sections 125, 143, 144 of the Senate amendment, and modifications committed to conference: Messrs. MILLER of California, VENTO, KOSTMAYER, LAGOMARSINO, and MARLENEE.

As additional conferees from the Committee on the Judiciary, for consideration of section 409 of the House bill, and section 238 and title IV of the Senate amendment, and modifications committed to conference; Messrs. BROOKS, EDWARDS of California, FRANK of Massachusetts, FISH, and MOORHEAD.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 5, 108, 317(b), 320, and 321 (a) and (e) of the House bill, and section 106(a) of the Senate amendment, and modifications committed to conference: Messrs. JONES of North Carolina, STUDDS, HERTEL, DAVIS, and YOUNG of Alaska.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 141 (a) and (e), 202, 317, 405, 502, 601, 604 through 609, 616 through 618, 651 through 659, and 671 through 673 of the House bill, and sections 103(b) (9) and (10), 106(a), 107, 115, 116, 127(g), 136(b), 203(e), 204, 232(a) 329, and 341 of the Senate amendment, and modifications committed to conference: Messrs. BROWN, VALENTINE, GLICKMAN, WALKER, and LEWIS of Florida.

There was no objection.

PERSONAL EXPLANATION

Mr. DORGAN of North Dakota. Mr. Speaker, because of family obligations I was unable to be present to vote on the motion to instruct conferees on consideration of H.R. 2950, the Transportation bill. I wish to record that, had I been present, I would have voted against the motion to instruct on rollcall No. 384.

NATIONAL WOMEN VETERANS RECOGNITION 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. 145) designating the week beginning November 10, 1991, as "National Women Veterans Recognition Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so to acknowledge the work of our colleague, the gentleman from Florida [Mr. BILIRAKIS), who is the chief sponsor of this resolution.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in support of Senate Joint Resolution 145, which designates the week beginning November 10, 1991, as "National Women Veterans Recognition Week." I would also like to thank my colleague the gentleman from Florida [Mr. BILIRAKIS] who was the chief sponsor of the House bill honoring our women veterans.

As you may know, the Department of Veterans Affairs currently estimates that there are more than 1.2 million women veterans in this country, representing 4.2 percent of the total veteran population.

Women have played a vital role in our Nation's armed services. Official military participation for women began in 1901 with the formation of the Army Nurse Corps and was followed in 1903 with the formation of the Navy Nurse Corps. During World War I, 13,000 women were enlisted by the Navy as telephone operators, clerical workers, typists, and stenographers. During

World War II, the number of enlisted women in all four services was approximately 350,000. Additionally, women continued to play an active role in Korea and Vietnam.

Mr. Speaker, it is time for Congress to recognize the valuable contributions that women veterans have made throughout our Nation's history. Most recently, the contributions that our women veterans made during Desert Storm were vital. They served in a wide variety of jobs, such as: pilots, truck drivers, cargo handlers, intelligence specialists, flight controllers, communications experts, and ground crew chiefs. It is time for our Nation to learn more about the important role women have played in our Armed Forces, and to express our gratitude to them for their dedicated service.

Accordingly, I urge my colleagues to join with me in supporting this important resolution.

□ 1910

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

The SPEAKER pro tempore (Mr. LUKEN). 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. 145

Whereas there are more than 1,200,000 women veterans in the United States representing 4.2 percent of the total veteran population;

Whereas the number of women serving in the United States Armed Forces and the number of women veterans continue to increase;

Whereas women veterans have contributed greatly to the security of the United States through honorable military service, often involving great hardship and danger;

Whereas women are performing a wider range of tasks in the United States Armed Forces, as demonstrated by the participation of women in the military actions taken in Panama and the Persian Gulf region;

Whereas the special needs of women veterans, especially in the area of health care, have often been overlooked or inadequately addressed by the Federal Government;

Whereas the lack of attention to the special needs of women veterans has discouraged or prevented many women veterans from taking full advantage of the benefits and services to which they are entitled; and

Whereas designating a week to recognize women veterans will help both to promote important gains by women veterans and to focus attention on the special needs of women veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 10, 1991, is designated as "National Women Veterans Recognition 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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1745, CIVIL RIGHTS ACT OF 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-291) on the resolution (H. Res. 270) providing for the consideration of the Senate bill (S. 1745) to amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

NATIONAL RED RIBBON MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 188) designating November 1991 as "National Red Ribbon Month," 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 to acknowledge the work of the gentleman from Pennsylvania [Mr. COUGHLIN], the chief sponsor of this resolution.

Mr. Speaker, I yield to my friend, the gentleman from New York [Mr. GILMAN], for an explanation of the resolution.

Mr. GILMAN. Mr. Speaker, I rise in support of Senate Joint Resolution 188, designating November, 1991 as "National Red Ribbon Month," and I want to commend the gentleman from Pennsylvania [Mr. COUGHLIN] the ranking minority member or our Select Committee on Narcotics for his leadership in bringing this measure to the floor of the House for consideration.

Senate Joint Resolution 188 is the companion measure to House Joint Resolution 312, a measure which Mr. COUGHLIN sponsored and which I am proud to have cosponsored. Mothers Against Drunk Driving have played an important role in supporting "National Red Ribbon Month," and I would like to commend their invaluable participation in this effort. Red ribbons have long symbolized the MADD campaign and their tireless contributions to stopping drunk driving in our Nation. It is estimated that about two in every five Americans will be involved in an alcohol-related crash, approximately 10 percent of car crashes involved alcohol, and an astounding 25 percent of drivers involved in fatal traffic crashes were drunk.

These disparaging statistics are only the tip of the iceberg. Figures are even more discouraging in those studies that concentrate on our young people.

Mr. Speaker, more than 40 percent of all teenage deaths result from motor vehicle crashes, about half of these involve drunk driving. In 1987, nearly 27 percent of the fatally injured 15-19-year-old teenaged drivers were intoxicated.

Just as we cannot afford to turn our back on Americans who are experimenting and regularly using illicit narcotics, we cannot ignore the abuse of alcohol. Drunk driving, drunk driving accidents, and drunk driving fatalities have reached unprecedented proportions. We must send out a clear, strong message to all our Nation, especially our young. We must send them a clear message that drunk driving is not only wrong, not only foolish, but fatal.

I am pleased this legislation is on the floor of the House today, and I ask all my colleagues to join me in support of Senate Joint Resolution 188.

Mr. COUGHLIN. Mr. Speaker, before Congress adjourned for the August break, I introduced House Joint Resolution 312, a resolution designating the month of November 1991 as Red Ribbon Month. The Senate has already passed an identical resolution, Senate Joint Resolution 188, which we are considering today.

During November, as our Nation enters the traditional holiday period, Mothers Against Drunk Driving [MADD] will launch a major public awareness campaign aimed at ridding our Nation's highways of the scourge of drunk driving. I am proud to join MADD in this effort.

MADD is currently observing its 10-year anniversary as a grass roots advocacy organization. MADD's first 10 years have been marked by hard work and success. Part of MADD's success is a new awareness on the part of the general public of the tragic consequences of drinking and driving. MADD pioneered the phrase "Tie One On For Safety," a clever use of words urging all of us to tie a red ribbon on our vehicles as a reminder not to drink and drive.

This November, MADD will distribute more than 90 million red ribbons nationwide. These red ribbons will serve as a reminder to all of us that each year on our highways fully half of the deaths resulting from auto crashes are caused by drunk driving. Each year more than 345,000 injuries result from drunk driving. This is a problem we can do something about. In fact, over the last 10 years thousands of lives have been saved as our Nation has become increasingly aware of the dangers of drinking and driving. Congress has played a role in this effort by encouraging the States to maintain a minimum drinking age of 21 years old.

Additional legislation has been passed providing incentive grants to States to combat drunk driving and provisions to better serve the victims of this violent crime.

Mr. Speaker, I am proud of my association with the cause of fighting drunk driving on our Nation's highways and am pleased to offer this resolution for the consideration of my colleagues.

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. 188

Whereas the most frequently committed crime in America is drunk driving;

Whereas each year on our Nation's highways more than forty-five thousand people lose their lives due to auto crashes, approximately half of these involving alcohol;

Whereas more than three hundred and forty-five thousand people are injured in alcohol-related crashes each year;

Whereas Mothers Against Drunk Driving (MADD) is an organization of nearly three million members and supporters across the Nation which has had a major impact on reducing death on our highways;

Whereas in November 1991 MADD will launch a major holiday public awareness campaign by asking America to "Tie One On For Safety" this holiday season; and

Whereas beginning in November MADD and other concerned groups will distribute more than ninety million red ribbons nationwide to create awareness about the dangers of drinking and driving: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 1991 is designated as "National Red Ribbon Month," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate activities devoted to reducing death and injury on our Nation's highways due to drinking and driving.

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.

NATIONAL FAMILY CAREGIVERS 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 joint resolution (H.J. Res. 125) to designate the week beginning November 24, 1991, and the week beginning November 22, 1992, each as "National Family Caregivers Week," 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 to yield to my friend, the gentlewoman from Maine [Ms. SNOWE], the chief sponsor of this resolution.

Ms. SNOWE. Mr. Speaker, I would like to thank Mr. SAWYER, chairman of the Census and Population Subcommittee and the ranking minority member, Mr. RIDGE, for bringing to the floor House Joint Resolution 125 to designate the week of Thanksgiving as "National Family Caregivers Week" for 1991 and 1992.

For the past 6 years, I have sponsored legislation to designate the week of Thanksgiving as "National Family Caregivers Week." I believe that this is a time to give special recognition and commendation to the many individuals who face demanding and often stressful situations in caring for older family members.

Caregivers are in great need of our support. While such commitment to a family member offers many rewards, many caregivers often find themselves under a great deal of pressure in their attempt to juggle the competing demands of their immediate families, their careers and their own personal needs.

As you are probably aware, most of the disabled elderly are cared for at home. Caregivers often go to extraordinary lengths to keep a loved one from institutionalization. Family caregivers continue to provide care to parents, spouses, sisters, and brothers even at great expense to themselves. They give their money, their time, and their love in order to allow their family member to have a more comfortable and independent life.

Independence, dignity, and respect. Who among us does not strive to enjoy each of these characteristics? In fact, we work a lifetime to achieve these traits and, in reality, we may be stripped of them within a matter of minutes or days because of a chronic or disabling illness. Certainly we need to work harder to enhance the home care programs, respite and support groups available to the disabled elderly and their family caregivers to allow all family members to maintain their independence, dignity, and respect.

As individuals, we need to understand the daily concerns of caregivers and, as a society, we need to devise better options to alleviate the pressures family caregivers face. As the population ages, the pressing need for caregiving will increase. Through improved public/private partnerships, elder care, tax credits, and expanded family medical leave policies, I believe that we may begin to address the seriousness of caregivers' concerns.

Mr. Speaker, to most of us, Thanksgiving connotes family. Thanksgiving gives us a vacation from work and all of our everyday problems so that we may spend a little time with loved ones. However, caregivers rarely get a vacation from caregiving. On Thanksgiving, family caregivers will continue to help dress, and bathe, and prepare meals for their loved ones.

Mr. Speaker, I am glad that we can once again celebrate our Nation's caregivers during "National Family Caregivers Week." But this year, Mr. Speaker, I hope that I will have the Congress' support for family caregivers not only during the week of Thanksgiving, but also in the many weeks of continual caregiving that are certain to follow throughout the year.

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Joint Resolution 125 designating the week beginning November 24, 1991, and the week beginning November 22, 1992, each as "National Family Caregivers Week" and I commend the gentlewoman from Maine [Ms. SNOWE] for introducing this resolution.

Mr. Speaker, more than 5 million of our elderly have disabilities that render them in need of basic daily care. Statistics show that between 80 and 90 percent of the families provide for the daily care of our elderly and in doing so incur many additional expenses. These family members not only give of their time and energy, but often make great financial and personal sacrifices. This involvement of caregiving strengthens the family bonds and fulfills a functional need in our society as well as provides the younger generation an opportunity to know, respect, and serve their elders.

We all know the value of a loving, caring family. These caregivers go beyond the normal responsibilities to family and freely offer help and service to their loved ones in need.

Mr. Speaker, House Joint Resolution 125 calls for a greater public awareness of family caregivers and encourages support of these dedicated people. I am pleased to be a cosponsor of this resolution and urge my colleagues to support this legislation.

□ 1920

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

The SPEAKER pro tempore (Mr. LUKEN). 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. 125

Whereas the number of Americans who are age 65 or older is growing dramatically, with an unprecedented increase in the number of frail elderly age 85 or older;

Whereas approximately 5,200,000 older persons have disabilities that leave them in need of help with their daily tasks, including food preparation, dressing, and bathing;

Whereas families provide help to older persons with such tasks, in addition to providing between 80 and 90 percent of the medical care, household maintenance, transportation, and shopping needed by older persons;

Whereas 80 percent of disabled elderly persons receive care from their family members, most of whom are their wives, daughters, and daughters-in-law, who often must sacrifice employment opportunities to provide such care;

Whereas family caregivers are often physically and emotionally exhausted from the

amount of time and stress involved in caregiving activities, and therefore need information about available community resources for respite care and other support services;

Whereas the contributions of family caregivers help maintain strong family ties and assure support among generations; and

Whereas there is a need for greater public awareness of and support for the care that family caregivers are providing older persons: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 24, 1991, and the week beginning November 22, 1992, are each designated "National Family Caregivers Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs, 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 ALZHEIMER'S DISEASE MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 36) to designate the months of November 1991 and November 1992 as "National Alzheimer's Disease Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. RIDGE. Mr. Speaker, reserving the right to object, clearly I would encourage my colleagues to support this legislation, and I simply take this reservation to acknowledge the work of the chief sponsor, the gentleman from California [Mr. LOWERY].

Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. LOWERY].

Mr. LOWERY of California. Mr. Speaker, I rise in strong support of Senate Joint Resolution 36, which will designate November 1991 and November 1992 as "National Alzheimer's Disease Month." This resolution is a valuable tool in calling our Nation's attention to the terrible toll of Alzheimer's disease.

For the past 8 years I have had the honor of being the sponsor of this resolution in the House. I am pleased to report that during this time we have made some progress in the fight against this insidious illness. But, sadly, I must also remind my colleagues that Alzheimer's continues to ravage the lives of millions of Americans and their families.

Over 4 million Americans are affected by Alzheimer's and it has become the fourth leading cause of death in the United States. Alzheimer's is the most common form of dementing illness. It strikes without warning and slowly and irreversibly destroys brain cells causing loss of memory, loss of muscle control, impaired judgment, violent mood swings, and aimless wandering. These changes are more than simple medical symptoms; when they occur we see someone who was our mother, father, or grandparent become a seemingly vacant shell. A lifelong loved one becomes almost a stranger, someone who doesn't recognize his or her own children, or remember where they were or what they did only 5 minutes before.

In addition to the medical impact on the victim, the decline caused by Alzheimer's takes a massive emotional toll on a family member who has acted as care giver. The Alzheimer's Disease Association estimates the disease costs the United States more than $90 billion a year in direct and indirect costs and lost productivity. Millions of families spend vast amounts of time and money trying to find proper care for their loved ones. When one combines our general health care woes with Alzheimer's unique challenges, the outlook for America's aging population is truly frightening.

Still, the news is not all bad. Families and patients now have care alternatives and support groups they can turn to for help. In my home area of San Diego, I salute the Alzheimer's Association and the Alzheimer's Family Center for their work in helping families manage the tremendous burden of this disease.

We are also making progress on the medical front. Last Friday, November 1, researchers at the University of California, San Diego, found there may be a potential treatment for memory loss caused by Alzheimer's. These doctors believe that the human protein, nerve growth factor, prevents the degeneration of key nerve cells involved in memory. This is the type of research that will enable us to eventually control or even defeat Alzheimer's. But we are not there yet; we still have a long way to go.

Congress has provided important financial support for Alzheimer's research; over $100 million in fiscal year 1991, and this support must continue.

Mr. Speaker, I would like to thank my colleague, BUTLER DERRICK, who has been the original cosponsor of this resolution for the past 8 years, as well as the 226 Members who cosponsored House Joint Resolution 198 this year. In addition, Chairman SAWYER, Congressman RIDGE, and the members of the Post Office and Civil Service Committee deserve thanks for their prompt consideration of the resolution.

Senate Joint Resolution 36 will heighten national awareness of Alzheimer's disease. It will also serve as an expression of gratitude and support for the organizations that have advanced research and provided care for the victims of Alzheimer's. Let's work together to develop treatments and perhaps even a cure for Alzheimer's.

I urge passage of Senate Joint Resolution 36 to designate National Alzheimer's Disease Month.

Mr. RIDGE. Mr. Speaker, I thank the gentleman for his words and his effort on this resolution. I thank him for all his good work.

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. 36

Whereas over 4 million United States citizens are affected by Alzheimer's disease, a surprisingly common degenerative disease which attacks the brain, impairs memory and thinking, alters behavior, and renders its victims incapable of self care;

Whereas it is estimated that by the middle of the 21st century, Alzheimer's disease will strike 14 million United States citizens, affecting one in every three families;

Whereas Alzheimer's disease is not a normal consequence of aging, but a disorder of the brain for which no cause has been determined and no treatment or cure has been found;

Whereas Alzheimer's disease is the quintessential long-term care problem, requiring constant full-time care for its victims, who can suffer from the disease for 3 to 20 years, at a total annual cost to the Nation of at least $90 billion;

Whereas families of Alzheimer's patients bear the overwhelming physical, emotional, and financial burden of care, and neither public programs, including medicare, nor private insurance provide protection for most of these families;

Whereas 80 percent of all Alzheimer's patients receive care in their own homes;

Whereas nearly half of all residents of nursing homes suffer from Alzheimer's disease or some other form of dementia; and

Whereas increased national awareness of Alzheimer's disease and recognition of national organizations such as the Alzheimer's Association may stimulate increased commitment to long-term care services to support Alzheimer's patients and their families and a greater investment in research to discover methods to prevent the disease, delay its onset, and eventually to find a cure for the disease: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of November 1991, and November 1992, are designated as "National Alzheimer's Disease Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such months 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.

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 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.

CIVIL RIGHTS ACT OF 1991

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

Mr. PARKER. Mr. Speaker, I rise today in support of the Civil Rights Act of 1991, now offered as a compromise to the bill passed earlier this year by the House. There are few issues, regardless of the point of view, that evoke a more emotional response than civil rights. In my district, the very term elicits a veritable cornucopia of memories. There are members of this body that were active participants in the civil rights movement. They have every right to take an emotional stand on this issue. Others of you have no concept of what the term really means. Twice, I voted against earlier versions of this bill. Unlike some members of this body, for the past 2 years I refused to play political games with my constituents' emotions. I resent some of the tactics which have been used. We have an obligation to produce meaningful legislation that represents the best interests of our constituents, not to use labels to pit them against one another. There should be great shame in this body today the shame of making civil rights a toy in the game of political one-upmanship.

The President shares equally in our shame. It is reprehensible that compromise legislation such as we now will consider could not have been passed earlier in the year. It was not because the compromise language was not offered. Mr. GEREN, Mr. STENHOLM, and I engaged in negotiations with the Leadership Conference on Civil Rights and other groups interested in this legislation to develop language that is really no different than what we are now to vote on. We took our ideas to the White House. But our efforts were unsuccessful. Perhaps it was because we are not Republicans or maybe it is because we are not Senators. The President said that we still had a quota bill. In the political arena, a referendum on quotas was more important than a Civil Rights Act. And now, as if by magic—by pronouncement—our language has been declared quota-free. Personally, I never believed that any of the bills that have been offered would require quotas. Quota bill Civil Rights Act—these are just labels, names that allow supporters and opponents alike to ignore the real issue—to avoid even trying to understand the legal ramifications of our actions.

There have been some courageous moments. When considering a similar bill last year, a compromise was offered by the gentleman from New York [Mr. LAFALCE]. It was roundly denounced by many members of my party. No one can say that the LaFalce substitute was not a more encompassing, more far-reaching alternative than the measure before this body today. I watched—over a period of a few short hours of debate—as that bill moved from the LaFalce substitute to the LaFalce-Michel substitute to the Michel-LaFalce substitute to finally the Michel substitute. I watched JOHN LAFALCE castigated on this floor. Constituents in my district thought he was a Republican instead of the Democratic chairman of the Small Business Committee. This House owes an apology to JOHN LAFALCE—and I regret that his bill is now no more than yet another opportunity lost by this body.

The House, the Senate civil rights groups, and the administration have wasted over 2 years posturing to gain political advantage out of this bill. To some degree, they have each gained an advantage. Each group can say to their constituency that they have stood up for what they believed. But what have they really accomplished? Have they succeeded in making our environment more race neutral, where everyone has an equal opportunity? Have they made the racial environment more harmonious? Have they helped create an environment where a person is not judged by the color of their skin but by the content of their character? Sadly, the answer is no.

By this posturing, every special interest group involved in this process has made civil rights more contentious, more fracturing, and more ideologic. I am glad that this day has finally arrived. I would like to think we have learned a lesson, but that perhaps, is only wishful thinking.

□ 1930

VACATION OF SPECIAL ORDER AND REQUEST FOR SPECIAL ORDER

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to vacate my special order for 60 minutes today and speak for 5 minutes.

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

There was no objection.

ECONOMIC INEQUITY IN AMERICA

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

Mr. MILLER of California. Mr. Speaker, the voters of America—and particularly those of Pennsylvania—sent an urgent wake up call to their elected leaders yesterday:

Pay attention to the growing economic desperation here at home;

Deliver essential services—particularly health care—desperately needed by millions of our own citizens;

Stop wasting our time with political gimmicks, empty rhetoric, and excuses.

Did we get the message?

This morning, the President flew off on yet another high profile, overseas trip, this time to defend spending nearly half our defense dollars defending Western Europe. I hope Mr. Bush remembers to insist that our Allies pay their fair share of their own defense costs.

In one sense, I understand why George Bush continues to fly off to some foreign country every chance he gets. When you examine the condition of this country, of the millions of Americans and families who constitute the mass of middle America, you very quickly understand the terrible condition of our economy, and the failure of Republican economic policy.

The administration's response to the unending flow of bad economic views has been to deny the crisis, deny the pain, and most unacceptably, to deny compassion to the victims of this unending recession.

Over the course of the past dozen years, the economic theories of the Bush and Reagan administrations have launched this Nation onto the unchartered seas of economic experimentation. Call it "Reaganomics"; call it "supply side"; call it "trickle down"; call it, as did George Bush in 1980, "voodoo economics."

After nearly three terms of Republican control of the White House, it is clear that the benefits of this irresponsible policy have been vastly exaggerated. And even more importantly, the blind adherence of the administration to these theories has insulated President Bush and his advisory from the daily suffering of the American people, and the dangerous signs of deterioration in the economy.

The administration's economic gameplan was founded on a faustian bargain: sacrifice the traditional American commitment to equity in return for economic growth.

At best, it was wishful thinking. At worst, it was an irresponsible strategy, an effort to wrap right wing economic fundamentalism in populist clothing. And it has failed.

Now, it has not failed for everyone, of course. And perhaps that was the goal all along.

Between 1977 and 1988, those in the top 10 percent of incomes realized a 34 percent increase in their income, and a 7 percent reduction in their taxes.

But in the meantime, the real income of middle-income taxpayers rose by just 4 percent, and their tax burden—far from dropping—actually increased.

Despite the glitter of the 1980s, millions of Americans slid backwards into poverty and economic marginalism. For every Donald Trump, there are millions who are unable to buy a home, unable to send their children to college, unable to afford medical bills and unable to increase their savings.

And yet, the Bush administration has no comprehensive plan for addressing our disastrous economic state. But what is even more distressing is the failure of the President and his advisory to acknowledge, or understand, that a true crisis exists.

I am reminded of the unwarranted "new era" optimism that filled President Hoover on the eve of the Great Depression. Amid stock crashes, mounting unemployment and business collapses, Hoover and his Cabinet maintained a rosy outlook for the economy.

"I see nothing in the present situation that is either menacing or warrants pessimism," said Hoover's Secretary of the Treasury, Andrew Mellon, in 1930.

"There is nothing in the situation to be disturbed about," echoed his Commerce Secretary, Robert Lamont.

Hoover himself predicted the crisis would end by the spring of 1930.

These examples don't mean we are headed for a catastrophe of the magnitude of the Great Depression. But I do notice a similarity between President Bush's buoyant enthusiasm about the state of the economy and what Arthur Schlesinger, Jr., described as Hoover's tendency toward "Bending the facts to sustain his optimism, and then believing his own conclusions."

Like Hoover, President Bush has summoned the energies of volunteerism and community service to respond to the national economic crisis, instead of utilizing the great energies of the Government and the Nation as a whole.

Like Hoover, who rejected the recommendations of the Emergency Committee for Employment, President Bush has dismissed the need for expanded assistance to millions of long-term jobless Americans.

Like Hoover, President Bush calls on the hard-pressed State and local governments and small businesses to shoulder the burden of recovery and services.

President Bush is drawing his economic program from the historic Republican tradition. His tax plan is pure Reaganomics; his antirecession strategy is pure Hoover.

History has proved both to have been utter failures for middle class America.

President Bush misreads the past and he misunderstands the present. And I think growing numbers of Americans share that view.

The economic growth promised by the Republicans has been vastly exaggerated. In the 5 years before we embarked on the "supply side" folly, economic growth was measured at 2.9 percent. During the period 1981–86, that rate fell to 2.7 percent. And for the entire decade of the 1980's, economic growth averaged only 2.8 percent.

Republican economics has similarly failed in another key goal: Increasing savings and business investment to stimulate business growth.

In fact, personal savings actually fell by 23 percent and national savings dropped by over 18 percent during the decade. Meanwhile, business investment as a percent of GNP fell from 3.6 percent to 2.8 percent.

A major factor in the slow rate of investment continues to be the historically high real interest rates—the highest in half a century, and substantially higher than those denounced by the Republicans during the 1980 Presidential campaign.

In the area of debt, too, the Republican failure dwarfs the situation in 1980, when the Reagan-Bush ticket was elected to stop deficit spending.

The debt then stood at about $70 billion for the year. As a result of the Reagan tax and spending policies, which gave tax rebates to the rich and blank checks to the Pentagon, deficits in excess of $200 billion became standard fare during the last decade. Our national debt, which took every President from Washington to Carter to reach $1 billion, tripled in just 8 years of Republican rule, rising from 2.8 percent of GNP to more than 5 percent.

And, or course, we simultaneously became the biggest debtor Nation in the world.

Now, of course, Republicans have continually argued that we could correct all this debt if we just passed a balanced budget amendment to the Constitution. Let's go no further before observing that Ronald Reagan and George Bush, who both want a balanced budget amendment, never have come close to sending a balanced budget to the Congress, which they could do anytime they like.

Focusing on emotionally charged issues like a balanced budget amendment—or flag burning, or the ACLU, or Willie Horton—has been a Republican smokescreen to obscure the real issues confronting our Nation. It hardly seems surprising that the Republican candidate for Governor of Louisiana, David Duke, is building on these divisive and alarmist themes in his speeches.

Without question, the most significant impact of the Republican economic program has not been the growth and prosperity we were promised, but growing inequity and economic marginalism.

It's funny: I don't hear George Bush asking middle America whether they are better off today than they were 10 years ago.

And we know why.

The fiscal policies of these two Republican administrations have constituted an assault on the stability and security of the overwhelming majority of Americans.

In the key years 1978–87, when we would have expected to see the 1981 tax law stimulate the economy, we began instead an era of growing income disparity.

According to the Commerce Department, 60 percent of all households lost ground economically during the decade of the 1980's. About 86 percent of the increase in family income went to the top 20 percent of families, and most of it went to the top 5 percent.

Increasingly, the growing army of poor Americans is made up not of the jobless, but of millions of men and women who go to work every day. The number of Americans who were employed at full-time, year-round jobs, but who still remained impoverished, rose by 43 percent over the same period. And for 2 million more who could not find full-time jobs, the poverty rate rose by 23 percent.

It is particularly distressing that this deterioration in family income has occurred despite a dramatic demographic change in the American family. As women moved in unprecedented numbers into the work force during the 1970's and 1980's, millions of families became two-earner households just to maintain their current standard of living.

And yet, because of declining wages, fewer benefits, additional costs and unfair tax policy, these two-earner families are, in many cases, fortunate just to maintain the standard of living enjoyed by a single earner a decade or two earlier. Last year alone, the typical family's real income dropped by 1.7 percent, and 2 million more Americans—including 800,000 children—became poor.

In 1990, after 11 years of Republican economic efforts, nearly 34 million Americans were living in poverty, not only unable to contribute to economic growth, but dependent on a host of public support programs—from housing to health care to food assistance—that force the deficit higher and higher just to keep people alive with the barest of necessities.

The Republican trickle-down tax strategy was a fraud from beginning to end. It has not made America competitive or productive; it has made America poorer, unequal, and angry. And unleashing the old assaults on Jimmy Carter isn't going to do the trick any longer.

According to Robert McIntyre of the Citizens for Tax Justice, next year the richest 1 percent of all Americans will make $678 billion before taxes. That is more than the bottom 40 percent of all

Americans will earn in the same time period.

That richest 1 percent has seen its real income more than double since 1977, thanks to Republican tax and income policy. The richest 2 percent enjoyed an increase of 84 percent.

But for the rest of us, real income has either stagnated or fallen. And in the case of the poorest Americans, income has fallen most dramatically.

According to the supply-side mantra, we were all going to get something for this tax windfall we gave to the wealthy in 1981. What a surprise to learn it hasn't worked out that way.

In fact, the tax cut Ronald Reagan gave to the richest 1 percent will cost the other 99 percent of Americans $164 billion in 1992 alone.

In addition to the $84 billion in lower taxes that richest 1 percent will enjoy, we will all pay another $81 billion in interest payments necessitated by the additional debt generated by the tax cut for the rich.

The $164 billion in revenue losses attributable to tax relief for the richest 1 percent is almost exactly the same as the additional debt we will accumulate in 1992 compared to 1977–78.

The response of Republican true believers, whenever these indictments are laid at their feet, is that the problems of the economy are due not to flawed fiscal policy, but to excessive spending by those Democrats in the Congress.

I have already noted that the Congress regularly has appropriated less spending than proposed by Presidents Reagan and Bush. But let me be even clearer about the CONGRESSIONAL RECORD on spending.

During the decade of Republican rule, George Bush would have the average voter believe that we maintained high taxes on the middle class to pay for domestic spending, which Congress refused to cut. The facts show quite the contrary.

During the 1980's, as tax revenues plunged and military spending became stratospheric, spending on the rest of Government dropped rather dramatically: A drop in 1990 alone of some $10 billion.

Education and training programs were slashed by 40 percent. And Americans wonder why our schools are failing and our young people are unskilled in the world competition for jobs.

Environment and infrastructure spending have been cut by 39 percent. And we wonder why we face congestion and hazards on our highways and airports, and toxic contamination in our neighborhoods and water supplies.

As a result of these cuts and many, many others in virtually every facet of domestic endeavor, the average middle-income taxpayer—that family that has watched its tax bill increase and its annual earnings decrease—is receiving a fourth less in Government services today for every dollar in taxes than a decade ago.

No wonder middle America is angry. No wonder middle America is anxious about the state of the economy and doubts that our political leadership really cares about the precariousness of their economic security.

For a decade, the American public has been fed a steady diet of glib and misleading generalities, of rosy predictions that have brought our economy to our current, sorry state, or fingerpointing, racebaiting and smear politics.

But I believe, Mr. Speaker, that a sea change has come over the American public in the last few weeks.

You hear it in your congressional districts: Concern about economic security, about college affordability, about growing unemployment and reluctant consumers.

You see it in the Congress: Bafflement as the administration attempts to dismiss the latest unemployment numbers and vetoes bill after bill to aid the long term unemployed.

You read it in the press and see it in the media: Newsweek's cover story on "The Bite on the Middle-Class" last week.

The American people are worried. They don't believe the optimistic hype. They don't want to be told that important issues like national health care are too complex to address, as Mr. Bush's candidate in Pennsylvania did.

The American people want action, courage and compassion, not vetoes and Hoover-like predictions of false prosperity.

We in the Democratic Party are undertaking an effort to repair the damage done to progressivity and fairness in the Tax Code by the Reagan administration. But only leadership at the Presidential level is going to create a national economic gameplan.

Not every problem can be solved by climbing into a golf cart, racing off in a speedboat, or heading for Europe.

It seems only fair to ask a President who has time to travel to Spain, Italy, Holland, Japan, Korea, Singapore, and Australia to devote a similar amount of time to repairing the damage caused by the voodoo economics he decried, and then imposed, on the American people.

Barbara Tuchmann, the Pulitzer prize winning historian, wrote several years ago on the role of folly in history. Folly, she wrote, was not the making of an error, but rather the refusal of leaders to alter a flawed and fatal course despite being forewarned that proceeding meant disaster.

The economic policies of the Bush administration are classic historic folly. They have not corrected the problems they were designed to fix: Indeed, they have led to deeper deficits, poorer savings, slower growth, higher unemployment, a deeper recession, and a greater polarization of our population.

The time has come for dramatic changes in the economic program of our political leadership. And if that leadership fails to change, then it is the leadership itself which must be replaced.

□ 1940

VACATING SPECIAL ORDER AND GRANTING SPECIAL ORDER

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that my special order for 60 minutes on today be vacated, and that I be granted, instead a 5-minute special order at this time.

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

There was no objection.

SETTING THE RECORD STRAIGHT

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

Mr. BURTON of Indiana. Mr. Speaker, before my good friend, the gentleman from California, leaves, there ought to be an opportunity for somebody on this side of the aisle to set the record a little straight.

I mean, it is kind of crooked, after listening to what the gentleman had to say.

First of all, in the early 1980's, we had just come out of the Carter years, and we had suffered 21½-percent interest rates, 14-percent inflation, and we had employment that was double-digit.

Ronald Reagan, during the 1980's, cut the top tax rate from 70 percent to 28 percent, and as a result, during the latter part of the 1980's, we created 21 million new jobs. Those 21 million new taxpayers were responsible in large part for more than doubling the amount of tax revenues coming in. During the early 1980's, we were bringing in about $500 billion a year in tax revenues. It is up to, now, $1.1 trillion.

The problems we face are not due to a lack of revenues. We have more than doubled the revenues. The problems we face lie at the feet of the Democrat-controlled Congress who are spending way beyond our means. Now, granted, the President is not entirely blameless.

Let me just tell you why I think the President is not entirely blameless. Let me finish, and when I will yield. The reason I think that the President is not entirely blameless is that because during his campaign for President, he said, "Read my lips, no new taxes." And then he yielded to the majority party in this House and the other House, the Democrats. He said, "OK, I will sign a compromise budget summit that will allow for $181 billion in new taxes." I think that that hurt the President.

But the main responsibility for the deficit, the main responsibility for the

deficit is the Democrat Party, which has had control of this Chamber for my entire lifetime except for 4 years. The last time the Republicans had control of this Chamber I was 16 years old back in 1954. And so all of the spending that goes on and the deficits that we are dealing with should be laid directly at the feet of the majority party in this House, because all spending and all taxes originate here, not at the White House, but here, and so I just say to my colleagues that they should not be casting these kinds of aspersions at the White House when they know full well that the spending problems that we are having today originate right here.

Today we moved $4.3 billion in forward spending in one of our spending bills to circumvent the budget agreement. You violated the budget agreement today, or circumvented the budget agreement, by spending $4.3 billion, or authorizing $4.3 billion in spending beyond this fiscal year, which is not technically a violation of the budget agreement, but the fact of the matter is it does exacerbate the budget-deficit problem.

The budget deficit this year is going to be $400 billion, the largest in U.S. history. The national debt is $4 trillion, 400 percent of what it was 10 years ago.

I submit to my colleagues, whom I love dearly as people, as individuals, that you are responsible, and not the White House, because you know the Congress is responsible for spending of tax funds.

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

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, let me say first two things. I am going to tell the gentleman, as soon as his time runs out, that I am going to ask that my time be contributed so we can have a discussion.

In the 10 years that we have had a Republican President, he had an opportunity to veto every one of those budgets, as he has just vetoed two unemployment bills. That did not happen.

The fight at the budget conference was not over taxes. The fight was that the Democrats wanted to put a surtax on people with a million dollars' worth of income. George Bush drew his line in the sand right there: "I am not taxing millionaires." And when it came to taxing average people, they have always been in favor of that.

Mr. BURTON of Indiana. Reclaiming my time, sure, you wanted to tax the very rich. You taxed the boat industry, and so the rich do not buy boats anymore.

Who is out of work? The blue-collar workers that produced the boats, and they are up here lobbying that you remove that tax so they can get their jobs back.

The fact of the matter is when you tax anybody, whether they are upper income or lower income, it hurts the economy.

The $181 billion in tax increases is one of the main reasons we have the recessionary problems we have today, and we are responsible, or you are responsible, the Democrat Party in this House, for forcing that compromise.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I think the gentleman points out, and he is as disturbed as I am about the legacy of what we have left, and that is that we have gone from at the beginning of the Reagan years from a $60 billion deficit to something that next year could be as high or over $400 billion in deficit.

Mr. BURTON of Indiana. Right.

Mr. MILLER of California. The point I think made by the gentleman from Connecticut is that neither President Reagan nor President Bush ever sent a balanced budget nor did they ever veto a budget. They, in fact, embraced this policy of simply borrowing and spending.

Mr. BURTON of Indiana. Let me just reclaim my time, and it will only take just a minute.

The reason the President is unable in many cases to veto those spending bills is because you fellows put about one-third garbage and pork in there, and the other two-thirds, and you say that if you want it you have got to take the garbage, and the fact of the matter is the President is put in a very untenable situation, and you know it.

VACATING SPECIAL ORDER AND GRANTING SPECIAL ORDER

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that my 60-minute special order on today be vacated, and that I be granted a 5-minute special order.

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

There was no objection.

THE ECONOMY

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

Mr. GEJDENSON. Mr. Speaker, let me say just a few words, and then I will yield to my colleagues here.

Mr. Speaker, we have spent the last decade with a golden American Express card for the Government, and the people of this country, and now the administration's economic policy seems to be to blame the American people that they are not spending enough, "Please go out and spend more."

They feel they have got too much debt in this kind of uncertain economy. We are not better off today than we were 4 years ago or 10 years ago.

When you take a look at tax policy, President Carter signed one tax increase on gasoline as part of an overall energy policy. That was it in the Carter years.

Since Reagan gave the big tax cuts away to the billionaires of this country in 1981, he has done nothing, and Bush has done nothing but sign tax increases on middle-class people.

Mr. Speaker, I yield to the gentleman from New York [Mr. DOWNEY] first, and then I will be happy to yield to others.

Mr. DOWNEY. Mr. Speaker, I would just like to make two political points that I expect have been made before.

Let us assume for the moment that there is a lot of blame to go around, because I think there is. There are a couple of inescapable political realities.

Not only has President Reagan served 8 years, of that 8 years, 6 of them with a Republican majority in the Senate, but President Bush has served 2 years as President, and we have been unable, as the gentleman pointed out, to veto, or to override any of his vetoes, so I think it is a little bit disingenuous to suggest somehow that Democrats are to blame for everything when in fact we have not controlled the agenda.

Indeed, I remember very vividly Donald Regan, the Secretary of the Treasury in the summer of 1981, saying, "Our program is in place." We had enacted the tax cut that the President wanted, and his budget policies.

So before we cast the Democrats or the Republicans, let us just recognize what has happened.

There are things that are not attributable to either Democrats or Republicans that have been happening in the national economy that are also inescapable, and that is that the people who have fewer skills are greater in number, and the jobs that require low skills are fewer in number. Many of those manufacturing jobs have gone overseas. That has nothing to do with whether we had a Democrat or a Republican as President. That is an economic phenomenon.

As a result of that, you see black male wages or individual wages of manufacturing workers declining over that period of time.

Now, we can, or Democrats might make the point, "Well, that is Ronald Reagan's fault," and you can say it is our budget policy, but I happen to think that those are international economic events that both parties contribute to in some small degree, but they are forces pretty much beyond our control.

□ 1950

The question comes, to what extent can Government policy fill in the gaps

for those people who now want to work full time and are prepared to work full time, but even if they do, they are not going to make living wages?

Here it seems to me the Government has a responsibility to try to help those people who if they want to work full time should not be poor. We have to figure out in our own minds what series of policies we can enact here that will help ordinary Americans live a life in some degree with some respect.

Here I think we have some major disagreements. If you take a look not at what happened to the bottom, but what happened to the top, you will also see a couple interesting macroeconomic and political questions at work. The first thing is that those people who had skills, people who are college educated, with post-college educations, were in demand and their salaries increased.

At the same time that their real earnings increased, it not only occurred to the top 1 percent of the population that did very, very well, but it also occurred to the top 5 percent who did well, but not as well as the people at the very top.

During that 10-year period of time because of macroeconomic consequences, their real incomes increased and their taxes were cut. That is basically what the 1981 Reagan proposals did.

Now, the consequences of those cuts are that we have less revenue than we have today.

Let me make the gentleman's point. He is going to say that those tax cuts also helped to stimulate the economy, and to a certain extent they did, and I will be happy to concede that.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will yield, 21 million new jobs.

Mr. DOWNEY. Well, I do not think that the 21 million new jobs were directly attributable to that, but let me just give you a couple of million jobs.

The reality is that those people have seen their real incomes increase. I am only sorry that I was not one of them, and I do not begrudge their real incomes going up, do not get me wrong, but their taxes went down significantly.

What the Democratic Party I think stands for, and I stand for and would like to see happen, is that in the years to come we take away some of the tax benefits that these people have had and redistribute them to those people who have seen their incomes go down and their taxes go up.

Mr. GEJDENSON. Reclaiming my time, Mr. Speaker, I just say that there are places where we can do this. We are spending $140 billion subsidizing Western European defenses.

We just had the unemployment bill vetoed twice. We do not have health care in this country for a large number of our citizens.

In Germany, if you are 55 and you get unemployed, you get 130 weeks of benefits. Do you know how they can afford that? We are paying for their defense. Their kids can go to college and have the Government help them get a college education so they end up with a better educated work force.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will yield, is the gentleman advocating 130 weeks of unemployment in this country?

Mr. GEJDENSON. I am not.

VACATING SPECIAL ORDER AND GRANTING SPECIAL ORDER

Mr. DURBIN. Mr. Speaker, I ask unanimous consent to vacate my request for a special order of 60 minutes and instead at this time ask for a 5-minute special order.

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

There was no objection.

THORNBUSH

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

Mr. DURBIN. Mr. Speaker, let me say at the outset that I want to thank all the staff who is staying on for these special orders, from the pages to the Presiding Officer. I appreciate their endurance and patience.

Mr. Speaker, my colleagues have reflected on the events of the last 10 years and certainly it is a good exercise to do that. The past is indeed prologue.

I would like to reflect on the events of the last 24 hours in America. In particular, I would like to call to mind an editorial or commentary this evening by Daniel Schorr of National Public Radio in which he referred to last night's election in Pennsylvania as Thornbush. I do not know if this will become a common term in the American political lexicon, but it does raise a question as to what the voters in Pennsylvania and across the United States were trying to say yesterday.

We spent dozens of 1-minute speeches today trying to figure out what that meant. I think there are several elements that we can all agree on that were part of all the decisions made by the voters across the United States yesterday. One of them was reflected in a magazine several weeks ago, Newsweek magazine, which had a cover story entitled "The Bite on the Middle Class."

I happen to believe that some of the votes, if not all the votes cast yesterday were part of the economic unrest we see in America today. This particular Newsweek article went into detail to tell us about the lives of several American families who are struggling on what appears to be a comfortable income just to survive, families across the United States who are making $40,000, $50,000, $60,000 and yet finding it exceedingly difficult to provide for their own families and to provide futures for their children.

The question is, quite honestly, why is the middle class struggling, according to Newsweek magazine. Reaganomics is part of the story, that is their conclusion. They relate it back to the loss in earning power of American families over the last 10 years.

Last night on television I was watching as they interviewed some voters in Pennsylvania and asked them what they were thinking about as they went off to cast their votes in that historic senatorial election. One lady who appeared to be retired said something very interesting. She said, if I can remember correctly, "America can't be great if we just have the rich and the poor."

I think that is what this discussion tonight should be all about. Is this country becoming a country of wealth and opportunity or in fact is it being broken down into separate classes that are growing in size. I am afraid the statistical evidence is very clear that it is the latter.

As has been said by Robert Wright in an article which he wrote for the New Republic, in recent years working Americans have been traveling on two escalators, one going up, the other going down. We know the escalator that is going up. It is for the wealthy in America. They have done very well. The escalator going down is for working families. Their purchasing power has been eroded.

Now, we see a lot of reasons and explanations for this. There has been some discussion of tax cuts in the Reagan era, what they meant for the economy. My colleague, the gentleman from Indiana, believes that they can be credited with giving a boost to the economy and creating 20 million or more jobs. Some would argue with that conclusion, but let us ask what price we have paid for that economic boost.

Let me tell the gentleman, for example, that according to a study which was recently released by Citizens for Tax Justice, the cumulative impact of the tax cuts enjoyed by the richest 1 percent of American families, and let me tell you who these people are, these are American families making an average income of $676,000 per year. That is $676,000 grand per year. We are talking about these folks. If you added up the tax cuts during the Reagan era given to these folks, it comes to $1.1 trillion that has been added to the national debt. Literally one-quarter of our national debt has been added because we gave tax cuts to people making $676,000 per year.

Now, if the gentleman would concede or argue that this has created jobs and opportunities for some, I believe he also has to concede that it has created

at least one-fourth of our present national debt to be carried on by future generations.

Mr. BURTON of Indiana. Mr. Speaker, would the gentleman yield for just about 30 seconds?

Mr. DURBIN. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, the fact of the matter is that the Reagan tax cuts stimulate additional investment, capital investment. That capital investment led to an economic expansion which created 21 million new jobs and hence 21 million new taxpayers. We more than doubled the tax revenues coming in from the time we made those tax cuts, so the problem is not that we do not have enough tax revenues. It is we are spending too much, and that is causing a lot of the inflationary problem that the gentleman is talking about.

Mr. DURBIN. Mr. Speaker, let me reclaim my time. I yielded to the gentleman because he was kind enough to yield earlier, but I happen to believe that we paid a price for those 21 million new jobs. We created a debt which we are now carrying, as the gentleman has said in many of his eloquent floor statements, 18 cents out of every dollar being paid for interest on that debt, so if the Reagan legacy was 21 million new jobs and a boost to the economy, the Reagan legacy was also quadrupling a national debt which we are now carrying on our shoulders.

The gentleman was on the floor today arguing against medical research at NIH because we could no longer afford it.

Mr. Speaker, that is where the priorities come down to.

I thank the Chair for this time period. I believe we should continue this discussion. I appreciate my colleague, the gentleman from Indiana, participating in it.

THE HIV CRISIS, THE B-2 BOMBER, TERM LIMITS, AND THE NEA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, as is my wont when I do these things, I will call attention to the audience out there. It is about a million and a half now, Mr. Speaker, who watched that brilliant exposition by all my good Democratic friends on the state of the economy. A million and a half people watched, and yet our cameras will troll around here under an order by a Speaker, three Speakers ago, and show an empty Chamber as though nobody is listening, Mr. Speaker; but the Speaker is here. This unbelievable excellent staff is here and we have got 1½ million people watching out there. That is 11 L.A. coliseums filled with people, and if I could refer to the gallery I will talk about, oh, 8 or 10 handsome people up in the gallery, but I cannot refer to them, Mr. Speaker.

So let us wake up on this word comity, meaning gentlemanliness, and good-naturedness to one another and do away with this decade-old rule of panning the empty Chamber.

□ 2000

The House is in session, the gavel has not come down. There is no difference here than during the 1-minute speeches at the beginning of the day when there are no more than 10 or 12 people in the House except those waiting to get a chance to let a little steam off, whether it is their left viewpoint, their right viewpoint, or that terrible mishmash of moderate, stand-for-nothing viewpoint in the middle.

As is also my wont, I am going to cover three subjects in my special order tonight. I am going to ask Mr. BURTON, so he does not have to wait until I am through, to join me with some of his thoughts about the horror of the humano immuno-deficiency crisis, the HI virus sweeping through Africa.

Then I am going to talk about the B-2 bomber. Then I am going to talk about term limits, which everybody has been discussing from sea to shining sea.

But before I do that, a horrible flash from the NEA. In spite of all of the intense debate in this Chamber and the other Chamber, the National Endowment for the Arts, Mr. John Frohmayer, whom I have told you, Mr. Speaker, to please convey my feelings to the President of the United States that he must fire this liar, John Frohmayer. He has lied again to us and thumbed his nose at us with arrogant contempt and not interrupted the process where some of these phony so-called artistes have awarded grants, $8,000 of our tax money across this country to four more of these weirdos who have already shown that all they are interested in is shock on the stage, working stark naked with chocolate smeared all over them. I cannot even begin to describe what they do on the stage, these four sodomite performers, because it would violate the decorum, the dignity and, yes, the comity of this Chamber.

Well, they have been awarded, in spite of this degrading debate last week where we traded corn, that is, grain fees not being raised on our cattle farmers across this country, so that we would cave on this side with our strong language about funding obscene, degrading and, yes, blasphemous art through the National Endowment for the Arts.

The title itself has become a joke now.

So I just want to point out something in this House and then go to my friend, the gentleman from Indiana [Mr. BURTON], whose brilliant exposition today to a full House of attentive people because of the elections in Virginia and New Jersey yesterday, the antitax angry voters speaking yesterday. And everyone listened to Mr. BURTON as he explained that this House continues to go lower and lower and lower in the esteem of the American people. The focus of Mr. BURTON's righteous concern was forward funding, billions, $4.3 billion, into the future. The President was creating problems for himself.

But here is what I want to point out about this NEA art. In this great Chamber—and again, if this were under control of the cameras, I would say to the cameras in the corner of the House to please pan the beautiful 3-foot medallions of 23 lawgivers around the House. I call our west wall here the wall of saints; St. Edward I, the Confessor; St. Alfonso X of Spain; St. Gregory, the ninth Pope of Rome; the great St. Louis of France, who began the run of all the Louis names; a Roman emperor whose name lent itself to justice, Justinian.

Over here on this wall, Pope Innocent III, another saint. But coming around the walls, two great believers in term limitation, after Napoleon and Portier, we have here George Mason, born in 1725; Thomas Jefferson, only 33 when he wrote the Declaration of Independence, born in 1743. These two great men believed in term limits.

So I will come back to them. But between them are two portraits, the Father of our Country, George Washington, who believed in term limits, and limited himself to two terms. He could have gone on till the day he died. He died 2 years after he retired anyway. So he knew it was time to go to Heaven.

Over here, an honorary American, along with Raoul Wallenberg and Winston Churchill, is the great Marquis de Lafayette, who at 23 years of age was a lieutenant colonel on George Washington's staff.

So all of this symbolism and all of the names, right under Moses' face, looking down on the great Rabbi Maimonidies, from the 1100's, in Spain; under their names under there, and their faces, there are no words on the two big portraits, but the only words other than "sic semper tyrannus" on the great seal of the State of Virginia, so always with tyrants, then Eureka on the California seal, "agnus dei," the Latin for the Lamb of God, the beautiful seal of the Virgin Islands right over the Speaker's head.

One of these days, if Speakers do not involve themselves, Mr. Speaker, in these moral arguments of our day, that crest is going to come right down on the crown of your head, and "agnus dei" is going to be imprinted across some Speaker's forehead.

Then these great words here that all the atheists in America would like to

chip off the wall, "In God We Trust." But that is it. Names, slogans, and mottos on the crests of our States, and "In God We Trust," except for this gold segment. If you want to pan the cameras up and pick up the words of Daniel Webster right over the Speaker's head at the top of the Chamber, if the camera is on that, one we know that it is not, because of the creepy rules of the House, I will read it for you. Here are the words of Daniel Webster, among all of the great sayings of this man who compromised on slavery and cost himself the Presidency, a great, great American; born in New Hampshire, served in Massachusetts. Well, here is what he said and what it says on the wall:

* * * Let us develope the resourses of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.—Daniel Webster.

Those are beautiful words to guide the men and women in this great legislative Chamber.

Here is another quote that I stumbled across the other day. Think of the NEA, art funding for perverts and sodomites, putting on filthy stage shows across this country. The latest grants have no strings attached. They are going to write crummy, rotten, blasphemous material and are going to have these $8,000 grants to buy their groceries while they defile and further pollute the American public marketplace.

Here is what Daniel Webster said about religious books, including the Bible. Same as the words I just read that are etched in gold up there on that big marble plaque; Daniel Webster said:

If religious books are not widely circulated among the masses in this country, I do not know what is going to become of us as a nation. If truth be not diffused, error will be; if God and His Word are not known and received, the devil and his works will gain the ascendency; if the evangelical volume does not reach every hamlet, the pages of a corrupt and licentious literature will; if the power of the Gospel is not felt throughout the length and breadth of the land, anarchy and misrule, degradation and misery, corruption and darkness will reign without mitigation or end.

What would Daniel Webster or George Washington or Abraham Lincoln or Thomas Jefferson or George Mason of Virginia, what would they think of our Nation and these graphs?

Now, to these words I turn to my great colleague from Indiana and ask him to inform this House about what the wife of the President of Uganda has to say about the AIDS plague, the pandemic plague sweeping across the world.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank my colleague for yielding to me. I really appreciated his eloquent remarks because they lead right into the theme of what I want to say for about the next 5 or 6 minutes. I want to start off by saying that we have been spending a lot of money for education in this country to try to stem the tide of AIDS, to try to make young people reevaluate what they are doing, change their sexual attitudes.

They just did a poll at Ball State University, right on the edge of my district, and they found that 80 percent of the young people there said they were sexually active, 80 percent. I imagine that is pretty consistent with most of the colleges and universities across this Nation.

Now, that should be of great concern to us because the segment of our population that is going to be most adversely affected by the AIDS virus in the years to come are the teenagers and the college-age young people. Here in Washington, DC, the head of the health system, one of our leading health care experts in Washington, DC, recently said there has been over a 300-percent increase in the number of teenagers in Washington, DC, who have contracted AIDS, not from drugs but through sexual contact, in the last 3 to 4 years. A 300-percent increase. It has gone from four tenths of 1 percent to 1.3 percent. Now, that is indicative of a real dramatic increase that is going to hit all segments of our teenage and college-age population.

Now, what does that have to do with Africa?

Well, Africa, particularly Uganda, is today about 5 or 6 years ahead of us; we are today where they were 5 or 6 years ago. Let me tell you what the President's wife, of Uganda, said to our committee today, Mrs. Museveni. She said that 10 percent of the population of Uganda, at least 10 percent, has AIDS virus.

□ 2010

Mr. DORNAN of California. Mr. Speaker, I ask the gentleman from Indiana [Mr. BURTON] to spell the President's wife's name. I want to memorize the name.

Mr. BURTON of Indiana. Let me give that to the gentleman; just 1 second.

M-u-s-e-v-e-n-i.

Mr. DORNAN of California. Museveni.

Mr. BURTON of Indiana. Eighty percent of those who have the AIDS virus there, it was contracted heterosexually. Eighty-three percent of all the AIDS cases in Uganda have been among individuals between the ages of 15 and 40 years of age. Curative services are being strained by increasing AIDS cases. Forty percent of the hospital beds and 80 percent of the beds in the tuberculosis wards are occupied by HIV AIDS patients.

Now here is what she says about education, and this is what we have been relying on in this country, and bear in mind we are today where they were about 5 or 6 years ago.

She said, "However, after 5 years of intensive information, education, and communication activities, it is evident that, although the majority of Ugandans have been sensitized by AIDS, there has not been a significant behavioral change to reduce the transmission."

So, all the money they spend on AIDS education over there has gone for naught as far as changing the patterns of behavior of the people of that society.

She went on to say, "Information providing AIDS education strategies were necessary, but have not been sufficient to stem the spread of HIV. The Ministry of Health cannot cope with the socioeconomic problems posed by AIDS."

I think the point I want to get across is that we have to have a comprehensive program to deal with AIDS in this country. Otherwise this country is going to experience the same things they are experiencing in Africa and, in particular, Uganda. They are going to have 10 million people dead or dying of AIDS by the turn of the century, minimum, in Africa, and many people believe that in a very short period of time we are going to see 40 or 50 million people dead or dying, and so we need to address this, not just through education, but through scientific research, through education, through contact tracing, through testing, through psychological help, through making sure that civil rights of HIV-infected people are protected. We just need a comprehensive program to deal with it and penalties for those who know they have AIDS and continue to spread it, and I just want to end by reading the final couple of paragraphs that she had in her speech because it bears upon what the gentleman from California [Mr. DORNAN] said a few moments ago about us turning our backs on what Daniel Webster said about us turning our back on our religious beliefs, and on believing in a supreme being and the moral, moral attitudes that he imparted to us through the Holy Bible. We are ignoring those. Let me read to my colleagues what she says, and she is a Christian lady:

My own personal view is that the AIDS epidemic raises very basic moral and ethical issues. In fact AIDS is a loud and urgent symbol of a malady which has pervaded the whole human condition.

She is not just talking about Uganda. She is talking about the whole world.

It is a physical manifestation of a deep-seated disorder in the spirit of man. This flower of death has its roots in centuries of human misuse of God-given life forces and resources. There are other symptoms, if you care to look around: Environmental degradation, senseless violence in our communities, rampant corruption in high offices and so forth. The question must be asked whether

this epidemic is not nature's way of making us halt in our tracks and change directions. Ours—

Listen to this part. This is extremely important.

Ours is a spiritually illiterate generation. This is not a Ugandan problem. It is a human problem. Therefore, as we struggle together to find a cure for AIDS and to cope with the chaos that it will leave behind when it is gone, let us together look beyond AIDS. Let us use science and technology to find solutions to our problems on the material level, but let us look to our Creator, to God, for answers to the basic questions that confront our present generation. How well we survive may depend on how well we listen and change.

And I would just like to say that we do not talk on the floor of the House about the Holy Bible and what the Old Testament and Moses talked about, whose picture is up there on our wall, and what Jesus Christ talked about in the New Testament, but the fact of the matter is, if we adhere to the moral principles taught in that book, the AIDS virus and the tide of it would be stemmed because we would not have a multiplicity of sexual partners. We would have monogamistic relationships. We would not be saying to our young people in this country that condoms are the answer because they would not need condoms because they would not be having a promiscuous affair with person, after person, after person.

So, we have gotten away from that, and we accepted all kinds of immoral behavior, to which the gentleman from California [Mr. DORNAN] alluded to moments ago, and that is one of the major problems with the AIDS epidemic. We should not be telling young people that safe sex involves condoms. We should say that safe sex involves sound moral principles and one sexual partner, your wife, for life. That should be it. One should not be having multiple sexual partners because it only spreads the disease and the terror that comes with it.

So, I would just like to say to my colleagues who may or may not be paying attention tonight that I think we have a commitment to a new moral outlook in this country, a new moral attitude.

Mr. DORNAN of California. I would like to say on Africa, if I could, for a second because the President's First Lady in Uganda has really, in calling it the flower of death, the venus fly trap of death—sexual promiscuity, as pitched by our motion picture industry, by television, by every possible aspect of advertising in this country.

Rooney, Mr. Rooney, did a tremendous piece on 60 Minutes this week talking about sexual harassment and showing articles from the great paper of record, all the news that fits, the New York Times, and, as he turned page after page, reading on the same pages of articles about sexual harassment, he would pan down to what used to be the fare of Playboy magazine, the most erotic and exotic underwear ads, and bathing suits—no, we are not even talking about bathing suits—all underwear ads, in the New York Times, page after page. I have not seen this in the L.A. Times, the other big paper on the west coast or the Washington Post to this extent. It was incredible, and at the end of it he said, "Give us a break," talking to the ladies—the whole America. "Give us a break. We can't keep exciting all the sexual interests and urges of young people at any age and then expect not to have this degradation of the public marketplace," and then the lead is thrown back to Leslie Stahl, the newly added lady reporter on 60 Minutes from her anchor position on Face the Nation. She completely missed the point and says, "Oh, Mr. Rooney, you're going to get us in a lot of trouble with that, and you can answer all that mail."

As the gentleman knows, the point he was making with humor was a deadly serious point. Our society is saturated in the pathetic glorification of easy and promiscuous sex, and now the lady, First Lady of Uganda, says that nature, to most of us, at least on the election stump in this Chamber and in the U.S. Senate, when we talk about nature, we are talking about God, and some of us are not ashamed to come right out and say "God."

Mr. BURTON of Indiana. Yes.

Mr. DORNAN of California. But if it is said that this is some sort of a natural warning because of the lack of sanitation involved with promiscuous sex, they are considered to be cruel and making victims out of the people who have AIDS or are dying of AIDS.

Mr. BURTON of Indiana. I think that whether it is the Koran or our Holy Bible there are certain moral guidelines that are set down for humanity, and, if we adhere to those guidelines, we avoid an awful lot of problems. When we start deviating dramatically from those guidelines set down in the Scriptures, I think what we do is travel at our own peril because we are getting into uncharted waters because we, as a world, not just as an American or a Ugandan, but we as a world are in very deep water right now with this AIDS virus because there is no cure because we have a long latency period. It is up to 10 years before there is any manifestation of the disease, and all during that time they can spread it, and nobody knows whether they have it or not.

So, we are in very deep waters. Until we get back to these charted moral waters, we are going to continue to travel at our own peril, and I think it is a very sad thing, and we keep seeing on television and hearing from NIH and from CDC: Safe sex. We see commercials on TV. But we do not talk about the very important thing, and that is the moral fiber of the country which has come apart.

Mr. DORNAN of California. I would like to add something to what the gentleman from Indiana [Mr. BURTON] said about Africa.

From the Soviet Union there was a front-page story in USA last week. It just jumped out at me because of the date. In 1986, the fall of 1986, there was one known AIDS case in all of the 15 so-called republics of the then forcefully unified Soviet Union—one case. Now they knew there were others, but they thought there were still only a handful. On September 26, 1986, the gentleman from Indiana [Mr. BURTON] and I went to a meeting that all the Members were asked to come to in a "Dear Colleague," 435 Members. I think every seat was filled then. There was no deaths, or vacancies or special elections, and out of 435, 6 of us showed up, the gentleman from Indiana [Mr. BURTON], me, the gentleman from California [Mr. DANNEMEYER], one Member who has left, Bobbi Fiedler who also left in a Senate race, and Dr. James Mason who was then head of the Centers—all six of them down in Atlanta's Centers for Disease Control. He is now the No. 2 doctor in the biggest bureaucracy in the world, the Department of Health and Human Services.

□ 2020

He is that middle letter "H." He is the director, the Secretary of Health, Dr. James Mason. He told us what was in store for this country. Rock Hudson, his case had not come forward yet. We had not seen a series of movie stars or stage performers or ballet or fashion designers or haute couture leaders in fashion die off yet, but he warned us what was coming, and that month, September of 1986, one dead in the Soviet Union.

Here is the headline that jumped at me: "AIDS is going to cut a swath of death across the Soviet Union that may take out tens of millions of people." They have 700 or 800 registered cases, but they know that represents thousands, and the gentleman went to the floor that next day, I went to the floor, and Mr. DANNEMEYER did. If we took BOB DORNAN and DAN BURTON and BILL DANNEMEYER and the chairman of our Health Subcommittee, Mr. WAXMAN, if you took the four of us out of this House there would not be five speeches on AIDS in all of the last 5 years. It is amazing. The people in this Chamber and the other Chamber do not want to go near this issue, and it is not just the death factor. That would be understandable, people just overwhelmed, so terrified by the scythe of death that this is cutting across Africa and soon the Soviet Union and Europe and the United States and South America, Central America.

What they are afraid of is going against the popular feeling that sex is

somehow the birthright of all young kids, the end to a much-maligned but very happy fifties, when we did not have the freedom that these kids have today to couple like strange dogs in an alley.

Now, when we see the results of all this lack of sanitation, for want of secularizing the argument, and this is why they believe it is just going to cut through the Soviet Union. The Soviet Union's hospitals are a filthy disgrace. I have been in them, from Armenia to Leningrad. I have heard our embassy staff say that if anybody gets any type of approaching serious illness, right in an airplane off to Helsinki, Finland; even from Moscow or anywhere, back to Poland, anywhere but going into a Soviet hospital. More people come out of Soviet hospitals sick, sometimes to death, with staph infections than go into the hospitals, because of lack of sanitation. If we take poor health facilities, open sores, the worst sanitation, as bad as most Third World nations, in the Soviet Union, a population of 290 million people, 130-some languages, a communication system that cannot be relied on, that is spinning out of control, we are going to see those former so-called Republics in the Soviet Union as damaged by this disease of lack of sanitation, this sexually transmitted venereal disease, and what is not sexually transmitted by sexual promiscuity is transmitted by drug abuse, when you have the true victims. I know the homosexual activist movement hates to have us refer to Ryan White or anybody who is a hemophiliac or anybody who got it through a blood exchange, or a doctor injured in the hospital, stuck with a needle, but there are about 8 percent that are pure, innocent vicims whose conduct did not bring them into jeopardy with this amazing killing machine that she calls the flower of death.

But just watch what unfolds in the next 5 years, what the gentleman and I and Mr. DANNEMEYER have been talking about on this House floor, and it has gone from one to thousands in the Soviet Union.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman would let me conclude with just two quick remarks, we are going to have with the new counting method at the CDC probably close to 300,000 people dead or dying by the end of this year. When you project that out, it means by the mid-1990's, it means we are going to be pretty close to a million. They are still saying we only have a million and a half infected after 5 years. They said that 5 years ago.

Mr. Speaker, I just want to make two quick points. The first point is, the next segment of our society that is going to be hit and probably hit harder than any other segment—and I include the homosexual community—the hardest hit section of our society is going to be the teenagers and the college students who are the future of America tomorrow. That is what is happening in Uganda. It is wiping out an awful lot of people who are going to be the productive people in years to come and the leaders of tomorrow.

If that happens in America, it is going to have tremendous economic problems for us. We have 1.3 million hospital beds in this country. We are going to fill them up with AIDS patients. It will cause a tremendous drain and problem for the health care industry. We already have enough problems.

Finally, the last thing is, we are not like Africa. We are not like the Soviet Union. We have resources. We have the technology necessary, the people necessary, the health care facilities necessary right now to come to grips with it and to come up with a comprehensive program to deal with it, and we are not doing it. So we are destined, if we do not come up with the comprehensive program that I am talking about, timely getting this on the floor to deal with it, we are destined to go down the same path as Uganda and the Soviet Union and these other countries are going to suffer.

I would just like to plead with my colleagues one more time tonight, we have to come up with a program that consists of testing, contact tracing, education, psychological help, penalties for those that have the AIDS virus and know they have it and continue to spread it with other people, and protection for those who have the virus. If we came up with a comprehensive program that did that, we could stem the tide of the AIDS virus. But of course, coupled with that there will have to be a moral change as well.

Mr. DORNAN of California. Mr. Speaker, what is the district number of the gentleman from Indiana, DANIEL BURTON?

Mr. BURTON of Indiana. The Sixth District.

Mr. DORNAN of California. DANIEL BURTON, of the great Sixth, we have been saying it for 5 years, that the sheer weight of the horror of the death toll is going to get us each one of those things the gentleman has named eventually, but eventually may mean 5 more years or 4 years or 3 years. One by one, we will win each of those victories.

I said 5 years ago or so this House would probably not start to think about it until the case numbers had reached 200,000, I think I saw on your figures today. You called Health and Human Services, and we are pushing through 200,000 right now.

Mr. BURTON of Indiana. With the new figures they are using, the way they are compiling these figures, we are going to be close to 300,000.

Mr. DORNAN of California. It was always 20 percent low because of the unreported cases in 1982, 1983, 1984, 1985, and 1986. That means that homosexuals, because they count for 73 percent of all of those cases, the homosexuals of this country have already passed 100,000 deaths. That is double those on the Vietnam wall, the 47,369 combat deaths on the Vietnam wall; the 33,629 dead in Korea. They have tripled the deaths in the 3-year war in Korea.

So we have been saying it. We are going to win all those eventually. If we win them sooner rather than later, point by point, we will save tens of thousands, hundreds of thousands of lives.

If this House keeps digging in its heels and caving in on this issue, as you said ad nauseum, trying to save lives, treating it like a public relations problem instead of a public health problem, then millions more will die before we wake up.

Mr. BURTON of Indiana. I thank the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I thank the gentleman. That ends the first third of my special order on AIDS.

We now go to national security, the defense budget, which at this point is falling apart, the conference report. I am prepared to vote against it, not only because people are fighting to put the abortion language back in there to allow people in military hospitals, even though they pay for it themselves, to use our defense facilities and all of the dollars that come with the maintenance of facilities to have abortions.

I turned on "Good Morning, America" this morning and Fort Stewart, GA, the home of the great 24th Infantry Division, the spear of our invasion into occupied Kuwait and that great Hail Mary end run around our left flank into Iraq, the spear of that was Barry McCaffery's, the division commander of the great 24th. Guess what, their hospital was geared up for about 350 to 400 births during this winter season. They are expecting more than double that. Eight hundred or more births will be in the base hospital there at Fort Stewart, so a lot of people came back from this near total victory, and we still have Saddam Hussein on the loose, the mass killer and prospective nuclear bomber; until we get him, we cannot close the chapter on that. But well done, 24th Division, in bringing a lot of beautiful little Army brats into this world. I use the term "brats" lovingly, as the military does.

Now to the B-2 bomber as one aspect of the defense budget that deserves to be voted down in this Chamber. It will not be because too many people are demagoging this defense issue, but it will certainly be vetoed by the President in its current form.

I want to put into the RECORD two articles, Mr. Speaker, one an interview with our great Chief of Staff of the Air

Force, Gen. Merrill A. McPeak, and another with the retired Gen. Larry Skantze. When General Skantze was wearing four stars on his shoulder, he was the commander of the Air Force Systems Command out at Andrews Air Force Base.

□ 2030

We have had some good people in there, like Lou Allen, who is now the commander of the Jet Propulsion Laboratory. I should not say the commander, the civilian head, in retirement of JPL in Pasadena.

But Gen. Dr. Lou Allen would concede that Larry Skantze built upon his leadership and was one of the finest four stars that we have ever had at Systems Command.

Mr. Speaker, I want to put in this article by Larry Skantze, and the give-and-take interview by Glenn Goodman and Jim Hyde at Air Force Journal with Gen. Merrill McPeak.

Mr. Speaker, then, just to enhance your interest, some of the people who follow this Chamber by electronic means; for example, television, since the printed RECORD will not be out until tomorrow and everybody in these 435 districts across this country, all the way to retired Marine general, Congressman BEN BLAZ's district across the dateline in Guam, they can all write and get the CONGRESSIONAL RECORD tomorrow to get these two articles. But I want to at least tantalize you a bit with some of the things that General Skantze said about the B-2 bomber.

Now, here are at least 10 points that I have extracted from this trenchant analysis of lack of vision in the Congress on the B-2 bomber that I hope we call the Shadow.

I am 58 years of age, so I was raised with a radio show called "The Shadow." It would begin with this deep voice saying what evil lurks in the hearts of men? "The Shadow" knows.

Well, there is going to be a Saddam Hussein evil pop up on this planet in 5 years, 10 years, 15 years, and I think this Congress is going to be a sorry body if we get term limits, which I am going to close my special order with. Maybe there will not be anybody here to have to answer up to future generations why we only have 15 B-2's, instead of a minimum of 40 or the 75 that has already been cut down from the initial plan for 132 B-2 Shadows.

Imagine that we have already spent almost $35 billion on this amazing stealth weapon system for the defense of the free world. It would have performed magnificently in Desert Storm had it been already on the line as a combat ready SAC aircraft, or the new Air Tac Combat Command aircraft.

I repeat, we are going to rue the day if we only build 15 of them. The Air Force may not be able to operate a small half a squadron, as 15 of them.

But here are some of the points that now-retired general to a superior position as citizen, with his full first amendment rights, here is what Larry Skantze says. Since the Air Force cannot occupy land or sea, is one of the points he makes, it has been looked upon in the past as only a supporting force.

Some supporting force in the gulf, Desert Storm.

However, World War II demonstrated that power projection in the form of long-range strategic bombardment was another vital Air Force mission.

Point 2 he makes: When a nuclear threat from the U.S.S.R. became credible, the Air Force refocused its mission on strategic deterrence to air power. Implicit in this force structure was deterrence at all levels, conventional as well as nuclear. Thus conventional capability became a historical role. He fleshes that out beautifully in his article.

Point 3: The Air force also wants a force that can be tailored to meet changing threats, not only in the short term, but in the next 20- to 30-year context. While Air Force ballistic missiles are fairly restricted to the nuclear role, strategic bombers have historically been adaptable to multimission roles.

In point 4 he talks about the B-52 Stratofortress, a prime example of a strategic bomber designed to carry nuclear bombs in the fifties, conventional bombs in the sixties and in the seventies, in the seventies in Vietnam, back to nuclear cruise missiles in the eighties, and conventional bombs again in the nineties.

I visited with some of the crews at Fairfield, England, that were about to leave one evening on a 14-hour 45-minute trip, flying right through the entire night, from daytime through the night back to daytime if they did not recover at Diego Garcia about 2,000 clicks south of Baghdad. But many of them came back home with many refuelings. That was a heck of a mission they were flying as conventional bombers projecting force to bring that madman to bay.

Likewise, the B-2 Shadow, which was originally designed to carry nuclear weapons, will now be designed to also carry conventional weapons or various types of weapons, whatever the mission would dictate in the future.

Point 5: As the Air Force attempts to satisfy the security requirements of the United States in a declining defense budget, a flexible force such as strategic bombers becomes more valuable than ever and more cost effective.

Point 6: General Skantze goes on to talk about how, as the defense budget declines, the number of available weapons systems also obviously decreases.

So the use of high technology emerges as a key for increasing the combat capability of those fewer weapons systems.

High technology, to quote him directly, such as stealth, must be exploited to gain combat leverage.

Point 7: Although the future Air Force will be considerably smaller in numbers, it must retain equal capability, if not greater capability. Limiting the B-2 to a force of only 15 aircraft does not make any sense economically, and it certainly does not make any sense militarily, he maintains, when designing an overall smaller force that has the power and flexibility to support national security requirements well into the next century.

Point 8: The question is not how many B-2 Shadows or F-6 Falcons, F-15-E Strike Falcons, F-22 Lightning II's need to be built, but what type of an Air Force needs to be crafted.

The big picture here, Mr. Speaker.

Here is a direct quote of his, point 9: The American people are investing in the future security over the long term. The makeup of our future Air Force structure must be reviewed in that context, here in this House and in the Senate.

And the tenth of many points, there are some that I did not extract in my own exegesis of his excellent article, he says in the context of a smaller, more capable force that can fulfill defense requirements beyond the year 2000, full-scale production—he is talking about not the 132, but the 75 that the President and our great Defense Secretary, Mr. Cheney, decided on, 75—and now we are down to 15, because people do not understand what is happening in the Soviet Union.

Mr. Speaker, I submit these two important articles for the RECORD.

[From Defense News, Nov. 4, 1991]

AF STRUCTURE, NOT B-2, IS ISSUE

(By Retired Gen. Larry Skantze)

The fundamental difficulty with the B-2 debate is that the terms of reference are myopic. The current major issues seem to be unit cost, system test, demise of the Soviet threat and competing domestic needs. Visionary arguments carry precious little insight.

The B-2 budget battle is not unlike those that surrounded the development and production of the Airborne Warning and Control System, the Joint Surveillance Target Attack Radar System, the EF-11A, the Low-Altitude Navigation and Targeting Infrared system for Night (LANTIRN) and the infrared Maverick. The principal arguments then were the same: too expensive, doesn't have a mission, won't work. Fortunately Desert Storm proved their effectiveness.

A nation, particularly a democracy, should be capable of seeing its Air Force in a long-term perspective. What is its basic mission? How does it execute that mission? What are the forces required to successfully do that? The Air Force has been looked upon as a supporting force since it occupies neither land nor sea. However, with the advent of World War II, air power projection in the form of long-range strategic bombardment came into its own, in Europe as well as the Far East.

The vision of air power, as perceived in the 1930s, came to pass. And while much of the U.S. recollection is of the 8th Air Force cam-

paign against Germany, the B-29 campaign against Japan was more devastating, though it was overshadowed by the dropping of two atomic bombs on Japan in 1945.

With the nuclear threat from the Soviet Union, Air Force doctrine had to refocus and deterrence became the primary role of U.S. aerospace power. Combat forces and strategic employment were tailored to emphasize the credibility of U.S. deterrent forces. The steady buildup of strategic bombers and land- and sea-based ballistic missiles in the 1950s and 1960s were evidence of the U.S. commitment.

Implicit in U.S. force posture was deterrence at all levels of warfare, conventional as well as nuclear. While the ballistic missiles did not have the capability, conventional strategic bombardment had always been a characteristic of the bomber force. The B-52 has convincingly demonstrated its conventional capability. The B-1B, though not demonstrated, has the capability. The B-2 had been designed for major conventional munitions capability from the outset.

Tailoring aerospace power to meet changing needs and threats requires long-range vision as well as hindsight. Those who serve or have served as long time members of the U.S. Air Force tend to see it in at least a 20- to 30-year context. The difficulty comes when one tries to translate that vision to congressional and civilian leaders, who normally have short-term perspectives of military forces. However, the Air Force, for its part, has not been effective in lifting the dialogue to long-term considerations.

In its real perspective the debate is about what capabilities are needed in the future Air Force to satisfy the security needs of the nation. The Air Force already is being drastically reduced, and within this construct the B-2 is just one of several force structure options. The major issue is the creation of an effective Air Force within a smaller budget while sustaining a force that can deal with a variety of threats into the future.

Critical to the debate over how to fashion that force is the awareness of the steadily increasing usage of all of our aircraft in age and operational employment. The B-52s have been in use 25 to 35 years. On that basis the B-1Bs could fly until 2020 and the B-2s until 2030 or later. Most people don't realize that some U.S. F-15s are about 20 years old. The F-111s that did so well in Desert Storm are more than 20 years old. The transport force, C-5s, C-141s and C-130s are older than the fighters.

The message is that we have built a longer-lived force, and now the challenge is to shape the capabilities of that force to make it an enduring, survivable force. High technology is the key.

Many of the high-technology systems that were combat proven in Desert Storm went through difficult budget battles and in some instances, barely survived. Responsible military planners must structure a force with a healthy regard for uncertainty in the years ahead. Clairvoyance is not a staple of defense planning. Last spring, before Desert Storm, prominent defense spokesmen were advocating sharp cuts in realistic training exercises because of the long period they assumed it would take the Soviets to reconstitute a conventional threat to Europe. Several talked of rapidly cutting the defense budget by 50 percent. It is clearly time to elevate the debate on the future of the U.S. Air Force.

It is imperative that we increase the combat capability and leverage of individual weapon systems and units as the Air Force shrinks in size. The lessons of Desert Storm must be reaffirmed and articulated. U.S. forces showed a dramatic capability to fight at night with forward-looking infrared sensors FLIRs and LANTIRN pods.

A secondary result was to allow commanders to exploit the high sortie rates inherent in F-15s and F-16s by utilizing fewer aircraft day and night. U.S. forces showed the enormous impact of precision-guided munitions, particularly laser-guided and infrared munitions.

And finally, there is the lesson of stealth, as embodied in the F-117 strike aircraft. While it has not created immunity, it has challenged potential adversaries with devising other detection methods that rely on drastically less effective means.

Restructuring the U.S. Air Force requires long-range cohesive planning. High technology such as stealth must be exploited to gain combat leverage.

While the final numbers associated with a force mix of F-15s, F-16s and F-22s has yet to fully evolve, the capabilities the F-22 brings to the U.S. Air Force fighter force over the next two decades will be unmatched by any potential adversary. Similarly, the contribution of the B-2 to a much smaller bomber force is enormous.

The B-2 has long range, greater payload and can respond to a wide range of future challenges. With the reality of Desert Storm, a retaliatory threat verbally posed by the president would have icy credibility. The threat to take out a sizable portion of the aggressor's economic infrastructure, including energy, communication and transportation using the B-2 force, could hardly be ignored.

While the future bomber force will be considerably reduced, limiting the B-2 force to 15 aircraft makes no sense economically or militarily.

Defense leaders need to describe the characteristics, the power and the flexibility of the smaller U.S. force that can support national security requirements over the next two decades and beyond.

The debate is not over how many B-2s or F-16s we buy this year, but what sort of Air Force is to be created. That projection will provide both the vision of what will constitute a smaller combat-capable Air Force, and the investment over a 20- to 30-year period that is being asked of the American people.

By visualizing a new era in national security and defense, the U.S. Air Force contribution will allow us to put aside the narrow annual budget debate and raise the interchange. The American people are investing in their future security over the long term. We need to review the makeup of the total U.S. Air Force force structure being proposed, the total investment. And final, as the architects of this force, the U.S. Air Force leadership must lead this dialogue.

[From the Armed Forces Journal, September 1991]

AN EXCLUSIVE AFJI INTERVIEW WITH GEN. MERRILL A. MCPEAK, CHIEF OF STAFF, U.S. AIR FORCE

(General McPeak became Air Force Chief of Staff last October after two years as Commander-in-Chief, Pacific Air Forces, where he received his fourth star in August 1988. He commanded 12th Air Force and US Southern Command Air Forces from 1987-88. McPeak entered the Air Force from ROTC in 1957 and flew F-104 and F-100 fighters in the early 1960s. From 1966-68, he flew on USAF's "Thunderbirds" aerial demonstration team in nearly 200 air shows around the world. McPeak logged 269 combat missions in Vietnam in 1968-69 as an F-100 pilot and forward air controller. He commanded an F-111 wing in the UK from 1980-81 and held a variety of senior staff positions from 1981-87. McPeak is current and qualified in the F-15 fighter.)

(By Glenn W. Goodman, Jr., and James C. Hyde)

AFJI: Are there any lessons of the Gulf War that may have been overlooked?

MCPEAK: The biggest lessons concern the performance of human beings. What won the war was competence. We had people there who knew what they were doing. So the real question is, How do you get people like that? It's really no secret. First, you have to recruit and retain good people and, second, you have to train them.

We should also remember that defeat is a much better teacher than victory. So the important lessons are the ones the Iraqis learned, like the importance of air superiority. If I were the commander of the Iraqi Air Force and you asked me what lesson I learned, I would say: "Never enter a fight with the second-best air force."

AFJI: The Air Force today appea4rs to be sky-high in terms of people, equipment, training, readiness, and sustainability. How do you maintain that quality as resources decline?

MCPEAK: It is not an inconsiderable problem. Our resources are going to shrink by about 25% in just about every dimension: people in uniform, the number of bases we operate, the number of aircraft we fly, the amount of dollars we have to spend, etc. So I'm spending a lot of time figuring out how to organize the Air Force, and how to consolidate where that makes sense economically.

We're also trying to decentralize, which I believe will streamline our operations, make them more efficient, and return power to where the actual work is done.

AFJI: How far down will your powerdown concept reach? To the airmen?

MCPEAK: Yes. In my judgment, the key organizational unit in the Air Force is a team of 10 to 12 people. You empower that team to solve the question, How can we do a task most efficiently? That means you go right down to the flight line crew chief, who's in charge of about six aircraft, and right down to the flight commander, who has six or eight pilots in his flight. The power needs to flow all the way down to that small team level, well below the squadron level, if we're going to improve productivity with fewer resources.

I'm trying to ensure that as we restructure our organization, we remove all the impediments that keep power from flowing down. For instance, we've eliminated the air division, the echelon above the air wing. But the key question is, What happened to the power that used to be held by the air division commander? Did it go up or down? Well, we've reorganized the numbered air force, the echelon right above it, so that it's a very lean, highly tactical operational echelon that doesn't have the staff to pull power up that used to belong to the air division commander. It has to go down to the wing commanders, whom we see now as brigadier generals. So we will pull power down in the way we distribute rank in the Air Force.

AFJI: What kind of changes do you envision for the Major Air Commands?

MCPEAK: We've already merged Systems Command and Logistics Command, and we've deactivated Air Force Communications Command as a major air command. We're standing up a new command called Air

Force Intelligence Command and deactivating the old Electronic Security Command. It may well be that we will see a gradual consolidation of Strategic Air Command and Tactical Air Command. It's really too early to say exactly how that's going to pan out, but it's apparent that the dichotomy between strategic and tactical air power has become artificial. We had B-52s doing tactical bombing missions during Desert Storm and F-117s and F-16s doing strategic missions.

AFJI: What's the status of your composite wing initiative?

McPEAK: There are already many, many composite operation all over the Air Force. We've created a composite wing at Seymour Johnson AFB, NC, for example, where we merged two existing wings on the base, an F-15E fighter wing and a KC-10 refueling tanker wing. And we will soon have a composite wing at Kadena AFB in Okinawa that will have fighters, tankers, and AWACS in it. Those aircraft have been there together for a long time but just haven't been organized in a composite wing.

When we talk about building composite wings from the ground up, people say, "You can't do that, it costs too much." But the answer is, we can create composite wings overnight that don't cost us anything. As a matter of fact, they're saving us a lot, because where we used to have two wing commanders, two wing vice commanders, two wing commanders' secretaries, two staff cars, and so on, now we've got one. We're saving a lot of money at Seymour Johnson, at Kadena, and elsewhere, where we're simply consolidating the composite operation that's already there into one organization.

Now in some places we will be spending some money to stand up designed composite wings. Mountain Home AFB, ID, is an example. We're going to build there what we call an "intervention wing." It will have F-15Cs, F-15Es, F-16s, tankers, and AWACS. It could be deployed as a package to a trouble spot anywhere in the world. It will cost us something to bed that operation down but probably less than the $50-million it would cost to close Mountain Home, which is what would happen because we're moving all of our F-111s to Cannon AFB, NM.

We'll also put a composite wing at Pope AFB, NC, right next to Ft. Bragg, where we can work with the Army's 82nd Airborne Division. The 82nd is going to be the organization tapped for all of the contingencies we see in the future, so having a wing that works with that division all the time as an air-land team makes a lot of sense.

So I think the composite wing will save us a lot of money over time as well as provide a quantum increase in our combat capabilities.

AFJI: Will most of the new composite wings be overseas?

McPEAK: That looks like the logical place to put most of them, because there the idea is that you fight in place on those overseas bases. And if you're going to fight there, you really need a composite of aerospace capabilities.

Not every wing needs to be composite. Many of them back in the continental US can better be organized as monolithic wings. The 388th wing at Hill AFB, UT, would be a good example, where its F-16 squadrons could fly forward and join an existing composite wing to beef up in fighter capability.

AFJI: Could you tell our readers about your pilot surplus problem?

McPEAK: The reason we have a pilot surplus right now is that our force structure is coming down so rapidly that we don't have the squadrons. We're going from 36 wings to 26 roughly, and that's just the tactical force. We're also drawing down on the strategic force and the airlift force and so forth, so the net result is that the pilots that we've produced for a 36-wing force structure are there and they're obligated. The ones that are graduating from pilot training today have an eight-year service obligation, but there aren't 36 wings anymore.

What we're trying to do is cut back on pilot production as quickly as possible. We're also taking over half the pilots we do produce and not sending them to squadrons right now. They will serve three or four years in a behind-the-line support specialty, and then hopefully we'll feed them back in downstream after we've got some slack in the system. I'm taking some draconian measures up front to try to handle this problem of the younger pilots that we have a surplus of, not as a result of anything we did wrong, but simply because the force structure was cut out from under us.

Once you get past this service obligation point, we are losing pilots in very large numbers, so that we don't have the middle experience we need in the 10 to 15 year group. Those guys are going to the airlines because the airlines continue to hire in very, very large numbers. So there we have to work a different, pilot retention problem. We have to go to Congress and say we need bonuses, we need to compensate these people better, to keep them in the Air Force. So I'm in the embarrassing position of having to argue that I need more money for pilots and that I've got too many pilots.

AFJI: The Senate Armed Services Committee's Authorization report not only embraced the arguments for the B-2 bomber that the Air Force has made but went further. It said the B-2's global force projection capability could make possible major force structure tradeoffs across Service and mission lines, such as substituting B-2s for large packages of nonstealthy fighters or even for Navy carrier battle groups. What's your reaction to that?

McPEAK: There is absolutely no question that the B-2 provides a significant increase in our capability to project power quickly to any spot on the globe. I wouldn't argue that it means we don't need to have fighter aircraft anymore or aircraft carriers or any other force segment. But I do think what it says is that the high cost of the B-2 needs to be put in that context. It's a revolutionary capability. It will make all other air forces obsolete overnight, in a sense.

So although there's a lot of money being spent on the B-2 program, the point we need to focus on is that it puts us in a league by ourselves for a long time. It's a long-term investment, and I hope that's what these [force structure trade-off] studies the Senate Armed Services Committee has asked for will show.

AFJI: Congress appears likely this year to repeal the law prohibiting women from flying combat aircraft. How do you feel about that?

McPEAK: My feeling is one of ambivalence. On the one hand, I believe the Services ought to reflect the best aspects of our society: where if you've got the capabilities, nobody should stop you from doing something because of your race, religion, sex, age, or anything else. We have a lot of highly capable women in the Air Force, and I would like them to have unlimited opportunity.

But, personally, I have a lot of problem with it. For me, combat is a grim activity. I'm not talking about the risk, because women are already at risk in their noncombat jobs. Some of them were killed in Desert Storm. But combat, for me, is not about dying. It's about killing. There's no qualification needed for dying. It's killing that has to be learned. And I'm reluctant to ask women to go kill people when I'm available to do it myself. It's hard enough to ask men to go do it, as I recently found, without going along with them.

If the law is repealed, though, then the American people have spoken, and I will not recommend to the Secretary of the Air Force that he impose an artificial policy barrier that bars women from combat duty. We're probably going to open up all jobs to women, and I will not be real comfortable with that. But that's probably the way it's going to come out.

Mr. Speaker, I will read just the last paragraph of General Skantze's record. "By visualizing a new era in national security and defense, the U.S. Air Force contribution will allow us to put aside the narrow annual budget debate and raise the interchange," intelligent dialog around here, is what he is speaking about.

The American people are investing in their future security over the long term. We need to review the makeup of the total U.S. Air Force force structure being proposed, the total investment. And finally, as the architects of this force, the U.S. Air Force leadership must lead this dialogue.

Well, I appeal to General McPeak and his retired leaders and current active-duty leaders, because I know they have more four stars recalled from around the world over there the last week trying to figure out how to create this total-force structure, with a little vision. I hope they will frequent the halls of this place next week and help us defeat the defense conference report, which is flawed from top to bottom, particularly those cuts in strategic defense on the strategic defense initiative. It is finally starting to make sense around here to some very, to be kind, very thick heads, at least that come up thick on the sensitive radar that we should spend some defense dollars on something other than offense.

How about spending some defense dollars on defending the American homeland, as it says in the Preamble to the Constitution passed September 17, 1787? Provide for the common defense. And that comes before promoting the general welfare, which is what all my majority Democrat colleagues were discussing just before this.

So that ends the B-2 part of my special order tonight. Section 4, NEA, AIDS, B-2, section 4, let us call it the case for term limits.

THE CASE FOR TERM LIMITS

Mr. Speaker, I will try not to take my remaining 20 minutes, because I want people to stay following the proceedings of the House to hear my good colleague from Maryland, Mrs. BENTLEY, who I hope is a Senator there across the river some day. She will be following me with always one of her

fascinating special orders on trade problems around the world and the state of the U.S. economy.

Now, I can honestly say, forewarning myself like a good lawyer, that before—and I am not a lawyer—that before the fall comes pride. I am going to say something. I have never lost a debate in 14 years on term limitations. And I have got some terrific friends in this Chamber on both sides of the aisle, including my hero in this House, the defender of life, the great HENRY HYDE of Illinois.

□ 2040

I will let him take a point or two when we are in friendly conversation on these great benches and back in the Cloak Room, but in front of an audience around America, without resorting to any demagogic, sweeping statements that get the crowd cheering like, "We will get more women in this House, we will get more Hispanics in this House, we will get more new ideas," I honestly have never even come close to losing a debate on term limits. Let me explain, just briefly.

Thomas Jefferson, remember I pointed to that great medallion up there, one of the 23 great lawmakers from all of history. In spite of his despotism, even Napoleon is up there because Napoleonic law is still the law in the State of Louisiana. Remember the Academy Award nomination performance of Marlon Brando in "A Street Car Named Desire," according to the Napoleonic code, what belongs to the husband also belongs to the wife and vice versa. That is Napoleonic law, and it still prevails in most of Europe today. So Napoleon is up there, despot. Most of these people, pretty decent folks up there, but it ends with George Mason, who because he was born in 1825, that means in the year of our Declaration of Independence by 33-year-old Thomas Jefferson, he was 51. By the time 12 years later we got the Constitution cranked out and gave birth to this Chamber, the Senate, the Supreme Court, and the U.S. Presidency, he was 12 years older. So he was 63.

By the time George Washington put in his great years, George Mason was 71 years old. So like Ben Franklin, this great Founding Father of our country was just too advanced in years to ever have the great opportunity to serve, as did the Father of Our Country, George Washington.

George Mason writes reams about why we must limit the Presidency. George Washington himself, we see his beautiful portrait over there. He bought it. And here is what George Washington said:

> A rotation in elected officers may be most congenial with the ideas the people have of liberty and safety.

Beautiful words from a man who is first in war, first in peace, and first in the hearts of his countrymen.

This city is named after him, the State of Washington and cities and boulevards and little hamlets all across this great country, a giant of a man. As Jefferson said, the greatest moral character of all the people in our country.

Now let us turn to the man that President John F. Kennedy said, when he had filled the White House east ballroom with Nobel laureates and prize winners of every field from art to literature to music, he said:

> We haven't had this much intellectual talent in the White House since possibly when Thomas Jefferson dined alone.

Here is what Thomas Jefferson, our great lawmaker, would the cameras please pan up to Mr. Jefferson's handsome face. That is the same portrait on our nickel.

Oh, that is right. We have these unfortunate rude rules that will only pan the empty Chamber while a million and a half people watch.

Here is what Mr. Jefferson says, 1787, the birth year, in a letter to the father of the Constitution, Washington, Adams, Jefferson, Madison, our fourth President. He writes to Mr. Madison, to James Madison, the author of the Constitution, about 5 feet, 4 inches, but a brain unparalleled in our country.

Mr. Jefferson says:

> James, I dislike and greatly dislike in the new Constitution the abandonment in every instance of the principle of rotation in office.

We know what the word "rotation" means. It is a simple word, common usage today.

Benjamin Franklin, like George Mason up here, the real senior father of our country:

> In free governments, the rulers are the servants and the people their superiors. For the former to return among the latter does not degrade the politicians but promotes them.

Now, am I a Johnny-come-lately to an issue that polls about 74 percent with the American people on term limitations? No. I put in a bill in my freshman year, my first go-around here in 1977. I put it in in 1979. Here is an even more simplified version, House Resolution 650. I waited for an even number one week, April 29, 1980.

I insert for the RECORD a copy of the resolution at this point.

H. RES. 650

Resolved, That the Rules of the House of Representatives are amended by adding at the end thereof the following new rule:

"RULE XLIX.

"LIMITATION ON NUMBER OF TERMS OF MEMBERS.

"1. No person may serve any term or portion thereof as a Member if such person has served as a Member for each of the six terms immediately preceding such term.

"2. For purposes of this rule, service as a Member in any term which commences before 1981 may not be included in determining the number of terms served.

"3. This rule may only be amended or repealed by a recorded vote.".

Listen to how with a few words we could change the whole complexion of this Chamber: "Limitation on number of terms of Members."

It is only three points:

> 1. No person may serve any term or portion thereof as a Member if such person has served as a Member for each of the 6 terms immediately preceding such term.

In other words, in those few words, a person can serve 12 years and can come back. I believe, Mr. Speaker, that the reason that you, the great TOM FOLEY, prevailed in your own home State of Washington is because the authors of that resolution up there that failed yesterday, it was not grandfathered, meaning it was retroactive. It was telling people, we are going to tear your careers up. You do not have time to plan for it.

But if they had it start with the next election, even if it had been 6 years, 8 years, 10 years, it would have probably gone through. But certainly at 12.

My second point in my Dornan-submitted resolution, 11 years ago;

> 2. For purposes of this rule, service as a Member in any term which commences before 1981—

We would now change that to 1992 or 1993—

> may not be included in determining the number of terms served.

So the gentleman from Washington [Mr. FOLEY] who has been here for almost three decades, could stay another 12 years. Forty-two years he could have here, if we grandfathered this.

And No. 3, "This rule may only be amended or repealed by a recorded vote." In other words, the lights go up there, all of our votes are recorded. Once we would get this passed, we could not change it.

This Congress that convened in January of this year, I put in this legislation again. This time it becomes House Resolution 46, January 28, 1991, the exact same words as my amendments of 11 and 13, 15 years before.

I include for the RECORD a copy of House Resolution 46.

H. RES. 46

Resolved, That the Rules of the House of Representatives are amended by adding at the end thereof the following new rule:

"RULE

"LIMITATION ON NUMBER OF TERMS OF MEMBERS.

"1. No person may serve any term or portion thereof as a Member if such person has served as a Member for each of the six terms immediately preceding such term.

"2. For purposes of this rule, service as a Member in any term which commences before 1991 may not be included in determining the number of terms served.

"3. This rule may only be amended or repealed by a recorded vote.".

Then I put in a House joint resolution proposing an amendment to the Constitution limiting the number of consecutive terms Members of the U.S. Senate and the House of Representatives may serve. I included the Senate 14 years ago, but I did it again earlier

this year. It says, "Mr. DORNAN of California introduced the following joint resolution," that the President would sign and it would become an amendment to the Constitution.

"Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)," that is why we will not see this unless the people do it State by State, "That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States."

We could get that done, but we could never get the two-thirds in each House. And then "within 7 years after the date of its submission for ratification," if we got all those States, it is basically the same thing that I have in the House Resolution. Six terms, a nonconsecutive but you can come back again.

No person may serve any term or portion thereof as a Member of the United States Senate if such person has served as a Member of the Senate for each of the two terms, or a portion of any such term, immediately preceding such term.

And then:

For the purposes of this article, service as a Member in the United States Senate or House of Representatives in any term which commenced before the ratification of this article may not be included in determining the number of terms served.

Mr. Speaker, I include for the RECORD a copy of House Joint Resolution 93.

H.J. RES. 93

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. No person may serve any term or portion thereof as a Member of the United States House of Representatives if such person has served as a member of the House for each of the six terms, or a portion of any such term, immediately preceding such term.

"SECTION 2. No person may serve any term or portion thereof as a Member of the United States Senate if such person has served as a member of the Senate for each of the two terms, or a portion of any such term, immediately preceding such term.

"SECTION 3. For purposes of this article, service as a Member in the United States Senate or House of Representatives in any term which commenced before the ratification of this article may not be included in determining the number of terms served.".

So if this were to be passed tomorrow, you would get all next year and 12 more years. Why did I arrive at 12 years instead of 10 or the group from Florida that has gained national prominence, 8 is enough?

I will tell my colleagues why. It is very simple. The President has two terms, 4 years each. Mexico has a one-term 6-year President. This is all stuff that has been in my head since 1977. The Confederacy, Jefferson Davis, one term 6 years. Do my colleagues think Nixon wished he had had one term of 6 years? No little piece of tape on that door at the Watergate Complex to break into Larry O'Brien's office and steal a playbook from a team that was losing every down and going down in flames with the score about 60 to 0 against them at half time? What a tragedy that was. And Mr. Nixon would have gone out, President Nixon, with flags flying.

Do my colleagues think President Reagan and his great lady Nancy Reagan did not wish there had been one term of 6 years that he could have gone out of office 6 years, having had the Senate in the Republican column all those 6 years, flags flying, no Contra scandal, no Iran-Contragate deals, just 6 good years.

I leave that to other people. We have already limited the Presidency to two terms.

Take the Senate, which is supposed to be a body of our senior men and women, only two women at this point, it could be more under term limitations. In the Senate we have two terms of 6 years each. So rather than play around with that and limit the House, I said, let us reverse that. Here we would have 6 years of two terms. Six terms of 2 years, 12 years in the House, 12 years in the Senate. Here is what is unique to some of these proposals and which I think is necessary to ever get this passed. You can come back.

□ 2050

You see, that is what was wrong, I think, with the California limit last year that they passed in November of 1990. How can you tell a man or a woman who has served in this Chamber, particularly if they came here young at the minimum age, 25, as did our great colleague, JOHNNY BREAUX, who has gone on to glory in the Senate, from Louisiana. He won at 25 years of age. I remember seeing that front-page newspaper headline in Los Angeles. I was then 39 years old, and I thought I saw my life flashing before me.

Not only did all of the Kennedys get a jump-start on me for a whole decade because of a multimillionaire father, but JOHN BREAUX, 25 years of age, who would have left at 37. He would have been a fellow who never would have been allowed to come back, run again, 2, 4, 10 years later, or to serve later as a senior like George Mason, or Ben Franklin, contributing with the wisdom of many decades, fourscore and 10, or the Biblical threescore and 10.

No, you must be allowed to come back. You cannot be branded as a felon because you served in the Congress 2, 4, 6, or up to 12 years.

Now let us take a great American, and I deliberately have picked a liberal from a different State, Texas, and the other side of the aisle. He has that beautiful walnut room named after him out those doors, the Rayburn Room, and he has our biggest office building on this Hill named after him. He is a stalwart in American history and served as Speaker longer than any other Member in the 204 years that this great deliberative body has been in existence, Sam Rayburn.

Sam was born in 1882. That is about the same vintage as MacArthur, and Churchill, and Roosevelt, that great generation. It was 10 years before my father. He came here in 1913. He was a young man, 31 years of age, and he served many years up until 1940. He served 27 years and he was here and became the Speaker in 1940. Over the next 21 years, because he was elected Speaker due to the death of Speaker Bankhead, he was elected Speaker on September 16 of 1940, and he died on November 16 of 1961. So in that 21 years and 2 months to the day he was Speaker all that time, except for when Harry Truman was President during what was called the do-nothing Congress, the Republican Congress that got elected out of World War II in 1946. So he was not Speaker in 1947 and 1948. And then President Eisenhower, when he was elected President in 1952, his first 2 years, 1953 and 1954 we had a Republican Speaker sitting up there where you are, Mr. Speaker, Joe Martin, a great Republican. So if we subtract 4 years from the 21 years and 2 months, then Sam Rayburn was Speaker for 17 years.

Tip O'Neill, our great Speaker from Massachusetts, two Speakers ago, he took a historical record in his own right. He was Speaker for 10 years without a Republican interruption.

Let us now look at Sam Rayburn's career. From 1913 to 1961 when he died with his boots on, and he never drew a nickel of pension, served all his life, was a bachelor, gave up family, gave up everything to serve his country. I understand that. That is why the antitermination argument can be compelling on the other side when we talk about Thomas Jefferson or George Mason or James Madison or someone like Sam Rayburn. Under my bill, he comes here in 1913 at 31 years of age, serves to age 43. That is my age when I got elected.

Then we see if he becomes a lobbyist and if he goes for the easy money, and if he has Potomac fever, or whether he goes home and teaches at Texas A&M or the University of Texas. Or does he find the girl of his dreams and get married at age 43, not uncommon in those days, and for Irish people that is youth for the man to get married.

Then he comes back 2 years later, and here is his way to come back. He picks some bozo in his own party in an adjoining district, and every State has them, and he knocks off this embarrassment to his own party, and he comes back 2 years later if that is his wish. Then he serves another 12 years.

And then, the next 2 years after that, after again going back and teaching law in Texas, or teaching anything, teaching political science in one of the great universities of Texas, or traveling around the world, taking a little sabbatical, or he reads all of those books sitting there building up in his bedroom. My bedroom is being swallowed by books that I cannot get to read. I fall asleep reading every night with the pace of events around here. That is if you are an activist, which I like to think most of us try to be.

Then he comes back for his third go-round. This time he finds a bozo in the other party, and each party has them, and he knocks off that person in a general election.

Do you know what I think? I do not think most people who serve 12, and then 2 out, and 12, and then 2 out, and then 12, and that is 40 years, and guess how long that person has been in office? Thirty-six years out of 40. Big denial of great talent. And get this: The day he comes back in his second go-round, there is no restriction on the internal leadership elections in this chamber. Democrats can caucus in the Cannon Caucus Room, or in the Rayburn Building named after Sam Rayburn, and they could elect him the Speaker of the House before he is even sworn in for his second burst of 12 years. And if he came back for a third burst of 12 years, he could be elected Speaker again. As a matter of fact, he could be Speaker in his freshman year for all 36 years and break every record. There is nothing that says you cannot be elected to the House leadership in either party in your freshman year. So it does not restrict the talent of leaders.

But here is why I do not think anybody would ever do that. I have seen brilliant people in both parties in this Chamber after they have been here a while pass up a natural run for the U.S. Senate or for the Governor's seat to be the first political leader in their State. I have seen them pass it up. Do you know what the deadly point around here is? I have never reached it in one burst, because at 6 years I was gerrymandered out of my seat, against my will, and then 2 years later I moved to a totally different county, and knocked off a person that I considered to be a liberal, who had been conning people that he was a conservative when he was in the middle of Reagan country, Orange County. Then I came back, and now I am in the seventh year of my second burst, and 7 and 6 makes 13 years out of 15 that I have been in this Chamber. I have already announced my retirement. If you want me to do it again, Mr. Speaker, I have announced that I will retire at the end of 12 years, before the 1996 election. I will only serve 12 years in this current 38th District, which will probably change its number and boundary lines by the 29th of this very month.

Is that going to limit my life? Does it mean that I cannot go back into the world, as Ben Franklin said, and get a promotion, to be the people who hire the people around these two Chambers? Of course not. Are there other things I can do? I have already proven that I can come back again.

There is a lack of confidence around here with a lot of men and women who think that they cannot come back again. If they did not make it in reaching up, as did a great Attorney General and two-term Governor of Pennsylvania who reached for the Senate seat and was pulled down by circumstances beyond his control, is Richard Thornburgh through? Of course not. He can return for that Senate seat again. It is a short term and will be up again in November of next year. Or President Bush could put him in another different Cabinet position, the way he moved his good friend and excellent Cabinet officer, Jim Baker, around from Treasurer to Secretary of State. Richard Thornburgh is not through serving the United States of America. We have not heard one cruel or harsh word about this great public servant from anybody in this Chamber from either side of the aisle or in either House. We know that he is not through. Sometimes you are pulled down by his historical circumstances or other circumstances.

But back to the theme of good men and women in both parties passing up opportunity. The deadly point is at 10 years. You get about 10 years here. First of all, it was a horrible awakening when I saw that I was never going to be in the majority in this House. You do not know what it is like, Mr. Speaker, to never, ever have anybody from your side, except Mr. MICHEL for a few brief moments when we swear in a new Speaker, and he gets to sit at that chair, like Walter Mitty, and play with the gavel, and say a few nice words to you, and then you say a few nice words back to him, and that is about it from my side, from my party. Not since I was 21 years of age, in my very first election, because it was in 1954. I was in pilot training. I was at Bryant Air Force Base in Texas, and I voted for a Congressman who lost. The Republican Speaker, Joe Martin, and his party were defeated. Sam Rayburn took the gavel, and was back up and stayed there from that year, 1955 when he was sworn in, and another Speaker, Jim Wright, was sworn in Speaker that very month of January, and I got my wings 3 months later, February 7, and this House has been controlled by the Democratic party ever since, since 1955, to 1965, to 1975, to 1985, 36 years.

What have I done in those 36 years? I got married a few months later. I have five grandchildren. My baby daughter, Kathleen, an actress in Hollywood, just turned 30. I have eight grandchildren, and the two youngest, not married yet. So I have a long way to go. That is a lifetime, Mr. Speaker.

I say that term limits will bring in, Mr. Speaker, and I will close on this, more young people, more ideas. And anybody who cannot burn out all of their ideas in 12 years, if they cannot do it in 12 years, then there is something wrong, they are holding back. Then they can go back and recharge their batteries, and come back with more ideas.

There will be more women, more Hispanics, particularly on my side of the aisle, which is too white and too male, too much the same age. We need diversity in this Chamber and in the other Chamber in the United States of America.

I had a real bozo from the time that I was 24 to 43 burn up my seat, and he never got off any committee except for Science and Technology. He was the wealthiest man in my State, and he had five cities named after him, Belaire, Belmont, several others, a multimillionaire who held my seat during all of my youth and never did a bloody thing the whole time that he was here.

I say it is time for term limits, and I am glad to end my special order. And do not anybody turn off that television set, Mr. Speaker, until HELEN BENTLEY has finished with what she has to say to this great body.

□ 2100

TIME FOR ACTION NOT RECRIMINATION

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, 2 weeks ago I watched with dismay the all night oration by my colleagues on both sides of the aisle about unemployment.

My reaction to these remarks is a pox on both your Houses—on both Republicans and Democrats. No one is blameless in this situation. Instead of pointing fingers at one another we should put the effort necessary to solve the problems.

No one argues that unemployment for Americans is shameful. It not only wrecks families, it is a blight on the glory of America. We should do better than turn people out of jobs or on the streets without a hope or a promise to have a decent wage. We are in this economic dilemma as a result of short-

sightedness and a failure to recognize the interrelationship of our actions and policies to the economy.

Members of both Houses and our Government officials have been making policies contributing to this economic problem and robbing our citizens of their future. Let me explain why and how.

We have proceeded to debate policies affecting the American economy without agreeing on the terms of the debate. All of us have ignored Economics 101 where we learned that perfect competition meant perfect knowledge.

Instead we made a grand mental leap that free trade meant perfect competition and perfect knowledge on the part of all the participants—and from there we proceeded to debate policies grounded on inaccurate premises. We have conducted a debate and formulated policies on an ideal that does not exist. It is time for government policymakers to come into the real world.

In 1986 I did not support the Tax Reform Act of 1986 for several reasons. It was harmful both to the taxpayers and to business. That tax act eliminated the IRA's and deductions were eliminated or reduced on real estate investments. By eliminating real estate shelters low income and senior housing was set back. Chairman Bill Seidman at the FDIC warned us at the time that changing many of the tax items retroactively would seriously affect the S&L crisis. It certainly did, wiping out shelters retroactively lowered the value of properties and accelerated losses and, as we know, the S&L crisis really took off after 1986. And now the banks are fearful of making loans.

By wiping out interest deductions and amortization, car sales fell.

I repeat, I did not support the 1986 tax bill.

The Federal Tax code enabled the money men to ruin companies through leveraged buyouts. Now when we are warned in stories that the country is poised for another bout of leveraged buyouts, I suggest we examine just what this earlier raid on the U.S. Treasury has meant to America—and that we not repeat it.

A recent Baltimore Sun story about the Simplicity Co., tells the tale. Simplicity is a company that almost every family in America would know—or they would have known in earlier times before the money men got hold of the company.

The article by Donald L. Bartlett and James B. Steele points out that in 1979 the "money men descended on Simplicity Pattern Co.

"By the time they were finished a decade later, a company that once had $100 million in the bank was more than $100 million in the hole."

The story explained:

For more than half a century, Simplicity was as much a part of the American home as the radio and the sewing machine. It helped dress generations of girls and boys, women and men, through the sale of billions of patterns for the home-sewing market.

This Simplicity Co. story sounds like the story of American business and also helps explain what has happened to our tax base. So listen closely.

When the money men got through with Simplicity the company was near bankruptcy. This is what the financial wizards did to the company.

Bought and sold the company four times and made tens of millions of dollars running up the price of Simplicity stock in threatened and actual takeovers.

Drained $100 million that Simplicity had in its bank account and investment portfolio.

Raided the company's pension funds on two occasions, taking out $10.7 million.

Issued bonds and borrowed from banks, sending the company's debt soaring from near nothing to $100 million.

Sold off properties to raise badly needed cash after they had depleted the company's $100 million cushion.

Created so much debt that Simplicity could no longer generate enough cash to make the interest payments.

Defaulted on the interest payments on bonds and bank loans.

Just how could these modern day robbers get away with mistreating a company like the Simplicity Co.? According to the newspaper article the answer is simple:

They got help from the U.S. Government rule book. Thanks to several provisions of the Federal Tax Code, including the net operating loss deduction and deduction for interest expense, they were able to build their empires on debt and write off the interest.

So the raids that cost hundreds of Americans their jobs and made millions for the raiders were, in effect, subsidized by the taxpayer.

I will leave the full article for the RECORD—but the tragedy of this story Mr. Speaker—is that it has been repeated over and over and over again in the United States in the 1980's. Leveraged buyouts have been like a flu virus running through our business community.

Another example of the plundering of business is a story which is not in the papers, but is currently going on in my area. A tank manufacturing company recently was purchased by an outsider who proceeded to strip the company by selling off its equipment. Now the company has orders for underground storage tanks and there is no way to fill orders. All of this was done in absolute disregard of the people employed at the company or in the future of the company * * * just for the quick buck.

There have been other abuses section 8 set asides for small business and industrial purchasing.

This abuse must be stopped and only the Government can stop it.

We must make the necessary changes in the Tax Code to favor business and not make it a convenient tax dodge for greedy, unethical money men. The American taxpayer cannot afford to and should not subsidize the lifestyle of the high rollers in this society.

Another victim of the 1986 Tax Act was American home ownership. With the phase out of deductions on consumer loans we made it advantageous to pay off debts with home equity loans. This one act resulted in a 15.7-percent drop in the equity that American homeowners held in their homes. Home equity loans are being sold as a reverse mortgage to senior citizens which means there will be little equity actually left in the homes.

Last week's Newsweek had a story "Living on the Edge" explained that "millions of families are losing the struggle to improve their living standards, as the affluent consume a larger share of the Nation's wealth."

We must act quickly without delay and work together to change the course of America.

Our major cities are in trouble. Philadelphia, the city where our Declaration of Independence and Constitution were written cannot pay its bills. Private citizens and companies are now lining up to loan money to the city. Bridgeport, CT, made news earlier this year by declaring bankruptcy.

In Maryland Gov. William Schaefer announced drastic cuts of $450 million and now has announced another $150 million and he may have to come back with another $800 million in cuts in 1992. Maryland has the same troubles as other States and Government units. Almost half the counties in the United States are in deficit and 21 of the 50 States have budget deficits. Newspapers report daily on the difficulties and struggles of the States and local communities to meet the demand for services—which are being cut all over the country.

To solve these serious economic problems we need to interrupt the drift rapid roll toward a service economy and move toward revitalization of the industrial base of this country.

We must produce things. Manufacturing plants are important, because plants are also people. Manufacturing greatly adds to the country's capacity to be self-sustaining and independent. I do not want to read again as we did in Desert Storm that the United States was dependent upon foreign parts to make our technology work.

We must begin to solve these problems. I have been urging a Marshall plan for America since my election to Congress. I introduced a Marshall plan for America resolution which would have created a commission composed of industrial, technical, economic and educational experts from the private sector to address our chronic economic problems by establishing clear national priorities and long-range goals.

In that original speech about a Marshall plan for America I stated that:

In certain areas of government activity such as taxing, regulatory control, purchasing, and trade, new and clear-cut policies and priorities must be established because many

of these activities and policies have been counter-productive and have contributed to the decline of America's industrial might.

I further stated that:

U.S. tax laws, instead of stimulating domestic investment in new plants, equipment and technology, have encouraged American corporations to move offshore.

To survive our companies were told they must compete globally and the tax laws helped that along.

The Marshall plan speech stated:

Prior to 1972, the IRS only allowed deductions for companies that practiced "Buy America," but then the tax law was changed to allow for writing off the purchase of foreign business equipment. More American products disappeared from the shelves, more American companies went under, and more American workers lost their jobs.

And now we can see the price of those early policies coming home in the form of a poor economy and rising unemployment. We need some remedies and soon for these problems.

Before making suggestions for revitalizing American industry today, I would like to share some remarks made by the chairman of a world class company. Mr. Akio Morita, chairman of Sony Corp., a Japanese company, stated in a New York speech:

The world economy is increasingly resting on what seems to me a very unsound, unhealthy foundation.

There is a supposition that nation's economies as they mature move through a series of phases. In the first phase, the economy is agriculture-based, then as a nation learns to feed itself efficiently and begins to develop an industrial base, labor moves from agriculture into manufacturing.

Then at some point, some economic theorists feel, a manufacturing economy will enter a third and somehow more highly refined phase in which the economy becomes a service based economy.

It is clear, at any rate, that this shift from manufacturing to services is well advanced in the United States, a country which since 1950 has lost half of its manufacturing jobs and where almost three quarters of all jobs are service oriented.

We see a similar trend in the United Kingdom.

What I would like to suggest to you today is that this trend, far from being the natural progression of a maturing economy and something to be encouraged is destructive, for in the long run an economy which has lost its manufacturing base has lost its vital center.

A service-based economy has no engine to drive it. Thus, any complacency about the world's most powerful economy moving from manufacturing to services is entirely misplaced.

It would seem obvious that the service elements of any economy are entirely dependent upon a manufacturing industry which can develop the new technology that defines our civilization.

I agree with Mr. Morita.

There are some things we can do to help the individual more quickly and others are long range under the Marshall Plan.

I believe we should raise the outside earning limits of social security recipients. If they can contribute to their income—then we should not penalize them. Often social security recipients are hard hit by medical bills or other expenses—so any added income would be a welcome relief to them.

We should give a tax break for individual retirement accounts and raise the limits from $2,000 to $3,000. Americans have been criticized for not saving and the IRA's are a way to increase our savings rate to provide a capital base.

Remember the story about the Simplicity Co.? Unfortunately, we need to rework the 1986 tax bill to stop this financial nonsense that is a raid on the U.S. Treasury and on the pocketbooks of the American taxpayer.

Elements we must consider in a Marshall plan are creating a permanent R&D tax credit for business to create long-term horizons for American companies. The permanent tax credit will take away some of the risk. Let's make sure it not only applies to pure research but to applied research.

There should be tax benefits also for long-term investment in manufacturing ventures and in stock investments. I stress long-term investment because we must stop the speculative binge this country has been on for the last 10 years. Investors must be convinced that it pays to leave money alone for a respectable amount of time to allow it to work creatively.

And any new investment tax law—after the retroactivity of the destructive 1986 tax bill—would have to bind future legislators to grandfather any long-term contracts or the investors would have little confidence in tying their money up.

□ 2120

By developing some links in the chain of information, we can maximize the efforts for small- and medium-sized business in their efforts to export. If we are going to be engaged in global business then let's get our businesses in it.

Let's give fellowships to scientists to go into industry, give them some financial analysis training and let them see how things are done and vice versa. We need to understand what we are creating and whether or not the customer wants it. We must decide whether or not American business should export by chance or by a conscious decision to be engaged in the world market.

To do that we need an information link for applied research for American companies. Right now we are having difficulty matching up sources and products and research. Why not supply this information link in a center and agency for new technology utilization at the Department of Commerce under the vision of business?

By gathering information and sharing it more efficiently we are ultimately cutting the cost of capital which in turn will help American business be more competitive. Why not make it easier for small business to form consortia to export.

We need to put some more effort into the Export-Import Act of 1982 and encourage our banks to utilize the act. For the first time an export trading company of a group of companies can join with a bank with the specific objective of selling goods and services abroad.

The act allows bank holding companies to take a direct equity interest in export trading companies. The ammunition is there, we are just missing the inspiration to act.

According to the National Research Council, "two of the leading U.S. exporters are actually Japanese trading companies, Mitsui and Mitsubishi, which are licensed to sell U.S. goods as part of their worldwide activities."

Hopefully, with this act, American trading companies will be competitive on a broader scale than before.

We also need to examine the information provided by the Department of Commerce for business, specifically, the Input and Output Table has to be published more frequently than every 9 years. The 1982 figures must have must come out. How can business tell how much goes into a product without those figures?

Using semiconductors as an example a CRS analyst recently explained that the data clearly shows that production of so-called "high tech" products depend on basic industries for many of their inputs directly or indirectly. To have a semiconductor industry, it will be a source of demand—directly or indirectly—for the outputs of over 300 sectors of the economy. The analysis shows that the 15 manufacturing sectors involved produce $171 million in outputs for the semiconductor sector to help $1 billion of its market.

He said, "you cannot have semiconductors without steel."

American business is selling in a world economy but they are crippled in the process by the Government. William Dietrich, president of Dietrich Industries and author of "In The Shadow Of The Rising Sun" has pointed out that Japan has a State-market balance and works with business, but in the United States the Government often works against business. I agree with him. Incidentally, Bill Dietrich is in the steel business and has a plant at Sparrows Point in my district.

I have pointed out a few pitfalls which have been disastrous for our economy which includes our tax act, timely information from the Government and lack of information and help from the Government.

Mr. Speaker, I need to add and elaborate on the fact, and I will do it on another night, about how we expect our businesses to compete in the global market against governments, which is actually what it is. They are not competing business for business, because most of the foreign businesses have their government right in the pocket

with them or in heavy subsidizations of those foreign companies.

We need on this side, we need to work together, government, academia and citizens to straighten out America's affairs.

We need to revitalize our industrial base. To that end I suggest we enlarge the participation of a Marshall Plan Commission to having a White House conference composed of a triad of business, government and academia.

Under the auspices of the Secretary of Commerce for a 6-year period, the conference will identify the problem areas of business and industry and the work force, and make recommendations to the President for accomplishing the stated goals of the conference.

Membership in the conference would consist of three people from each State, two appointed by the Governor, and one by the President. Staff for the conference would come from experts in the Government who would be charged with translating recommendations of the conference into appropriate legislation.

Conference participants would be expected to hold meetings and generate papers and ideas from business and industry and summarize their findings each year in a report to the President. Hopefully, this will stimulate our thinking and will allow the American people a real process in repairing our systems.

Mr. Speaker, it is time we use the creative ability of the American people—of our business community and industry leaders in solving our problems. It is not enough to say Mr. White has a good idea—or did you hear his suggestion—and then let it drop.

It is time to develop information links for business—to encourage our research—to manufacture here and get the end product into the marketplace—to export as a conscious decision so we can have our rightful share of the world market. We must think outward to an international market, and be able to participate in a fair market without losing our country in the process.

This morning someone at Congressional Research Service told me "it is time to get the plaque off the way we think of our industrial dynamism." Coming from a merchant marine background I would say it is time to scrape the barnacles off our thinking before we are truly a Third World country. It is time for action not recriminations. Thank you.

PUT HELPFULNESS AND REALISM BACK INTO FARMERS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, this past weekend, I was joined by my colleagues—RAY THORNTON and GLENN ENGLISH—in conducting a farm credit forum in my State.

I want to start by thanking them for their participation.

I came away from that event convinced that two things must be done to improve the delivery of credit by the Farmers Home Administration.

The clear message coming from the witnesses we heard was that FmHA should be more realistic and more helpful.

More realistic in terms of setting loan caps high enough so they more nearly reflect today's high cost farming operations.

Currently, the loan limit is set at $400,000 which is not realistic in light of the costs a farmer must incur to buy equipment and pay other expenses related to making a crop.

My friend Rusty Berry of DeWitt is a lawyer who grew up in southern Arkansas County—rice country.

I would like to quote his testimony. He told us that the current loans limits are far from adequate since "today's farmer faces operating costs that dwarf those that faced farmers in the 1960's and 1970's."

Rusty is right.

Since farmers who deal with FmHA cannot get credit elsewhere, they have no choice but to take loans they know are not adequate to carry them through to the payoff at harvest time.

Their money is exhausted before the crops are gathered and that leaves those they buy from waiting for their money—hoping, along with the farmer, that all goes well.

Wayne Rupe of Lonoke represents the Arkansas Agricultural Aviation Association. He told us that by mid-summer, most farmers have spent their loan money. But, of course, they can't stop at that point.

So, the aerial applicators, fuel suppliers, implement dealers, companies which sell fertilizer and insecticide and others have to carry farmers on their books until harvest.

It makes for a very fragile economy, an economy which is damaged from top to bottom in the event of a poor crop.

My State of Arkansas has certainly suffered the swift and devastating blows caused by downturns in the agricultural sector.

It is felt at the feed store and the food store, with businessmen on Main Street suffering right along with the farmer.

Another friend, Harvey Joe Sanner, is a farmer in my district and past national president of the American Agriculture Movement.

Harvey Joe told us that Congress should force FMHA to do what it was intended to do. Make loans.

And to make those loans in as timely and hassle free a manner as possible.

That's where the helpfulness comes in.

I return to the testimony of Rusty Berry. Rusty told us that the worst problem farmers encounter in his area is what he termed the "incompetency and refusal to act in a timely manner by FmHA staff at all levels."

He said that "hindrance is the rule and helpfulness is the exception when dealing with FmHA."

That should not be.

The American people do not work for Government, Government works for the people and that rule should extend to all agencies of Government—including FmHA.

Yes, paperwork must be done. And, yes, information must be provided by farmers to the agency. But, this process should not be so burdensome that planting time arrives with farmers still bound in redtape, not knowing if they can make a crop or not.

That is not what Congress intended. That is not what Congress should tolerate.

FmHA should also develop a system whereby loans from previous crops can be refinanced over a longer period, a period which would more realistically reflect the life of a farmer's assets.

And, other lenders should do so as well.

Raising the loan limits, cutting redtape and making other adjustments in the loan procedure are not impossible goals. They are reachable and Congress should insist that USDA reach them.

During the last dozen years or so, agencies of the executive branch seem to have forgotten that they exist to serve, not hinder.

I have promised my farmers that I would address the problem and I will.

But, it will take some cooperation from the executive branch.

I fear that this problem is yet another symptom of administration neglect of the domestic agenda.

The administration seems perfectly capable of speeding help to foreign lands, but drags it feet when dealing with programs set up to help our own people here at home.

Something is very wrong with those priorities.

The disastrous agricultural policies of the 1980's broke many farmers and the ripple effect in Arkansas was severe.

It is now time to set a new direction for farm policy. And, we can begin by insuring that more realism and helpfulness is injected into the loan process at Farmers Home.

The ultimate solution to all these problems is, of course, a better price for the commodities farmers sell.

But current administration policy will only ensure that more and more family farmers will go broke and have to leave their land.

The issue will be revisited next year—but, frankly, without the cooperation of the administration all of the best intentions will go for naught.

And there are actions which could be taken to help sweeten the bottom line for our farmers.

Markets in Cuba could be opened.

The door to the Japanese rice market could be kicked down, since it apparently will not be opened willingly.

The administration cannot continue to allow other countries to protect their farmers while throwing American farmers to the wolves.

This country should also make our farmers our fuel suppliers. Instead of sending money to foreign oil producers by the shiploads, America must move toward the day when it derives its energy from the grain fields of the Midsouth rather than the oil fields of the Mideast.

I have already started to seek solutions to the problems outlined at the recent farm credit forum.

There is much more work to be done, however. I would invite President Bush to join Congress in seeking solutions to this most pressing domestic problem.

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 Member (at the request of Mr. DORNAN of California) to revise and extend his remarks and include extraneous material:)

Mr. RIGGS, for 60 minutes, today.

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

Mr. PARKER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. TAUZIN, for 60 minutes, today.

Mr. GEJDENSON, for 60 minutes, today.

Mrs. COLLINS of Illinois, for 60 minutes each day, on November 11, 12, 13, 14, 15, 18, 19, 20, 22, 23, 24, and 25.

(The following Member (at the request of Mr. GEJDENSON) to revise and extend his remarks and include extraneous material:)

Mr. ALEXANDER, for 30 minutes, today.

EXTENSION OF REMARKS

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

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

Mr. MCDADE.
Mr. BROOMFIELD.
Mr. MCCOLLUM.
Mr. BILIRAKIS.
Mr. GOODLING.
Mr. MACHTLEY in two instances.
Mr. BEREUTER.
Mr. DICKINSON.
Mr. CRANE.
Ms. MOLINARI.
Ms. ROS-LEHTINEN in 10 instances.
Mr. MICHEL.
Mr. GRADISON.
Mr. LEWIS of Florida.

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

Mr. MINETA.
Mr. LEHMAN of Florida.
Mr. HAMILTON.
Mr. HERTEL.
Mr. STOKES.
Mr. OLVER.
Mr. BEVILL.
Mr. MARKEY.
Mr. CARDIN.
Mr. FUSTER.
Mr. TOWNS in two instances.
Mr. WEISS.
Mr. HALL of Ohio.
Mr. DINGELL.
Mrs. SCHROEDER.
Mr. STALLINGS.
Mr. DORGAN of North Dakota.
Mr. DURBIN.
Mr. HUBBARD.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1117. An act to establish the Bureau of Land Management Foundation; to the Committee on Interior and Insular Affairs.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 140. Joint resolution designating November 19, 1991, as "National Philanthropy Day";

H.J. Res. 177. Joint resolution to designate November 16, 1991, as "Dutch-American Heritage Day"; and

H.J. Res. 280. Joint resolution to designate the week beginning November 10, 1991, as "Hire a Veteran Week."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1848. An act to restore the authority of the Secretary of Education to make certain preliminary payments to local educational agencies, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 7, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

2317. A letter from the Vice President, Congressional Affairs, Oversight Board of the Resolution Trust Corporation, transmitting a duplicate of the original report with missing papers provided of the audited financial statements of the Resolution Trust Corporation as of December 31, 1990, pursuant to Public Law 101-73, section 511(a) (103 Stat. 404); to the Committee on Banking, Finance and Urban Affairs.

2318. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Mexico (Transmittal No. DTC-1-92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2319. A letter from the Secretary of Health and Human Services, transmitting the Department's study of payment for portable x-ray services, pursuant to Public Law 101-239, section 6134 (103 Stat. 2222); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 645. A bill to amend the Atomic Energy Act of 1954 to authorize the States to regulate the disposal of low-level radioactive waste for which the Nuclear Regulatory Commission does not require disposal in a licensed facility; with amendments (Rept. 102-289, Pt. 1). Ordered to be printed.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2556. A bill entitled the "Los Padres Condor Range and River Protection Act"; with amendments (Rept. 102-290, Pt. 1). Ordered to be printed.

Mr. WHEAT: Committee on Rules. House Resolution 270. Resolution providing for the consideration of the bill S. 1745, a bill to amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes (Rept. 102-291). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 939. A bill to provide eligibility to members of the Selected Reserves for the veterans home loan program; with amendments; referred to the Committee on Ways and Means for a period ending not later than February 28, 1992, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(v), rule X (Rept. 102-292, Pt. 1). 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. DINGELL (for himself, Mr. MARKEY, Mr. LENT, and Mr. RINALDO):

H.R. 3715. A bill to require the Federal Communications Commission to prescribe regulations governing the use, by television and radio broadcasters, of bulk time sale agreements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STAGGERS:

H.R. 3716. A bill to prohibit certain use of the terms "Visiting Nurse Association," "Visiting Nurse Service," "VNA," and "VNS"; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. BILIRAKIS:

H.R. 3717. A bill to correct the tariff treatment accorded zinc printing type; to the Committee on Ways and Means.

By Mr. CARDIN (for himself, Mr. DELLUMS, Mr. DE LUGO, Mr. DOWNEY, Mr. GALLO, Mr. GOSS, Mr. JACOBS, Mr. JEFFERSON, Mr. LANTOS, Mrs. MORELLA, Mr. SCHEUER, and Mr. WILSON):

H.R. 3718. A bill to provide remedies for consumers who purchase unfit dogs from pet dealers; to the Committee on Energy and Commerce.

By Mr. COUGHLIN:

H.R. 3719. A bill to suspend until January 1, 1995, the duty on composite vials of timolol maleate/pilocarpine hydrochloride solutions and diluent; to the Committee on Ways and Means.

By Mr. EMERSON (for himself and Mr. ESPY):

H.R. 3720. A bill to direct the Administrator of General Services to transfer certain personal property of the Mississippi Delta Development Commission to the Lower Mississippi Delta Development Center; to the Committee on Government Operations.

By Mr. HOAGLAND:

H.R. 3721. A bill to amend the Omnibus Budget Reconciliation Act of 1990 to exempt certain research and educational licensees from annual charges; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

H.R. 3722. A bill to repeal provisions of the Treasury, Postal Service and General Government Appropriations Act, 1992, relating to requirements for Federal agency leases in the Omaha, NE-Council Bluffs, IA, geographical area; jointly, to the Committees on Public Works and Transportation and Appropriations.

By Mr. JACOBS:

H.R. 3723. A bill to amend title II of the Social Security Act to provide that, in determining whether an individual applying for or receiving benefits based on disability is engaging in substantial gainful activity, a portion of the cost of acquiring a van which is specially equipped for the individual's disability and which the individual needs for transportation to work shall be excluded from amounts treated as such individual's earnings, and to make conforming changes in title XVI; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Mr. WAXMAN, Mr. RICHARDSON, Mr. SIKORSKI, Mr. FALEOMAVAEGA, and Mr. KOSTMAYER):

H.R. 3724. A bill to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. MOODY:

H.R. 3725. A bill to require Senators and Members of the House of Representatives to pay for medical services provided by the Office of the Attending Physician, and for other purposes; to the Committee on House Administration.

By Mr. PANETTA:

H.R. 3726. A bill to prevent foreign persons from owning national landmarks and areas included in the National Park System; to the Committee on Interior and Insular Affairs.

By Mr. PETERSON of Minnesota:

H.R. 3727. A bill to amend the Agricultural Act of 1949 to increase the loan levels and target prices for wheat and feed grains, and for other purposes; to the Committee on Agriculture.

By Mr. HAYES of Louisiana (for himself, Mr. BRYANT, Mr. CHANDLER, and Mr. MCCOLLUM):

H.J. Res. 369. Joint resolution to encourage a national policy enhancing commercial financial liquidity for the promotion of a speedy and robust economic recovery; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. BOXER (for herself, Mr. WEISS, Mr. MILLER of Washington, Mr. STUDDS, Mr. EVANS, Mr. GREEN of New York, Mr. FRANK of Massachusetts, Mr. DELLUMS, Mr. BERMAN, Mr. ANDREWS of Maine, Mr. LEHMAN of Florida, Ms. PELOSI, Mr. WAXMAN, Mr. AUCOIN, Mr. ATKINS, Ms. NORTON, Mr. BEILENSON, Mrs. SCHROEDER, Mr. MCDERMOTT, Mr. EDWARDS of California, Mr. FAZIO, Mr. MINETA, Mr. CONYERS, and Mrs. MORELLA):

H. Res. 271. Resolution expressing the sense of the House of Representatives that the President should rescind Department of Defense Directive 1332.14, section H.1, which bans gay, lesbian, and bisexual Americans from military services; to the Committee on Armed Services.

ADDITIONAL SPONSORS

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

H.R. 193: Ms. NORTON.

H.R. 300: Mr. OLVER.

H.R. 325: Ms. PELOSI.

H.R. 431: Mr. TRAXLER, Mr. HAYES of Illinois, Mr. TORRES, and Mr. LEWIS of Florida.

H.R. 461: Mr. STUMP, Mr. MINETA, Mr. MCCANDLESS, Mr. KOLTER, and Mr. MAZZOLI.

H.R. 643: Mr. SHAYS.

H.R. 791: Mr. SCHEUER.

H.R. 843: Mr. RANGEL and Mr. MURTHA.

H.R. 939: Mr. ABERCROMBIE and Mr. GINGRICH.

H.R. 1186: Mr. GOSS, Mr. LAGOMARSINO, Mr. SANTORUM, Mr. DORNAN of California, Mr. YOUNG of Alaska, Mr. SWETT, Mr. DICKS, Mr. SCHAEFER, Mr. TRAFICANT, Mr. MFUME, and Mr. ROBERTS.

H.R. 1393: Mr. COX of Illinois, Mr. FEIGHAN, and Mr. MACHTLEY.

H.R. 1472: Mr. LEWIS of California, Mr. DYMALLY, Mr. KOSTMAYER, Mr. OLVER, and Mr. PACKARD.

H.R. 1574: Mr. GALLEGLY, Mr. FROST, Mr. MOORHEAD, and Mr. INHOFE.

H.R. 1575: Mr. LOWERY of California, Mr. LIVINGSTON, Mr. GALLEGLY, and Mr. MOORHEAD.

H.R. 1598: Mr. CONDIT and Mr. WILLIAMS.

H.R. 1655: Mr. HAYES of Illinois.

H.R. 1777: Mr. TALLON.

H.R. 1889: Mr. CAMP.

H.R. 2215: Mr. FEIGHAN.

H.R. 2343: Mr. MINETA and Ms. PELOSI.

H.R. 2385: Mr. MURPHY, Mr. HENRY, and Mr. WOLF.

H.R. 2419: Ms. MOLINARI.

H.R. 2535: Mr. GONZALEZ, Mr. KENNEDY, and Mr. RAHALL.

H.R. 2580: Mr. ATKINS, Mr. BACCHUS, Mrs. SCHROEDER, and Mr. YATES.

H.R. 2598: Mrs. MEYERS of Kansas, Mr. DOOLEY, and Mr. OLIN.

H.R. 2612: Mr. MCCLOSKEY.

H.R. 2634: Mr. KOSTMAYER.

H.R. 2731: Mr. BENNETT and Mr. PICKLE.

H.R. 2763: Mr. CAMPBELL of Colorado.

H.R. 2766: Mr. LOWERY of California, Mr. BURTON of Indiana, and Mr. LEWIS of Florida.

H.R. 2800: Mr. DEFAZIO.

H.R. 2806: Mr. HUBBARD and Mr. CHANDLER.

H.R. 2832: Mrs. BYRON, Mr. FIELDS, Mr. HERGER, Mr. HUTTO, Mrs. MORELLA, and Mrs. BENTLEY.

H.R. 2838: Mr. TORRES, Mr. PERKINS, and Mr. ROE.

H.R. 2876: Mr. COX of California, Mr. ROHRABACHER, Mr. GOSS, and Mr. MCCANDLESS.

H.R. 3015: Mr. EVANS and Mr. INHOFE.

H.R. 3070: Mr. HERGER, Mr. HOYER, Mr. BATEMAN, Mr. ROTH, Mr. MOORHEAD, Mr. SCHUMER, and Mr. BARRETT.

H.R. 3128: Mr. BLILEY, Mr. GRANDY, and Mr. CLINGER.

H.R. 3130: Mr. ARMEY, Mr. STEARNS, Mr. HERGER, and Mr. GEKAS.

H.R. 3142: Mrs. BOXER, Mr. MACHTLEY, and Mr. ROTH.

H.R. 3164: Mr. HALL of Texas, Mr. LEWIS of Florida, Mr. DONNELLY, Mr. TAYLOR of North Carolina, and Mr. WISE.

H.R. 3236: Ms. NORTON.

H.R. 3283: Mr. GEPHARDT and Mr. HOYER.

H.R. 3285: Mrs. BOXER, Mr. FROST, Mr. LAFALCE, Mr. LEHMAN of California, and Mr. ROBERTS.

H.R. 3314: Mr. SANTORUM, Mr. DELAY, and Mr. DOOLITTLE.

H.R. 3344: Mr. ROE.

H.R. 3360: Mr. KOLTER, Mr. GALLEGLY, Mr. MCNULTY, Mrs. MORELLA, Mr. TOWNS, Mr. GILMAN, Mr. GUARINI, Mr. RIDGE, Mr. SMITH of Florida, Mrs. COLLINS of Illinois, Mr. HOCHBRUECKNER, Mr. DWYER of New Jersey, Mr. RAHALL, Mr. POSHARD, Ms. NORTON, Mr. SARPALIUS, Mr. ABERCROMBIE, Mr. PERKINS, and Ms. Horn.

H.R. 3376: Mr. SWETT.

H.R. 3395: Mr. CRANE, Mr. MARTINEZ, and Mr. SANTORUM.

H.R. 3407: Mr. ROE, Mrs. BOXER, and Mr. ECKART.

H.R. 3417: Mr. HORTON and Mr. COUGHLIN.

H.R. 3463: Mr. DANNEMEYER and Mr. INHOFE.

H.R. 3473: Mr. YATES, Mr. HOCHBRUECKNER, Mr. VENTO, Mr. OWENS of New York, Mr. FLAKE, and Mr. POSHARD.

H.R. 3488: Mr. DOOLITTLE.

H.R. 3515: Mr. SHAYS, Mr. LEACH, and Mr. MRAZEK.

H.R. 3526: Mr. FISH, Mr. SMITH of Florida, Mr. MORAN, Mr. WHEAT, and Mr. GUARINI.

H.R. 3550: Mr. ORTIZ, Mr. EVANS, and Mr. WILSON.

H.R. 3553: Mr. NAGLE, Mr. STAGGERS, Mr. ECKART, and Mr. NEAL of Massachusetts.

H.R. 3570: Mr. HORTON, Mrs. MORELLA, Mr. ROE, Mr. LIPINSKI, Mr. RIGGS, Mr. JONTZ, Mr. KOLTER, Mr. GORDON, Mr. DWYER of New Jersey, Mr. JEFFERSON, and Mr. EVANS.

H.R. 3571: Mr. ENGLISH and Mr. FAWELL.

H.R. 3595: Ms. PELOSI, Mr. TRAFICANT, Mr. JENKINS, Mr. EDWARDS of California, Mr. LEWIS of Georgia, and Mr. LAFALCE.

H.R. 3619: Mr. TRAFICANT, Mr. SMITH of Texas, Mr. CAMPBELL of California, Mr. KOSTMAYER, Mr. PETERSON of Florida, Mr. JAMES, Mr. DOOLITTLE, Mr. LEWIS of Florida, Mr. BILIRAKIS, Mr. MOORHEAD, Mr. SOLOMON, Mr. MICHEL, Mr. MCDADE, Mr. WEBER, and Mr. EDWARDS of Oklahoma.

H.J. Res. 201: Mr. SAWYER, Mr. REED, Mr. SCHUMER, and Mr. BACCHUS.

H.J. Res. 242: Mrs. BOXER.

H.J. Res. 312: Mr. PETERSON of Florida.

H.J. Res. 326: Mr. BENNETT, Mr. WOLPE, Mrs. LLOYD, Mr. BACCHUS, Mr. WISE, Mr. HYDE, Mr. LAROCCO, Mr. CARPER, Mr. RHODES, Mr. SAVAGE, Mr. IRELAND, Mr. YATES, and Mr. KILDEE.

H.J. Res. 353: Mrs. BENTLEY, Mr. BEVILL, Mr. BILIRAKIS, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CLEMENT, Mr. CONYERS, Mr. DANNEMEYER, Mr. DICKINSON, Mr. ERDREICH, Mr. FROST, Mr. GINGRICH, Mr. HARRIS, Mr. HATCHER, Mr. HOYER, Mr. HUGHES, Mr. JONTZ, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LEHMAN of Florida, Mr. LEWIS of California, Mr. LEWIS of Florida, Mrs. LLOYD, Mr. MCCOLLUM, Mr. MCMILLEN of Maryland, Mr. MONTGOMERY, Mrs. MORELLA, Mr. NEAL of

North Carolina, Ms. NORTON, Mr. OWENS of Utah, Mr. PARKER, Mr. POSHARD, Mr. RAVENEL, Mr. RITTER, Mr. ROE, Mr. SAVAGE, Mr. SLATTERY, Mr. SMITH of Florida, Mr. SOLOMON, Mr. TALLON, Mr. TAYLOR of Mississippi, Mr. TAYLOR of North Carolina, Mr. TORRICELI, and Mr. WEBER.

H.J. Res. 358: Mr. YOUNG of Alaska, Mr. HAMILTON, Ms. NORTON, Mr. MARTINEZ, Mr. ABERCROMBIE, Mr. PETERSON of Minnesota, Mr. DE LUGO, Mrs. VUCANOVICH, Mr. BUSTAMANTE, Mr. NEAL of Massachusetts, Mr. KENNEDY, Mr. HUGHES, and Mr. SPRATT.

H. Con. Res. 168: Mrs. BOXER.

H. Con. Res. 212: Mr. HORTON, Mr. FAWELL, Mr. KILDEE, Mr. LAFALCE, Mr. BONIOR, Mr. MCHUGH, Mr. KOLTER, Mr. ROE, Mr. MACHTLEY, Mr. DINGELL, Mr. DWYER of New Jersey, Mrs. MORELLA, and Mr. WEBER.

H. Con. Res. 216: Mr. FRANK of Massachusetts, Mr. FOGLIETTA, Mr. LEHMAN of Florida, Mr. BILBRAY, Mrs. LLOYD, Mr. ABERCROMBIE, Mr. LEVINE of California, Mr. SCHEUER, Mr. STARK, Mr. JOHNSTON of Florida, Mr. BONIOR, Mr. HOCHBRUECKNER, Mr. WALSH, Mr. LIPINSKI, Mr. MOODY, Mr. HORTON, Mr. SMITH of Florida, Mr. LAGOMARSINO, Mr. MCNULTY, Mr. DWYER of New Jersey, Mr. FAWELL, Mr. JEFFERSON, and Mr. TRAFICANT.

H. Con. Res. 221: Mr. MCNULTY, Mr. GILMAN, Mr. FROST, Mr. LANCASTER, Mr. PRICE, Mr. JEFFERSON, Mr. MORAN, Mr. TRAFICANT, and Mr. BATEMAN.

H. Res. 152: Mr. COUGHLIN.

H. Res. 161: Mr. PAYNE of Virginia, Mrs. LLOYD, Mr. PETERSON of Minnesota, Mr. WALSH, Mr. JEFFERSON, Mr. SCHUMER, Mr. ORTON, Ms. NORTON, and Mr. VENTO.

H. Res. 233: Mr. LANCASTER, Mr. OWENS of Utah, Mr. RIGGS, and Mr. BENNETT.

H. Res. 244: Mr. LOWERY of California and Mr. UPTON.

H. Res. 257: Mr. GUNDERSON, Mr. LIGHTFOOT, Mr. HARRIS, Mr. MCCLOSKEY, Ms. KAPTUR, Mr. BROWDER, Mr. TRAFICANT, and Mr. SARPALIUS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 446: Mr. COLEMAN of Texas.

EXTENSIONS OF REMARKS

A SPECIAL SALUTE TO FRANKLIN POLK

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. STOKES. Mr. Speaker, the legal profession recently mourned the loss of an outstanding and dedicated counselor. I rise today to pay tribute to Attorney Franklin Polk who passed away on October 30, 1991, at the age of 80. For the past 51 years until his retirement earlier this year, Attorney Polk provided legal services to clients throughout our community. I join his family, friends, and associates in paying tribute to this great individual.

During his lifetime, Franklin Polk amassed an impressive list of achievements. He was elected and served 8 years as a member of the Cleveland School Board. He was the founder and past president of the Cleveland Academy of Trial Attorneys. Attorney Polk was the youngest president of the Cuyahoga County Bar Association, and he served 20, 2-year terms in the Ohio Bar House of Delegates, the longest tenure in its history.

Mr. Speaker, I will always fondly remember Attorney Polk for his great love of public servants. For 40 years, he chaired the Cuyahoga County Bar Association's Annual Public Servants Awards Luncheon. The event recognizes the exceptional work and contributions of county court system employees.

Every year since I have been in Congress, Attorney Polk has brought to my attention those individuals selected to receive the Public Service Awards and requested that a special tribute be placed in the CONGRESSIONAL RECORD recognizing their achievements. I was pleased to assist him in this regard. It was a reflection of the respect and appreciation he felt they deserved.

Mr. Speaker, I am saddened that I am now given the task of placing in the CONGRESSIONAL RECORD the obituary notice of Attorney Polk. He was a good friend, a dedicated and capable attorney, and extraordinary individual. I extend my condolences to his wife, Julia, his family, and many friends. He will be greatly missed.

[From the Plain Dealer (Cleveland, OH), Nov. 1, 1991]

FRANKLIN POLK, LAWYER, FETED OFTEN FOR WORK

Franklin A. Polk moved easily between providing legal services to clients visiting his office in the blue-collar ethnic neighborhood at 5725 Broadway and to his colleagues in blue-chip corporations downtown.

He maintained the loyalty of the working class families who were his clients through successive generations. He served on the Cleveland Board of Education and was a candidate for mayor in 1949.

Mr. Polk, 80, of Independence, who had a heart ailment, retired earlier this year from the office where he had worked for 51 years. He died Wednesday at Cleveland Clinic Hospital.

He graduated from South High School in 1928 with honors and five scholarships in debate, journalism and dramatics. He had been editor-in-chief of the South High Beacon when it was chosen America's best high school newspaper. He later edited corporate house organs, the Buckeye Road and Luna Park News and the Neighborhood News.

He was class president with cum laude honors when he graduated from John Carroll University. Mr. Polk served as president of the school's National Alumni Association in 1955 and received the JCU Alumni Medal 20 years later. In 1989 the John Carroll graduate lawyers gave him a plaque for exceptional contributions to law.

He was president of the Cleveland Law School Alumni Association in 1947.

Catholic Bishop Joseph Schrembs appointed Mr. Polk to be director of the Cleveland chapter of the National Conference of Christians and Jews in 1936. Fifty years later, the conference gave him its first life membership. The Knights of Columbus named him "Catholic Man of the Year" in 1947 and "Citizen of the Year" in 1977.

Before he became a lawyer, Mr. Polk was a sports reporter for Scripps Howard newspapers.

Mr. Polk was admitted to the bar in 1940. Three years later, he was elected to the Cleveland school board and served for eight years.

He issued a standing offer for young lawyers to get experience in his office rent free. They formed an alumni association with 116 members.

Mr. Polk was a past president and legal counsel of the Broadway 55 Merchants Association. He was a member of the Catholic Workman Society and its treasurer.

He was a former president of the Ripon Club and the oldest member of the executive committee of the county Republican organization.

Mr. Polk was the youngest president of the Cuyahoga County Bar Association. He was its first delegate to the American Bar Association House of Delegates and served for 12 years.

He successfully lobbied other delegates to defeat proposals that could have barred lawyers from conducting oral examinations of jurors in federal trials. The proposals also would have put new limits on peremptory challenges to jurors. The National Association of Criminal Defense Lawyers rewarded him with its highest honor.

Mr. Polk also chaired the Cuyahoga Bar's annual Public Servants Award luncheon for 40 years.

He served 20, two-year terms in the Ohio Bar House of Delegates, the longest tenure in its history. He was given a medal for his service.

The American Judicature Society also gave him its highest award.

Mr. Polk was a founder and past president of the Cleveland Academy of Trial Attorneys.

Mr. Polk and his wife of 52 years, Julia, lived in Independence. He also is survived by a son, Franklin G. of McLean, Va.; a daughter, Loretta Gainor of Potomac, Md.; and three grandchildren.

THE MOOD OF THE VOTERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 6, 1991, into the CONGRESSIONAL RECORD:

THE MOOD OF THE VOTERS

I am not sure I have ever seen Hoosiers or the American people more frustrated than they are today about issues high on the national agenda. They have grown increasingly pessimistic about the economy and the outlook for jobs, and they are deeply concerned about issues such as health care costs, crime, and the budget deficit. They do not think very highly of the U.S. Congress or, for that matter, the entire government in Washington.

Certainly not everything I hear from them is bad. Americans are very pleased about the end of the cold war, the likelihood of significant cuts in arms spending, and the Middle East peace talks. Yet their mood overall is dominated by concerns about what is happening at home. There simply is no threat on the international horizon that concerns people nearly so much as their sense that this country is slowly but steadily sliding backward and leaving our children with a bleaker future than our parents left to us.

THE ECONOMY

Much of the concern is the weak economy. Many people who once thought their jobs and lives were secure now are threatened with loss of their jobs and threats to their standard of living.

People are concerned about their position on the economic ladder and about the decline in the standard of living last year. They are upset about U.S. companies moving plants and jobs outside the country. They are worried about layoffs and salary cuts and freezes, forced retirement, cuts in pensions, and their inability to pay for college expenses, mortgages, and health care. So many of them have the feeling that their lives are going downhill and it is all outside their control.

There is a growing tide of apprehension about the economy. Many voters just do not think that the politicians know what to do about the economic stagnation. They are deeply skeptical of the constant rhetoric from Washington that the recovery is definitely under way. Many people are beginning to understand that the economy has deep-seated problems, that we will not come bounding back from this recession as we have in the past, and that we are dealing with the legacy of the extravagant spending and indulgence of the previous years.

DOMESTIC ISSUES

Americans have deep distrust of government and complain bitterly about the sav-

ings-and-loan disaster, huge budget deficits, and the revelations about BCCI. They find the highways, water systems, and mass transit systems in the country inadequate. Uniformly they complain about high taxes and government waste. Hoosiers in my public meetings will invariably say that 10 to 25 cents of every Federal dollar is wasted. There isn't any doubt that people want to keep their taxes down.

People are deeply frustrated about the high cost of health care, the reductions of health insurance coverage by employers, and the high cost of prescription drugs. They just do not feel they can incur any more health care expenses, and do not think that government programs like Medicare or Medicaid work very well.

They are concerned about the failure of our schools and the low test scores of American students. Many expressed to me concern about the study showing that more than half of our young people today leave school without the knowledge or foundation required to find and hold a good job.

They continue to be fearful of crime and see the quality of their lives eroding because of the presence of crime in their communities. They bolt their doors, install security systems, and buy guns to protect themselves. They blame the courts for pampering criminals and demand tougher punishment.

THE GOVERNMENT

All of my colleagues in Congress are talking about the change in the public mood which has turned markedly negative. Voters see a nation going downhill with the President and Congress who are either unwilling or unable to halt the slide. There is a palpable anger toward Congress. People have a list of grievances against Members, including pay raises, bounced checks, unpaid food bills, and the mishandled Thomas hearings. My impression is that voters think quite a few people in government are crooked.

No politician can miss the dismay that voters feel about politics and government these days. Americans profoundly believe that they simply are not being heard in Washington. They have little confidence in the political system as a means of influencing government.

I do not find voters wanting more conservatives or more liberals. They simply want more responsive politicians. They want politicians who are on their side. One constituent said to me in a public meeting not long ago that Congress is simply irrelevant, that it must do a better job of dealing with the issues that really are bothering people like health care, taxes, and jobs.

I have long been accustomed to suspicion, doubt, frustration, and even cynicism about the federal government, but I have never seen a popular opinion or revolt against government institutions as strong as it is today.

THE FUTURE

Perhaps most disturbing of all is a pervasive pessimism about the future of the country. A lot of Hoosiers and Americans are deeply troubled about the outlook for the nation in general and the economy in particular. The polls show that 60 percent of Americans believe that the country has gotten pretty seriously off track, and my own experience with Hoosier voters confirms that. Many are particularly concerned about the long-term outlook for our nation, and wonder how competitive our nation will be in the face of years of inadequate investment in education, infrastructure, and research, an enormous national debt, and increasingly tough foreign competition.

What has particularly impressed me is that people are offering much more pessimistic assessments today than they were even a few months ago. Much of the debate in 1992, I think, will be built around the anxieties of financially pinched middle-class voters and the perception that we have neglected the festering problems at home.

My impression is that this is an age of public distrust. People are frustrated with the government that they believe has not supported and perhaps has even abandoned them. They look around and just see crying needs at home—the loss of jobs to foreign countries, the cost and quality of health care. Politicians need to take these feelings seriously, and show that we are able to tackle the issues that matter most to Americans.

DADE TEENAGER, CLARISA LINARES, SAVES LIFE WITH CPR

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I want to commend Ms. Clarisa Linares, of Miami, for her heroic effort in saving the life of Mr. Sergio Rodriguez with her applied knowledge of cardio-pulmonary resuscitation [CPR]. The Miami Herald recognized the quick thinking heroics of Ms. Linares in an article written by Ricardo J. Bascuas. That article follows:

Sergio Rodriguez has been accompanying his wife to Miami International Mall for years. Thanks to 16-year-old Clarisa Linares, be may again.

On Monday, Rodriguez, 62, suffered cardiac arrest while waiting outside the Sears store in the mall, 1455 NW 107th Ave.

"I was working and this lady came in and she told me there was this man that was sick outside. I went to go see what it was and I saw this man lying down on the floor," said Clarisa, a part-time clerk at the Barefoot Mailman store near Sears.

"I was crying. I was nervous. The lady who told me left me alone with him. I started CPR, I started the compressions. I just did it. I didn't have time to think about it."

As Clarisa tried to revive Rodriguez, Betty Tausch, who was shopping with her daughter, cleared his esophagus so he could breathe.

"It looked like he had a cardiac arrest and he had swallowed his tongue. She worked on his chest and I held his tongue," said Tausch, a South Miami resident.

Clarisa learned CPR last year in her life management class at G. Holmes Braddock High School. She got a C in the course that is required for sophomores, but she did better Monday.

"In my opinion, there is a very, very good likelihood he would not have made it" without out CPR, said Metro-Dade Fire Rescue Lt. Bill Condermann, one of the paramedics called to the scene.

By the time Zaida Rodriguez came out of Sears, her husband was en route to the hospital. She spent almost an hour searching for him before a mall security guard told her what happened.

"It couldn't have happened in a better place. If it had happened in the car while he was driving, we probably would have had an accident. If it had happened while he was home alone, he could have died," she said.

Friday, Clarisa received the Extra Mile Award from managers at Miami International Mall. As of Friday afternoon, Sergio Rodriguez was still in intensive care at Kendall Regional Hospital, 11750 Bird Rd. He's breathing on his own, but he is in a coma, his wife said.

Mr. Speaker, I am proud of Ms. Linares and her selfless actions on behalf of Mr. Rodriguez. Her heroics further show just how critical CPR and other lifesaving skills can be. Mr. Rodriguez is doing well and is currently in rehabilitation at Baptist Hospital, though he is often able to return home for day visits. I wish Mr. Rodriguez and his family well as he continues to recover.

TRIBUTE TO CLARK J. SIMMONS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. TOWNS. Mr. Speaker, I want to recognize the accomplishments of Mr. Clark J. Simmons. Mr. Simmons joined the U.S. Navy in 1938 and was assigned to the USS *Utah* in San Diego, CA, and subsequently went to serve at Pearl Harbor. After the attack on the Harbor, Mr. Simmons was hospitalized, and upon his recovery he was assigned to the USS *Lamson* in the South Pacific area. His other tours of duty included Australia, Norfolk, VA, and Boston, MA. He was honorably discharged as a chief petty officer from the Navy in 1945.

Mr. Simmons pursued his educational training at the University of Wisconsin. His civilian work included duties at the Justice Department from which he retired in addition to his duties at the Kings County Brooklyn District Attorney's office. In his retirement Mr. Simmons enjoys life with his 15 grandchildren.

RESCISSION OF DEPARTMENT OF DEFENSE DIRECTIVE 1332.4—BANNING GAYS AND LESBIANS FROM THE U.S. MILITARY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. WEISS. Mr. Speaker, I am proud to join the distinguished Congresswoman from California, BARBARA BOXER, and 21 additional colleagues in introducing legislation to rescind the Pentagon's egregious ban on gays and lesbians in the U.S. military. For gay men and lesbians who have given so much to our fighting forces, today is D-day in a new war for recognition, decency and fairness.

When President Truman ended racial segregation in the military in 1948, it was finally acknowledged that the ability to serve one's country had nothing to do with the color of one's skin. That decision did more than open up the armed services to African-Americans. It also honored the memory of tens of thousands of black soldiers who gave their lives for their country during the Revolutionary and Civil Wars, World War I and World War II.

Since 1982, over 10,000 men and women have been discharged from military duty on

the basis of admitted or suspected homosexuality. The Pentagon claims that the presence of gay members in our Armed Forces makes it difficult "to maintain good discipline, good order and morale."

These claims come despite at least three studies by the Department of Defense itself over the last 35 years which dispute that assertion. The first such study, the 1956 "Crittenden report," held that "from all information available to the committee, it would appear that the concept that homosexuals necessarily pose a security risk is unsupported by adequate factual data."

The most recent Pentagon study, prepared by the Defense Personnel Security Research and Education Center, concluded in 1989 that "in the 30 years since the Crittenden report was submitted, no new data have been presented that would refute its conclusion that homosexuals are not greater security risks than heterosexuals."

The discrepancy between the Defense Department's rationale for a ban on gays and the military performance of those individuals is perhaps most vividly exemplified in a 1990 administrative message from Vice Adm. Joseph S. Donnell, of the Navy's Surface Atlantic Fleet, to the officers in charge of over 200 ships.

Donnell feared that because lesbian sailors were "among the command's top performers," the Pentagon's ban on gays might be less rigorously enforced in the Navy. Never mind that lesbians have proven themselves excellent service personnel. Root them out all the same, advised Vice Admiral Donnell. This absurd adherence to policy over performance demeans our military, and invites comparisons to Joseph Heller's Catch–22.

Furthermore, between 1974 and 1984, the Defense Department spent over $180 million to train, investigate and ultimately discharge 14,311 gay and lesbian members of the armed services. In the current fiscal climate, American taxpayers ought to be outraged to see their money being wasted on this unconscionable witch hunt.

I find it supremely ironic that after being asked to fight for democratic values and freedom abroad, gay and lesbian members of the U.S. Armed Forces must now fight their own battle against the very institution for which they were ready to give—and have given—the ultimate sacrifice.

The bill we are introducing today is simple. It acknowledges what the Pentagon already knows: that gay men and lesbians do not pose a security threat to the United States; that these men and women have served our Nation, in peace and at war, with the same dedication and professionalism as heterosexual service personnel.

The Congress, the Pentagon and President Bush have an opportunity to redress a great wrong. Defense Secretary Cheney himself has referred to the ban on gays in the military as "a bit of an old chestnut." Now, we have two choices before us: we can act with courage, as did President Truman 43 years ago when he integrated the armed services; or we can act from fear and cowardice, continuing an injustice to a part of our population that has served our Nation with distinction and honor. The decision, I believe, is obvious.

I am submitting for the RECORD, three editorials from the New York Times, the Washington Post, and USA Today which eloquently address this issue. I commend the articles to my colleagues' attention and urge their support of this portentous resolution:

[From the New York Times]

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.

[From the Washington Post, Aug. 3, 1991]

REVISITING THE BAN ON GAYS

It was once unthinkable that blacks and whites could ever serve together in the armed forces. The mere idea suggested a threat to discipline, good order and morale. So out of deference to the temper of the times, racial segregation was rigidly enforced throughout most of the military. That is, until President Truman issued his bold executive order in 1948 establishing a policy of equality of treatment and opportunity for everyone in the armed forces. The collapse of the armed services feared by the segregationists never occurred. Nor did a recalcitrant public rise up in arms. Instead the military eventually rose—as the president had hoped it would—to the highest standards of American democracy and began to move toward an integrated service. The same result is occurring today with respect to women in the armed forces. And now similar demands are being pressed on the Defense Department by gay groups and their supporters. They deserve a well-thought-out answer.

Recently, when Secretary of Defense Richard B. Cheney first responded to questions about the military ban on homosexuals, he dismissed the often-used security risk rationale as "a bit of an old chestnut." He was on safe grounds there. That discovery was made by the federal civilian work force years ago. Now, with the possible exception of the national security agencies, where litigation is pending, sexual preference or orientation alone can't be used against employees or would-be hires, even for security clearances. Secretary Cheney can also draw support for his position from an unreleased study now under top-level review in the Defense Department which concludes that there is no connection between homosexuality and security risks. Heterosexuals, it find, are as likely to be security risks as anyone else. Yet the paradox remains at the Defense Department: if you are a civilian, you may handle classified materials and be gay; if you wear a uniform, you can't. Does that make sense?

Still, the secretary told a congressional panel last week that under the policy, which he described as one he has inherited, "a gay lifestyle is incompatible with military service." That, he said, is unlikely to change soon. If so, the policy ought to be based on a better rationale than the one now being offered. Besides the enormous amount of time and money spent enforcing the ban, the lives of thousands of men and women have been and are being brought to ruin. The same agency that studied the issue of homosexuals as security risks could find no reliable scientific data to support the current policy, according to one researcher. There is, however, much social bias and fear around, he said, based on stereotyping and myths. That's what President Truman was up against too. He did the right thing.

[From USA Today, Aug. 8, 1991]

MIND YOUR OWN BUSINESS

Whose business is your sexual orientation? No one's but your own.

Some people think information about life's most private moments can be a matter of broader public interest, depending on what you do for a living.

Defense Secretary Cheney said this week your life is your own only if you're a civilian. He has no plans to change the military's outdated policy barring gays.

Some radical gay activists say if you're gay and hold a job that puts you in conflict with their cause, you deserve to be "outed"—that your homosexuality be exposed to the world. Their newest target is a civilian on Cheney's staff.

The military and the outers should mind their own business.

Outers should remember they're using their enemies' deplorable tactics.

The military should reexamine its pernicious assumption that homosexuals are a risk to security and morale.

Thousands of gays remain in the military undetected, without jeopardizing security or preying upon others.

It's time to make "mind your own business" the motto for the military and the rest of society. Polls say the public agrees: 65 percent say homosexuals should be admitted to the military; 80 percent oppose discrimination against gays in any job.

In the Pentagon, bad behavior should be the issue. Anyone breaching security—gay or straight, military or civilian—should be punished.

And nowhere should sexual orientation be considered either punishable or an offense. Your private life should be your own.

PHILIP SPEVAK RETIRES AFTER 33 YEARS OF TEACHING

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, every school district has those teachers who stand out and Mr. Philip Spevak is one of those educators. He is retiring from Coral Park Elementary School in Miami after 33 years of teaching. Mr. Spevak has surpassed his duties as a fourth grade teacher by directing many dramatic productions cast with elementary students. He leaves Coral Park after dedicating 23 years of his teaching career to that school. The Miami Herald recently brought attention to this veteran educator in an article written by Mr. Ricardo J. Bascuas. That article follows:

Years after having been in one of Philip Spevak's grade school productions, his former students still remember the experience.

"It was my first year there. He was real good to me. He helped me a lot," said Erika Soler, now a sophomore at Miami-Dade Community College. She was in fifth grade when she was directed by Spevak in A Christmas Carol.

"I'm shy, but I got up there and I did it anyway. If it wasn't for him I wouldn't have been able to do it," said Soler, 19.

Spevak is retiring after 33 years of teaching in elementary schools—the last 23 at Coral Park, 1225 SW 97th Ave.

In all his time with the school system, Spevak said he never wanted to move into administration. "I was more content being with the individual students and working in direct contact with them," he said.

During his career, the fourth-grade teacher has staged many plays with his students, including some Shakespearean works. He produced Macbeth three years ago.

"It was one of the highlights of the elementary school career to be in a performance he directed," said Louis Manganiello, principal at Coral Park for 15 years until transferring to Greenglade Elementary two years ago.

Teachers who wanted their classes to see the plays signed up in Spevak's classroom. The actors performed in each classroom, answering questions from the audience to help them understand the play.

"This dramatic experience gives them a feeling of confidence. The only way they can get that feeling is doing something dramatic. There's nothing that takes the place of taking part in some sort of vocal or dramatic experience," Spevak said.

Spevak and some of his students are finishing one final artistic project: a mural on a wall of the school designed to encourage younger students to read. Another mural he designed for the cafeteria shows animals students saw on a field trip to the Everglades.

"It's hard work standing out in the hot sun and trying really hard not to make a mistake," said Aileene Benitez, one of the fifth-graders painting the mural.

Spevak picks students to work on the project independent of their regular art class. "I'm not the art teacher but I have a special talent for art. The art teacher has very limited time and is confined to the classroom," he said.

A 1951 graduate of Syracuse University with a bachelor's degree in biology, Spevak helped coordinate the school science fair last year, but with retirement, he plans to spend less time in science and more in art.

Mr. Spevak has been a model teacher for South Florida. I have confidence that many South Florida teachers share his belief that children are indeed our future, and that they deserve our best. I also commend the leadership of the principal of Coral Park Elementary, Ms. Camille King, for making that school a place where creativity can flourish.

HEALTH CARE CRISIS IN PUERTO RICO FORCES SOME U.S. CITIZENS TO BEG

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. FUSTER. Mr. Speaker, I rise today to share with my colleagues a Puerto Rico version of the health care crisis that is so much a part of our national agenda in the United States. But in Puerto Rico, whose 3.6 million U.S. citizens I represent in this body, the health care crisis is far worse than anything my colleagues know of in their districts.

To that end, Mr. Speaker, let me quote today from a lengthy article which appeared in the San Juan Star of November 4, 1991, and which was headlined, "The Ailing Health System: the Sick and Uninsured are Forced to Beg." It is a sad story of personal tragedies, of American citizens who live in Puerto Rico having to say, "Those without health insurance have only one right, and that's the right to die." This is a disgraceful state of affairs, Mr. Speaker, and I urge my colleagues to focus on the growing health care crisis in Puerto Rico as they deal with the problem on the national level.

The San Juan Star article begins on a poignant note by telling the plight of young Jorge Berrios Oyola, who lives in the central mountains town of Cidra and who will be 16 years old in December. The article continues:

But he won't be getting his driver's license, going to his high school prom, or creating the usual mischief of adolescence.

His world is circumscribed by a Caguas public hospital, where he lies in a coma after a hit-and-run accident four months ago.

Lacking health insurance, and unable to find the necessary treatment on the island, Jorge's family is appealing to the kindness of strangers.

His parents pray private contributions will allow them to move their eldest son to a Miami hospital where he possibly could recover from his deep sleep. The treatment costs more than $100.000 with no guarantees of success.

For the Berrios, such an expense is unthinkable. Unemployed and with three children, they are among the estimated 60 percent of Puerto Rico's population that is medically indigent.

That means they have no private health insurance and, like most people here, depend upon the Commonwealth for their medical care. But the government can't always provide access to costly technological advances that can save lives.

Moreover, Mr. Speaker, the San Juan Star article also notes that while the total budget of the Puerto Rico Government has increased 6.4 percent annually since 1986, Commonwealth Health Department expenses have grown by 10.05 percent. Of course, Puerto Rico is not the only jurisdiction experiencing such a situation. As the article notes, certain States, such as Oregon, are rationing health services to the poor, while others, such as Hawaii, have instituted universal health insurance programs.

In Puerto Rico, Mr. Speaker, about 60 percent of the population qualifies for Medicaid, which amounted to some $608 million being spent in the island last year, all but 13 percent, or $79 million, coming from the Commonwealth Government. Perhaps less than half of island residents have some form of health insurance, but many others, such as the Jorge Berrios Oyola mentioned by the San Juan Star, have little recourse but to beg for help in a medical emergency.

"Before having Jorge treated in Miami," the San Juan Star reported, "the Berrios [family] must deposit $51,000 in a bank. The hospital won't even admit the teenager until the Berrioses certify in writing that the money is available. The hospital stay alone will run $1,800 a day, plus doctors' fees. Because of Jorge's condition, his airfare will cost another $26,000 round trip, family members say."

Mr. Speaker, this kind of story is repeated very often in Puerto Rico today, as constituent correspondence to my office alone will attest. Puerto Rico is on the verge of a major health care crisis, exacerbated by the burgeoning AIDS epidemic in the island, only Washington, D.C. exceeds Puerto Rico in this category. I hope my colleagues in the House and in the

other body will hear the plaintive call of desperation and move expeditiously to increase Medicaid funding to Puerto Rico.

TRIBUTE TO JOEY KOCHAN FOR HIS WINNING ESSAY ON KEEPING DRUGS AWAY FROM CHILDREN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. HALL of Texas. Mr. Speaker, from October 19 through October 26, the Kaufman County Drug Abuse Prevention Committee and the Texas Agricultural Extension Committee sponsored the Third Kaufman County Red Ribbon Campaign to create awareness of the problem of drug use and abuse in Kaufman County and to support and encourage drug-free, healthy lifestyles. The slogan for this year's campaign was, "In Control of Me * * * I'm Drug Free."

A countywide essay contest for 6th through 8th grade students was one of several events designed to raise awareness of the dangers of drug use and promote a healthy, drug-free way of life. Two winning essays were selected from dozens of entries. Joey Kochan, an eighth grade student at Terrell Middle School, was awarded a $50 U.S. savings bonds for his essay on "Keeping Drugs Away From Children."

I had the pleasure of meeting Joey at the red ribbon campaign kickoff event on Saturday, October 19 at Ben Gill Park in Terrell. The day's events included a countywide torch run beginning in Mabank, continuing throughout the county, and ending in Terrell. Young people from every school district in the county joined together to run a total of 61 miles.

Joey, the son of Joe and Kris Kochan of Terrell, shows great insight into the problem of drug abuse by children and ways to keep children from trying drugs. His essay reads in part, "It's kind of like a race between parents and the drug dealers. It is a race that cannot be rerun. The parents have to be responsible enough to tell their children what drugs do to a person's mind and body."

It is clear to me that Joey has the kind of parents who serve as excellent role models for him and that because of his positive parental influence, Joey will not have a problem maintaining his drug-free lifestyle.

The red ribbon campaign was begun in response to the 1985 murder of Federal Agent Enrique Camarena by drug traffickers. The red ribbon has become symbolic of the effort to reduce the demand for drugs.

Rita M. Winton, county extension agent for the Texas Agricultural Extension Service and Silvie Millson, chairperson of the Kaufman County Drug Abuse Prevention Committee, were instrumental in planning and putting on a very successful week of activities. Due in large part to their efforts, the citizens of Kaufman County have an increased awareness of the terrible dangers of drug use and an eagerness to do whatever is necessary to prevent drug use and abuse from happening. This annual event is so successful that Kaufman County earned the Governor's Award for its efforts in 1990.

In addition to Ms. Millson, other members of the Kaufman County Drug Abuse Prevention Committee are Rita Kent, vice chair; Peggy Butts, secretary; Pat Adams, treasurer; Lois Blanton, historian; James Adams; Edna Beltz; Shunnie Blanton; Robbie Caldwell; Albert Davis; Robert Emfinger; Peggy Hellums; Don Legg; Mary Lyons; Jack Millson; Marie Newell; Dick Osgen; Dr. J.W. Parrish; Robert Richman; Travis Stodghill; Inez Williams; Donna Baker; Pam Littleton; Rhitt Jackson, and Neldajo Mathison.

Mr. Speaker, in addition to honoring Joey Kochan for his excellent essay on preventing drug abuse, I wish to honor the hard work and dedication of Ms. Winton and Ms. Millson and the many others whose efforts are helping to make Kaufman County a drug-free community.

JON SANDER BLOCK, A WONDERFUL FAMILY MAN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I learned today with deep regret of the death of Jon Sander Block, the vice president of Southern Wines and Spirits. I knew "Sandy"—that is what he was called—as a man who devoted much time to his family and community. His daughter, Genevieve, is in the same class as my daughter, Amanda Michelle.

I would like to pay tribute to Sandy by reprinting his obituary in today's Miami Herald:

Jon Sander Block, vice president of Southern Wines and Spirits of Florida, one of the Southeast's largest liquor distributors, died suddenly of a heart attack Tuesday, his family said. He was 41.

Mr. Block, a native of Newport News, Va., joined Southern Wines and Spirits soon after moving to Miami 17 years ago.

He was general sales manager for the state of Florida in the liquor division.

"He was fantastic, one of the finest men I have ever met in my life," said Jay Weiss, his father-in-law and Southern Wines head. "As an individual, father, husband, businessman and community activist, he was an extraordinary young man."

Mr. Block was chairman of the board of governors of the Doral Ryder Open, and a member of its executive committee.

He also was a member of the board of directors of the United Way of Dade County, the Palmer-Trinity Episcopal School, the Greater Miami Chamber of Commerce and the Greater Miami Convention and Visitors Bureau, his family said.

"He was very devoted to me and to his children," said Jennie, his wife of 17 years. "He never missed a school play or a baseball game."

In addition to his wife, Mr. Block is survived by his daughters Mary Beth and Genevieve; son Christopher; mother Fay Block; and brother Edward Block.

Funeral services are scheduled for 11:30 a.m. today at Temple Beth Am, 5950 N. Kendall Dr.

A memorial Mass is planned for 10 a.m. Thursday at St. Augustine Catholic Church, 1400 Miller Rd. Riverside-Gordon Memorial Chapel handled arrangements.

The family suggests donations be made in Mr. Block's name to the Mary Beth Weiss Research Fund at Jackson Memorial Hospital in care of Jay Weiss, 2999 NE 191st St., Suite 601, North Miami Beach, FL, 33180.

My best to his wife, Jenny, and to Sandy's entire family. A special condolence goes out to my good friend, Jay Weiss, Sandy's father-in-law. Sandy's death is a great loss to his many friends and to the people of south Florida.

TIME BROKERAGE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. DINGELL. Mr. Speaker, today, together with my colleague, ED MARKEY, I am introducing legislation to require the Federal Communications Commission [FCC] to adopt rules to deal with a practice known as "time brokerage." Left unchecked, unlimited time brokerage agreements can circumvent the telecommunications policies embodied in the Communications Act, and could result in a complete restructuring of the broadcast industries.

Historically, time brokerage has been a positive force in the media marketplace. Using a time brokerage agreement, a broadcaster made available a relatively small amount of time—generally an hour or two—to a programmer, who then programmed the station and sold the advertising that aired during that time.

This practice increased the diversity of programming; programming which in many cases would not otherwise be available to the public. Traditional time brokerage agreements provided an opportunity for niche programming to be made available, and permitted ethnic groups to share their cultural heritage with the rest of our society.

Recently, however, the FCC staff, acting on delegated authority, has been approving time brokerage agreements that permit broadcast licensees to sell 100 percent of their time, 24 hours a day, 365 days a year. In my view, this constitutes an excessive delegation of a licensee's programming responsibility, and is tantamount to a transfer of control.

Moreover, in many cases the party purchasing the time is another local broadcaster. Thus the traditional time brokerage agreement is being used as a subterfuge, enabling licensees to circumvent the FCC's rules which limit broadcast holdings of licensees. Left unchecked, unrestricted time brokerage agreements could increase concentration substantially, and reduce the diversity that is currently available to the American public.

The legislation Congressman MARKEY and I are introducing will have the effect of limiting the excessive bulk time sale agreements currently being approved by the Commission, without unduly restricting traditional time brokerage agreements. The Television and Radio Broadcast Bulk Time Sale Act of 1991 requires the FCC to commence a rulemaking proceeding, and to promulgate rules which:

Require that bulk time sale agreements be filed at the Commission and be available for public inspection;

Require that any such agreements reserve to the licensee the right to preempt programming provided under the agreement when preemption would serve the public interest;

Authorize a licensee to terminate a bulk time sale agreement whenever the licensee concludes that the agreement is no longer consistent with its obligations as a Commission licensee;

Prohibit licensees from entering into bulk time sale agreements with anyone who is not qualified to be licensed by the Commission to operate that station;

Limit the amount of a station's time that can be sold to any one programmer to 10 percent;

Limit the total amount of time that a station can sell its time to 25 percent of the time the station operates; and

Prohibit a licensee from entering into a bulk time sale agreement with anyone to whom it is seeking to sell the station.

In addition, in recognition of the fact that a bulk time sale agreement may be the only way to keep a station from going dark, the legislation provides a mechanism for the Commission to authorize a licensee to enter into a bulk time sale agreement that exceeds the limits established by the bill. In order to grant such permission, the Commission must:

Establish that absent such authorization the station could not continue to broadcast;

Give the public an opportunity to comment on the effect that such permission could have on the local market;

Provide that the licensee will not be entitled to an expectancy of renewal of its license;

Provide for a periodic review of the Commission's decision to permit the licensee to exceed the limits established by the bill, and a determination of whether the licensee should be permitted to continue to exceed those limits; and

Provide incentives for any licensee receiving such permission to resume full service to the community to which it has been licensed.

Mr. Speaker, the Television and Radio Broadcast Bulk Time Sale Act strikes a reasonable balance. Under this legislation, traditional time brokerage agreements will continue to be used by Commission licensees, and will continue to offer greater diversity to the American public. At the same time, however, the excessive time brokerage agreements currently being approved by the FCC staff will no longer be permitted. Commission licensees hold a trust granted them by the Government, which permits them to use the airwaves to serve the public interest. Leasing out their stations, 24 hours a day, 365 days a year, does not fulfill that trust.

It is my hope that the Telecommunications and Finance Subcommittee, ably chaired by Congressman MARKEY, will hold hearings on this legislation. Unless restrictions are imposed on the excessive time brokerage agreements currently being approved, the broadcast industry could be irreparably damaged, and excessively concentrated.

CAREFLORIDA HONORED AS ONE OF TOP 10 HISPANIC BUSINESSES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is my great pleasure to recognize CareFlorida which was recently selected as one of the 10 most important Hispanic businesses in Dade County by the Greater Miami Chamber of Commerce and the Hispanic Heritage Council.

Along with the other businesses, CareFlorida was presented with this award at the Omni International Hotel at a luncheon honoring these distinguished firms. The businesses were selected from a list of the 100 most important Hispanic firms in the United States which was published in Hispanic Business magazine.

Greater Miami Chamber of Commerce President-elect Carlos Arboleya said that these firms were selected for their efforts for the Hispanic community and for their contribution to the economic development of Dade County.

Accepting the award for CareFlorida was the company's director Paul Cejas, who said that he felt very honored to be part of the outstanding financial success of Hispanic businesses in the community.

I would like to take this opportunity to thank CareFlorida for the contributions it has made to the economy of south Florida, providing economic opportunity, economic development, and employment for the people of the Miami area.

TRIBUTE TO MICHAEL KNAPP

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. TOWNS. Mr. Speaker, I would like to highlight the achievements and contributions of Mr. Michael Knapp, vice president and retail banking director for Citibank in New York. Mr. Knapp's responsibilities include the boroughs of Brooklyn and Staten Island.

He earned his MBA from Cornell University and joined the bank in 1977. He was appointed to retail bank director for Brooklyn-Staten Island in 1988. Mr. Knapp has always been an advocate of community involvement. He is a member of various Brooklyn organizations including: Brooklyn Chamber of Commerce; Junior Achievement of New York; chairman, Brooklyn Advisory Board and is a member of numerous other boards. Michael Knapp has been instrumental in promoting support for housing and educational programs which enhance the quality of life for Brooklyn's residents. He is a native New Yorker and resides in Manhattan with his wife Patricia and their two children Matthew and Sarah.

H.R. 3298 HAS MAJOR DIFFICULTIES THAT NEED TO BE ADDRESSED

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. BEREUTER. Mr. Speaker, this Member is opposed to bringing up H.R. 3298, the Farm Credit Banks and Associations Safety and Soundness Act under the suspension process. The Suspension Calendar should be reserved to ensure the speedy consideration of noncontroversial bills. I believe that H.R. 3298 should be considered under a process that ensures that amendments can be offered to correct problems with this legislation.

The distinguished gentleman from Ohio [Mr. GRADISON], the ranking member of the House Budget Committee had sought to offer an amendment to address problems included in H.R. 3298. However, this gentleman did not have the opportunity to bring his amendment before the full House due to the fact that H.R. 3298 was considered on the Suspension Calendar.

This Member would like to associate himself with remarks made by the gentleman from Ohio in his "Dear Colleague" letter dated November 4, 1991. In this letter, the gentleman states:

> Current law governing the FCS contains two major deficiencies. First, there is no requirement that the FCS establish a sinking fund to repay the government. Yet, unless the FCS begins to set aside funds now, it is unlikely to be able to repay the bonds when they become due. Second, current law weakens the accounting standards which apply to the FCS. Specifically, the FCS may not recognize its repayment obligation as a liability on its books. Past experience has shown us that hokey accounting standards do not help weak financial institutions and only serve to put taxpayers at increased risk. So-called "regulatory accounting practices" do not strengthen weak financial institutions, they only hide the fact of their weakness.
>
> H.R. 3298 fails to correct either of these problems. Although the bill requires Banks to set up a sinking fund, repayments are not required if they would cause a Bank to fall below its capital requirements or if they exceed the Bank's profits. By maintaining low capital levels and passing all profits through to its owners, a Bank could thus avoid making any payments to the sinking fund.
>
> The second major deficiency in H.R. 3298 is that it continues to forbid the FCS's regulator from considering the repayment obligation as a liability. Worse, it allows Banks to count some payments into the sinking fund as capital in spite of the fact that the funds must be used to repay the government and thus they are clearly not available to cover future losses of the Bank. It is true that Banks must write this "capital" off over the final five years. However, unless the Banks can find new funds to replace this "capital", they will fall below their minimum capital standards. Thus the bill makes it likely that the government will be faced with the choice of placing Banks in receivership or forgiving some of the debt (i.e., a bailout).

Mr. Speaker, we need a strong and solvent farm credit system; however, H.R. 3298 has major difficulties which must be addressed.

LIXION A. AVILA: FIRST CUBAN-AMERICAN HURRICANE FORECASTER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today one of my constituents, Lixion A. Avila, who is the first Cuban-American to become a senior hurricane specialist at the National Hurricane Center in Miami.

Mr. Avila came to this country only 11 years ago. Like many Cuban-Americans he gave up an important position in his native land to seek freedom in the United States. When he left Cuba he had been one of the top weather forecasters at the Cuban weather service, the Instituto de Meteorologia in Havana. He had worked his way up to that position since he started there in 1969, becoming a meteorologist in 1972, and then a hurricane specialist in 1974.

When he came to the United States he had the opportunity to work again as a weather forecaster. He started working at one of the world's most important weather forecasting centers—the National Hurricane Center in Miami which is under the U.S. Department of Commerce. While attending the University of Miami in 1983, he began working part time at the National Hurricane Center translating weather advisories. In 1987 he began work there as a meteorologist, and in 1988 he was promoted to the position of junior hurricane forecaster. In 1990, he became one of only four senior hurricane specialists at the Center. Along with the Director and the Assistant Director, these four weather experts are the only employees at the Center who are authorized to post hurricane warnings.

While working at the Center, Mr. Avila also earned a masters of science degree in meteorology at the University of Miami. He is presently working on his doctorate at the University of Miami. His doctoral dissertation is on how changes in weather patterns are related to ocean temperature. He believes this study will help save lives by improving weather predictions on hurricanes.

I would like to take this opportunity to salute Lixion Avila and the other hard-working members of the staff of the National Hurricane Center. They include Director Robert C. Sheets, Deputy Director Jerry Jarrell, Dr. Harold Gerrish, Miles Lawrence, Edward Rappapart, Max Mayfield, and Dr. Richard Pasch. These dedicated professionals are responsible for protecting the lives and property of millions of people in the Western Hemisphere during the hurricane season.

REMEDYING AN INJUSTICE AT THE OMAHA VETERANS MEDICAL CENTER

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. HOAGLAND. Mr. Speaker, when Congress enacts a bill into law, it does so with the idea that any implementing regulations will follow the intent of Congress and the spirit of the law. Occasionally, this does not happen. There is a striking example of this in my home district of Omaha, NE. I am introducing a bill today to correct what was probably an unintended consequence of a Federal law.

In 1990, Congress passed a law requiring the Nuclear Regulatory Commission [NRC] to recover 100 percent of its operating costs through annual and licensing fees to help reduce the Federal deficit. To implement this law, the NRC has imposed annual licensing fees of $50,000 on all nonpower research reactors. The only reactors exempt from this fee are those owned by nonprofit, educational institutions. This exemption has been interpreted to apply to universities only.

This has resulted in charging a very small research reactor owned by the U.S. Department of Veteran Affairs in my district a sum that constitutes 47 percent of its total operating budget. Taking nearly 50 percent of its operating budget will severely hamper, if not close down completely, its current research efforts to determine causal agents in Alzheimer's disease and the value of various diabetic drugs. This research reactor is part of an established medical center that is largely funded by Federal, medical research grants. The VA reactor's meager grant at the present only provides funds for the salaries of two people and a consultant.

The VA research reactor is under the direction of Prof. E.P. Rack of the University of Nebraska-Lincoln. In the past 30 years it has been used for the training of 25 Ph.D's and 9 masters candidates as well as providing hands on radiochemistry training. The university is listed as a primary address on all publications originating from the research facility. Despite the acknowledged importance of research reactors in education and the facility's close association with the university, the current regulations do not allow for an academic exemption because the reactor is not university owned.

Congress cannot have intended to force the closing of research reactors that are used for educational and training purposes merely because they are not owned outright by an academic institution. This reactor is performing functions similar to those that the NRC exempts.

Additionally, having one Federal agency charge another for its expenses will in no way reduce the Federal deficit. By assessing the VA Medical Center a fee, it is not saving the Federal Government any money, it is merely changing the name of the particular agency paying the costs. The only hope for this facility to remain open at the present is to request additional funding from Congress. This would increase Government spending and defeat the basic purpose of the original legislation. At best, this regulation cripples a vital educational and training institution for no return benefit to the Government. I question whether this is sound fiscal or educational policy.

My bill would exempt federally owned, nonpower research reactors used primarily for educational training and academic research purposes from the NRC fee regulations. This exemption is carefully crafted to protect the narrow interests of academia and so that it will not become a loophole allowing all reactors to claim exemption status. There are only four federally owned nonpower research reactors in this country. Of the four, the VA Medical Center reactor appears to be unique. The unique status and valuable research purposes of this institution was apparently not taken into consideration in the current regulations.

I hope my colleagues can support this bill. I believe it will correct an unintended injustice and preserve one of Omaha's most important educational resources.

SO, WHAT IS IT GOING TO BE, RALPH?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. CRANE. Mr. Speaker, it seems Ralph Nader is as guilty of flip-flopping on issues as the politicians he so loves to criticize. Mr. Nader, who has made a name for himself attacking the safety of many makes and models of cars, has consistently delivered the message that larger cars are safer than smaller ones. Why then would he favor the corporate average fuel economy [CAFE] requirements many environmental groups want to impose on the car industry—forcing them to produce smaller, but more fuel efficient cars? Considering Ralph's repeated warnings about small—therefore unsafe—cars, one would think he would be a vocal opponent to such requirements. Surprisingly, this is not the case. The Naderites have come out in favor of the mileage requirements decrying the once sacred notion that small cars are less safe than larger cars. I encourage my colleagues to read the following article published in the Wall Street Journal illuminating the discrepancies in Mr. Nader's political direction. I know that I, for one, am awfully confused.

[From the Wall Street Journal, Nov. 1, 1991]

NADERITES' WARNING: SMALL CARS KILL

On Monday, two groups associated with Ralph Nader, the Center of Auto Safety and Public Citizen, called a press conference in Washington to blast a car safety test by the Department of Transportation. During the test, the department videotaped a front-on collision between two pairs of cars—a Ford Crown Victoria and a Suzuki, and the Ford and a Subaru. The small car was mangled and tossed to one side.

The videotape has been broadcast by the auto industry to underscore its claims that the tough new mileage requirements Congress is now considering will cost the lives of motorists. The Naderite groups, which favor the mileage requirements, are denouncing the tests. They say that it is not true that small cars are inherently less safe than big cars.

At least, they say it now. Bigger means safer was the former motto of Ralph Nader and his acolytes, the Center for Auto Safety's head, Clarence Ditlow, and Public Citizen's head, Joan Claybrook. Sam Kazman of the Competitive Enterpise Institute in Washington compiled this sampling of quotes:

From "Be Safer in the '90s," an interview with Ralph Nader in the Oct. 24, 1989, issue of Women's Day, p. 32:

"Q: If you were to buy a car today, what would it be?

"Nader: One with an airbag.

"Q: What size?

"Nader: Well, larger cars are safer—there is more bulk to protect the occupant. But they are less fuel efficient . . .

"Q: Which cars are least safe?

"Nader: The tiny ones such as the Corvette, Yugo, Hyundai."

From the 1972 book, "Small on Safety: The Designed-In Dangers of the Volkswagen" by Clarence Ditlow, p. 87:

"All known studies relating car size to crash injury conclude that occupants of smaller cars run a higher risk of serious or fatal injury than occupants of larger cars."

From "Small on Safety," p. 13:

"Small size is supposed to have one compensating advantage: According to a prevailing myth, cars like the Beetle are less likely to become involved in accidents, because they are more maneuverable than large cars. This myth is not supported by the facts."

From "Small on Safety," p. 5:

"Because of the Beetle's small size, there is little space between the occupant and the windshield—a factor in the high proportion of windshield injuries that is still a serious problem even if present lap and shoulder belts are used. . . . In shorter cars, the gas tank is necessarily closer to the occupant than in larger cars. . . . Yet another hazardous result of the Beetle's small size is the lack of effective collapse distance, which is necessary to absorb some of the forces generated by a crash."

From the introduction to "Small on Safety," by Ralph Nader, p. xiv:

"The total weight of the Beetle's four replacement parts is the lowest in this study, a hint of the VW's abysmal crash characteristics. What may be an economy in a minor collision may lead to a staggering loss in a more serious crash."

From the 1980 National Highway Traffic and Safety Administration report, "Small Car Safety in the 1980s," released over then NHTSA-chief Joan Claybrook's signature:

"The growing shift to smaller cars will increase the number of deaths and injuries on U.S. highways, complicating a public health problem that has already reached epidemic proportions."

From "Small Car Safety in the 1980s":

"Small cars are less safe than big cars in collisions between these vehicles. Safety standards have saved more than 64,000 lives since 1968, but these gains are being outweighed by the shift to smaller cars."

From hearings on Auto Fuel Economy before the Senate Commerce Committee on July 14, 1977:

Sen. Robert Griffin (R., Mich.): "I don't have any question in my mind that a big gas-guzzling Cadillac is safer on the highway than a little Volkswagen."

Ms. Claybrook: "There is no question about that."

GREG OWENS: DADE COUNTY'S NEW MINORITY BUSINESS DEVELOPMENT DIRECTOR

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Greg Owens, who recently was featured in the Miami Herald after his appointment as the director of Metropolitan Dade County's newly created Department of Business and Economic Development. The article, "Director Brings Patience, Wisdom to Program," by Derek Reveron, tells how his youth in rural Alabama and background in the banking industry have helped prepare him for his new position.

The article follows:

As a boy, Greg Owens kissed his father goodbye as he left to deliver food to poor blacks. He tagged along with his Dad to NAACP meetings.

He remembers the times they were followed by a white man in a car. He remembers when his father's auto was ransacked by police searching for voter registration cards. Most of all, he remembers his father's dignified forbearance.

As director of Metro-Dade's Department of Business and Economic Development, Owens brings to his job traits gleaned from a father who patiently persevered against 1960s Alabama racism. He is circumspect and courtly—essential qualities for his politically tinged post.

Owens and the department he heads are at the core of a public debate over preferential hiring of black businesses and so-called reverse discrimination against white-owned firms. Recently, a study commissioned by Metro-Dade concluded that racial discrimination prevents black firms from landing their share of county contracts.

The study was undertaken to defend Metro's minority set-aside hiring programs against a lawsuit filed in U.S. District Court by white contractors. The suit, still pending, was filed after a 1988 U.S. Supreme Court ruling required local governments to prove discrimination before setting aside contracts for minorities.

In the wake of the controversy, four months ago, Metro created the department Owens heads. It replaces the original minority business development office founded nine years ago. The office was criticized for not closely monitoring Dade's black business development programs.

Owens, 35, was granted the funds, staffing and authority to oversee the programs and streamline their overlapping functions. He plans to coordinate Dade's activities with those of community business development groups such as Tools for Change and Tacolcy Economic Development Center.

"My mission is to create the best county program for minority business development in the nation," Owens says.

PLAN OF ATTACK

How will he accomplish that? He rubs his chin and looks down upon Miami through the window of his 17th-floor office. "We don't have an answer yet," he says. "it's a big job. The more I learn about it, the more it grows. We're looking at the different components of minority business development.

One of these components is certification of minority firms to do business with the county. Currently, there are three minority business hiring programs that have different certification requirements. Owens is trying to create a single standard.

Such a task entails dealings with politicians black business people, community leaders and a large bureaucracy. Sometimes it drains low his deep well of patience. "Anytime you're trying to build something that didn't exist before, you have drawbacks," he says.

For example? Owens smiles. "It wouldn't be smart for me to answer that question," he says.

Caution is a key to his job. "I've learned that, here, it's probably a good thing to be neutral until you have to make a solid decision; and before making a decision, consult with as many people as possible," he says.

INSPIRES CONFIDENCE

Those who know Owens say that he has the savvy and patience to walk a steady course between the interest groups nipping at his heels without getting bit or stepping on toes.

"Greg is very controlled. He makes others' points of view feel valuable," says assistant Bayside manager Dwayne Wynn. He was director of the Franchise Technical Assistance Center, an organization that helps minorities obtain franchises, when Owens headed First Union's South Florida community reinvestment efforts. "There wasn't anything I asked him to do that he wouldn't do," Wynn says.

Says Brenda Wilson, a First Union corporate loan officer who has known Owens for 11 years. "Greg is a very even-keeled person who thinks before he speaks."

Greg's father, Daniel: "He has always been easygoing. He's never said a word in anger to me in his life."

In some ways, Owens and his father symbolize the passage of the black struggle from civil rights to economic equality, Greg works to develop black businesses. His father once worked to help blacks become full citizens.

RAISED IN ALABAMA

Daniel Owens was president of the Tallappose County NAACP. He was respected by blacks and mistrusted trusted by some whites. He was far from militant. He never led sit-ins or demonstrations. But he held fund-raisers for the NAACP. He helped register voters. And he kept his home open to black and white civil rights workers from all over the nation.

I've always felt like my life was a motivating force for Greg," says Daniel Owens.

Says Greg, "like all kids, I looked at my Dad as a hero. I was proud of him."

Owens was born and raised in rural Alabama, near a blink-and-miss-it town called Alexander City. His father labored in a textile mill. His mother labored at home, raising Owens and his four older siblings. The family wasn't quite poor, wasn't quite middle class.

After graduating from high school, Owens applied to only one college, Alabama A&M, a predominantly black institution in Huntsville. It was the family school. His sisters and cousins went there. Owens wanted to follow after them.

In college, he carried heavy course loads while working parttime, first as a pool attendant, then as an assistant manager at a fastfood restaurant. In 1977, after three years, he graduated with a bachelor's degree in business administration.

His first job after college was in Birmingham, as a management trainee for Central Bank of the South.

During the training period, he was befriended by Emory Herring, a white-haired, Alabama-born Southern gentleman who was a regional president of Central Bank. At first, Owens feared him.

"Everybody used to tell me he was racist and that he hated blacks. But I found out that he hated everybody," says Owens, laughing. "I don't know how we got so close, but we did. Maybe it was because we were both from the country. We never talked about race, but about managing and how to relate to people."

BREAKS INTO MANAGEMENT

Under Herring's wing, Owens advanced smoothly into management. In 1978, at the

end of an 18-month training period, he became head of two branches in Florence, Ala.

That's where he stayed throughout his five-year career at Central Bank. Surely, he thought, if he could rise to management within 18 months, then he could be a promotable manager after a few years.

But it didn't happen. Nor could he make lateral moves that would prime him for a promotion. Owens doesn't blame racism. He thought he had "topped out."

"No matter where you go, you get to a point where you top out," he says. "I tried to go up and it wasn't happening, so I left."

He put out feelers to banks throughout the Southeast. In 1983, he landed a slot as a loan officer with Atlantic Bank, in Daytona Beach.

It was a step down. But Owens thought it would be temporary. Instinctively, he had a good feeling about the potential for upward movement. Besides, Owens had lived all his life in Alabama and wanted to get away. His wife, Debra, also an Alabama native, felt the same way.

The move gave Owens' career a boost. After two years in Daytona, he was promoted to branch manager in Pompano Beach. After Atlantic was acquired by First Union National Bank, he became manager of a branch at Lighthouse Point. Next, he was manager of a Miami branch. Then, he was made a vice president, in charge of First Union's community reinvestment program in nine South Florida counties.

After a year in that job, Owens took a hard look at the level of executives above him: "I didn't see folks who looked like me running things. I knew I wasn't going anyplace."

It was a painful realization. Owens had always wanted to be a banker. A big-time banker.

TIME FOR A CHANGE

For more than a month, he thought about leaving banking, and talked it over with intimates, including his father. Daniel Owens remembers his son's words. "He said, 'Daddy, I'm close enough to the door where I can see it, but I can't walk through. I'm getting out while the getting is good.'"

Once again, Owens had "topped out."

He searched for a new and bigger challenge.

He found it.

I am happy to pay tribute to Mr. Owens' by reprinting this article. Mr. Owens' story is typical of many Americans who have overcome the obstacles of racial discrimination to achieve success.

TRIBUTE TO JASON SAPP FOR HIS WINNING ESSAY ON DISCOURAGING YOUTH FROM USING DRUGS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. HALL of Texas. Mr. Speaker, I rise today to recognize Jason Sapp, a sixth grade student at Mabank Intermediate School who was recently awarded a $50 U.S. savings bond by the Kaufman County Red Ribbon Campaign for his speech advocating parental influence as the most effective way to prevent young people from using drugs.

Jason, the son of Kim and Gary Sapp of Mabank, demonstrates a remarkable understanding of the role parents should play in teaching their children about the dangers of drug use. I had the pleasure of meeting Jason at the Kaufman County Red Ribbon Kickoff Campaign at Ben Gill Park in Terrell on Saturday, October 19 and was impressed with his prize-winning essay and his desire to lead an exemplary, drug-free life.

His essay states in part:

Parental influence is to me the most effective way to discourage young people from using drugs. Responsibility begins at home with parents being responsible for their children's well-being and children learning to be responsible for their actions. Children should learn about drugs as soon as they are old enough to learn and understand what drugs are.

The kickoff event included a countywide torch run beginning in Mabank, continuing throughout the county, and ending in Terrell. Young people from every school district in the county joined together to run a total of 61 miles.

The Red Ribbon Campaign was begun in response to the 1985 murder of Federal Agent Enrique Camarena by drug traffickers. The red ribbon has become symbolic of the effort to reduce the need for drugs.

The countywide essay contest which Jason won was open to sixth through eighth graders and was part of a week-long campaign to raise awareness of the drug use problem in Kaufman County and to promote drug-free lifestyles. The two winning essays were selected from dozens of entries. The Third Kaufman County Red Ribbon Campaign was sponsored by the Kaufman County Drug Abuse Prevention Committee and the Texas Agricultural Extension Committee.

Rita M. Winton, county extension agent for the Texas Agricultural Extension Service and Silvie Millson, chairperson of the Kaufman County Drug Abuse Prevention Committee, were instrumental in planning and staging a highly successful week of activities. Due in large part to their efforts, Kaufman County residents have an increased awareness to the terrible dangers of drug use and an eagerness to prevent drug use and abuse from happening. This annual event is so successful that Kaufman County earned the Governor's Award for its efforts in 1990.

In addition to Ms. Millson, other members of the Kaufman County Drug Abuse Prevention Committee are Rita Kent, vice chair; Peggy Butts, secretary; Pat Adams, treasurer; Lois Blanton, historian; James Adams; Edna Beltz; Shunnie Blanton; Robbie Caldwell; Albert Davis; Robert Emfinger; Peggy Hellums; Don Legg; Mary Lyons; Jack Millson; Marie Newell; Dick Osgen; Dr. J.W. Parrish; Robert Richman; Travis Stodghill; Inez Williams; Donna Baker; Pam Littleton; Rhitt Jackson; and Neldajo Mathison.

On behalf of the U.S. Congress, I extend my sincere congratulations to Jason Sapp for his excellent essay and to Ms. Winton, Ms. Millson, and the many others whose hard work and dedication are making Kaufman County an even better place to live.

JEROME SIEGMEISTER: FIU FRESHMAN AT 15

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am happy to acknowledge Jerome Siegmeister, who was recently featured in the Miami Herald after being admitted as a 15-year-old freshman at Florida International University. The article, "FIU Freshman, 15, at Head of Class" by Jon O'Neill tells this story:

Jerome Siegmeister is in no hurry to finish college. And he shouldn't be—he's 15 years old.

Jerome enrolled as a freshman at Florida International University this fall, and he'll finish high school while he finishes college. If all goes well, he could be a graduate student by the time he's 18.

"There aren't many kids like him. He's an exception to the norm," said Bill Beesting, assistant dean for undergraduate studies at FIU. "He was not only intelligent enough to do this, but he is mature enough, too. This is not something we do on a regular basis."

Being a 15-year-old on a college campus isn't easy, but after three weeks Jerome seems to be adapting. He's making friends and has even participated in a fraternity rush.

"I enjoy it," he said. "I feel like I belong here and not many people ask me how old I am."

His classes range from English composition to general chemistry, and he was one of 100 students picked to be part of the school's honors program. Eventually, he wants to go to medical school.

Jerome is no stranger to universities. Between seventh and eighth grade, he attended Duke University as part of the school's Talent Identification Program. While attending South Miami Middle School, he took computer classes at Miami-Dade Community College.

Last year, Jerome was a freshman at Braddock High. This year, he wanted to try something else.

"I wanted to do something that would be a real challenge," Jerome said.

Jerome and his dad, William, a teacher at Braddock, approached school counselor Robin Sarantos to see if Jerome could get into college.

"I found out that while it doesn't happen very often," Sarantos said, "it can be done."

Sarantos worked with Beesting to get Jerome a "dual enrollment," which means that while he attends FIU full time, he is also technically a Braddock student. That ensures he will get high school diploma as well as a degree, and it also makes him eligible for a state scholarship program.

Before Jerome was admitted, Beesting interviewed him and put him through the full freshman orientation.

Under the state's dual enrollment policy, FIU can't collect tuition from Jerome. That makes it unlikely many more students like him will be admitted.

"With the budget crunch, we just couldn't afford it," Beesting said.

Jerome lives with his family in Coral Gables, They are tickled by his early admission to college.

"We don't know how to express our pride in him," William Siegmeister said.

I am pleased to pay tribute to Jerome Siegmeister by reprinting this article. He has

proven that age is no barrier to becoming a college student. Florida International University and the Dade County School system should be proud to have given him this opportunity.

INTRODUCTION OF THE TELEVISION AND RADIO BROADCAST BULK TIME SALE ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. MARKEY. Mr. Speaker, I am pleased to join my good friend from Michigan, the chairman of the Committee on Energy and Commerce, Mr. DINGELL, in introducing the Television and Radio Broadcast Bulk Time Sale Act of 1991.

In the past, time brokerage agreements have benefited both consumers and the broadcast industry. Historically, these agreements have increased the diversity of programming available over the limited amount of broadcast spectrum by enabling many different groups to purchase small blocks of programming time. In addition, small or marginal stations have used time brokerage agreements as an additional revenue source, which has enable them to remain financially viable. These benefits nonwithstanding, I am increasingly concerned by the lack of rules governing these agreements. Without safeguards, time brokerage agreements may be used by larger or more well-financed stations to solidify their dominance in a local broadcast market. These agreements, therefore, could undermine existing Federal Communication Commission [FCC] policies and regulations, particularly those designed to ensure licensee responsibility and to promote diversity. I also am concerned about assertions that time brokerage agreements are being used or could be used to circumvent the FCC's ownership rules and policies, particularly those concerning multiple and foreign ownership.

Accordingly, this bill requires the FCC to regulate both the amount of time that stations can sell in time brokerage agreements and the amount of broadcast time that can be purchased by a single entity. The FCC currently keeps no record of time brokerage agreements; this legislation would require broadcasters to file these agreements with the Commission, which would make such filings available for public inspection. The legislation also would allow a licensee to terminate a time brokerage agreement if it is in the public interest to do so, and provide incentives for a station to return to full service. This legislation preserves the beneficial aspects of time brokerage by providing exemptions when agreements would prevent a station from failing financially or would result in increased program diversity.

Importantly, the Television and Radio Broadcast Bulk Time Sale Act of 1991 is not designed to prohibit time brokerage agreements; rather, it provides a framework for their use and defines the circumstances under which they serve the public interest. This legislation is important to ensure diversity in broadcast programming and to ensure adherence to existing FCC rules and policies. I urge my colleagues to support this legislation.

THE HIDDEN WAR—DOMESTIC VIOLENCE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mrs. SCHROEDER. Mr. Speaker, I recently received a letter from a woman who compared her abuse by her husband with her brother's military experience in Saudi Arabia. She wrote:

> While my brother was in Saudi Arabia fighting a known, sanctioned war, I was at home fighting mine. My war is known as Domestic Violence, and the enemy was my husband. * * * While my brother was overwhelmed by cards and phone calls, my phone was silent and mailbox empty. Why? Because my war is hidden. Mine is a secret.

Many women share the same secret. Each year 3 to 4 million women are beaten by husbands, ex-husbands, or boyfriends. Domestic violence causes more injuries to women than automobile accidents, muggings, and rapes combined. It occurs at least once in two-thirds of all marriages. Domestic violence disrupts the lives of rural, urban, and suburban women of all ages, ethnic, racial, religious, educational, and socioeconomic groups. The magnitude of this violence tells us that domestic violence is not merely the natural resolution of a lovers spat. It is a widespread crime—a crime against women.

This is why I am so pleased that we focused attention on this issue by designating October as National Domestic Violence Awareness Month, and that the Labor-HHS-Education fiscal year 1992 appropriations bill nearly doubles the funding for the Family Violence Prevention and Services Act. This act is now funded at $20 million, up from $10.7 million last year. I applaud the efforts of the conferees to increase support services for battered women who reach out for help.

Yet, there is a large number of battered women who cannot reach out for help—women we never hear about. Many women do not reach out for help or report battering in fear of reprisal from their batterers. Some view their situation as a private matter, a notion enforced by this society. But it is these women whom we must begin to reach. Interventions do exist.

Studies have shown that approximately one in three women who visit emergency departments is there for symptoms relating to ongoing abuse—either they suffer directly from their spouse's abuse or they suffer from symptoms of living under the constant stress of the abusive relationship. An unknown number of women go to private physicians with the same symptoms. Sixty-four percent of hospitalized female psychiatric patients have a history of being physically abused as an adult. Doctors and health care workers are in a prime position to incorporate protocols that make initial contact with battered women, document the abuse, and refer women to agencies that can help them get out of abusive relationships.

Recently, the Joint Commission on the Accreditation of Health Care Services revised its standards for hospital accreditation and added emergency room protocols to detect domestic violence. A recent report from New York suggests that training programs are overwhelmed with requests to teach nurses and doctors how to implement these procedures. This response is laudable. Yet, it is unrealistic to think that overworked emergency room attendants have the time to take and sit with a battered woman to give her the help and sensitivity that she truly requires. In turn, hospital-based programs that are set up to aid victims of domestic violence need and deserve our support.

These programs work. One example is Womankind, a program based in Fairview Southdale Hospital in Edina, MN, which trains the entire hospital staff as well as attending to the needs of patients who are identified as battered women. Although it is a small scale program, it has had immense success. Womankind receives 50 to 55 referrals a month, and patients from the emergency room make up only one-fifth of the total. Many others are referred from various hospital units and from organizations outside the hospital. From 1986 until 1991, Womankind served 3,000 women—women who otherwise would have been patched up and sent home to face further abuse.

It is the success of programs like Womankind that prove that domestic violence can be stopped. Together we can bring this deadly secret out of the shadows and end this hidden war.

A TRIBUTE TO ENRICO ROCCA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Mr. Enrico Rocca, an Italian, who was raised in Libya, practices Judaism, and speaks six languages. But, Mr. Rocca does not leave his ethnic diversity just to his upbringing; he has 17 different nationalities among his company's 21 employees. I commend to my colleagues the following Miami Herald article entitled "Melting Pot, Glass Exporter Makes Diversity a Way of Life" by Derek Reveron:

> Some company chiefs encourage ethnic diversity. Enrico Rocca lives it.
>
> He is an Italian who was raised in Libya and practices Judaism. He speaks six languages. His two adopted children are Norwegian and Costa Rican. His wife is Venezuelan.
>
> He is president of a Miami export firm, New High Glass, that is the United Nations of small business. There are 17 different nationalities among the company's 21 employees. Rocca wanted it that way.
>
> "I am trying to make my little world the type of melting pot the U.S. should be," he says.
>
> To Rocca, creating a culturally diverse workplace is a soul-satisfying hobby. The gentle extrovert has crafted the workplace of the future. As the population of Hispanics, blacks and other minorities rises, so does their numbers in the work force. That can spark friction. But at New High Glass it kindles good will—and profits. Rocca de-

clined to be specific about earnings. But he says the 12-year-old privately owned firm has sales of $10 million and they're rising.

Ethnic diversity is at the core of the company's success, Rocca says. The company exports to 38 nations, some of which are represented among the sales staff—a Puerto Rican, a Colombian, a Venezuelan, a Dominican and a Cuban.

"I prefer to send a Puerto Rican to Puerto Rico, a Colombian to Colombia," Rocca says. "Speaking Spanish isn't enough. You have to know the subtleties."

Says sales manager Bernie Chaimowicz, a Colombian: "You have to know the culture. That's important."

The salesmen use New High's employees as resources for cultural nuances. What are the hot soccer teams in Argentina? Which Spanish words are considered insults only in Chile? "The idea is to communicate with people in their own idiosyncracies," Rocca says.

Rocca is a compendium of cultural idiosyncracies. He speaks Italian, English, Arabic, French, Spanish, and Hebrew. In Libya, he managed a Volkswagen dealership. He came to the United States in 1975 and sold cars in Chicago for two years. Then, through a friend, he landed a job as a manager of a small cosmetics-manufacturing plant in Carolina, Puerto Rico.

In 1979, he started New High with his brother, who runs an electronic manufacturing plant in Hong Kong. Each of them own 25 percent. The remaining half is owned by Zinago Glass Works, an Italian glass manufacturer.

Zinago allows Rocca the freedom to hire who he wants, and what he wants is variety: marketing director Philippe Naim is French; credit manager Alberto Rivas is a Puerto Rican who speaks German; receptionist Ingrid Hackshaw is half Canadian, half Trinidadian; Mary Figuera, from Rochester, N.Y., is the company's only Anglo.

Figuera finds herself in a situation that will become familiar to growing numbers of Anglos. She is a minority in her workplace. But she doesn't feel like one. She speaks fluent Spanish. She lived in Venezuela for 12 years and is involved in a commuter marriage with a Venezuelan judge.]

"We've learned to celebrate our differences rather than pick on each other," Figuera says.

Employees joke good-naturedly about their diversity. Rocca sets the tone. Does he consider himself Libyan? Italian? Jewish? He smiles. I'm a misfit and I like it," he says.

He introduces newly hired computer programmer Beesham Seechan, who is from India, Rocca winks and says: "I hired him because we have too many chiefs and no Indians.

I am pleased to recognize Enrico Rocca for reaching out to the community and taking advantage of the wonderful cultures which exist in Miami.

SOUTHWIND DRUM AND BUGLE CORPS CLASS A WORLD CHAMPIONS

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. DICKINSON. Mr. Speaker, it is my pleasure to congratulate the Montgomery-based SouthWind Drum and Bugle Corps. SouthWind recently ended an undefeated season by winning the Drum Corps International Class A Championship in Dallas, TX. This 65-member group also tied for first in the mixed ensemble division and was the highest ranking class A corps in the open division at these championships.

SouthWind Drum and Bugle Corps is a rapidly growing statewide organization dedicated to the enrichment of instrumental music and precision drill by musicians under 21 years of age. This spirited group of young Alabamians has performed in international competition throughout the United States and Canada for over 10 years, and represented the State of Alabama in nationally televised performances and special music education seminars. In July 1990, the corps performed here on the West Terrace of the Capitol.

Founded in 1980, SouthWind Drum and Bugle Corps became the State of Alabama's Official Drum and Bugle Corps in 1982. The director of SouthWind is Montgomery County deputy sheriff David Bryan, who has done an outstanding job with the members and parents. The vision and leadership of director Dave Bryan inspired confidence in each member, and allowed them to achieve their goal—winning the class A championship. They won it and every other competition during their summer tour.

Alabama's Official Drum and Bugle Corps, has represented the State with distinction, and I salute Mr. Bryan and every member of the corps on their latest achievement. I ask my colleagues to join me in congratulating the world-champion SouthWind Drum and Bugle Corps.

TRIBUTE TO NEW YORK STATE SENATOR CHRISTOPHER MEGA AND ARTHUR T. MARESCA

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. MOLINARI. Mr. Speaker, I would like to pay tribute today to two outstanding public servants, New York State Senator Christopher Mega and Arthur T. Maresca. They are being honored this weekend by the Precious Hearts Association for Exceptional Adults, Inc. of Brooklyn, at their fifth annual dinner dance.

Christopher J. Mega, who is now serving his sixth term in the New York State Senate, is the recipient of the Dr. Burton Blatt Special Achievement Award. Senator Mega has established himself as a specialist in anticrime legislation and in efforts by the State government to improve the effectiveness of its criminal justice system and many corrective facilities. As chairman of the Senate Committee on Crime and Correction, Senator Mega helped pave the way for a major expansion of the State's prison system. He authorized legislation, enacted in 1986, toughening the penalties against those engaged in the sale of controlled substance in and around school properties.

In addition to this, Senator Mega was effectual in gaining Senate passage of the Sex Offender Reform Act, incorporating tougher penalties for rapists, and the Rape Victim Services Act, written to provide greater services to rape victims. In an allied area of concern to women, Senator Mega introduced the new rape shield extension law, which protects women victims in nonsex criminal cases by preventing their past sexual history from being used as evidence when it is clearly irrelevant.

Above and beyond that, Senator Mega has given special attention to the district he represents. For example, in just the past 6 years in office, Senator Mega has been singularly responsible for securing over $10 million for the schools of the various communities in the 23rd Senate District. Senator Mega clearly possesses the fortitude, initiative, and principals embodied in the Dr. Burton Blatt Special Achievement Award.

Arthur T. Maresca, is the worthy recipient of the Precious Hearts Humanitarian Award. Mr. Maresca has been a member of the Kiwanis Club since 1981. His involvement in the Kiwanis Club enticed him to donate his time and energy to raise funds for a vast array of charitable groups and organizations. These include the American Cancer Society, Operation Desert Storm, Victory Memorial Hospital, the American Legion and many others. He has directly or indirectly raised between $1,000 to $50,000 for each of these organizations.

Just recently he raised funds for the Community Mayors of New York and his upcoming project is a fund raiser for building an AIDS room in St. Vincent Hospital in New York.

In addition to this, the former Kiwanis Man of the Year is also the recipient of a very treasured papal blessing. It is quite clear that Arthur T. Maresca is a generous, charitable, and a true humanitarian.

Mr. Speaker, it is an honor to pay tribute to such outstanding and honorable men. These two men have a strong commitment to excellence and their service is an inspiration for all of us.

RIVERSIDE ELEMENTARY ART CLUB

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the Riverside Elementary Art Club, held at the school of the same name in Miami, has brought the fun and challenge of artistic expression to many children. It is extracurricular activities such as the Riverside Art Club which help students to see learning as engaging and exciting. The Miami Herald recently brought attention to the activities of the club in an article by Mr. Jon O'Neill. That article follows:

Elizabeth Espinoza will never have to wonder what it feels like to be a mummy. She knows.

The 11-year-old sixth-grader from Riverside Elementary volunteered to let her classmates encase her in plaster as part of a project by the school's art club.

"I think it's going to be fun," Elizabeth said before she was wrapped. "I'm not scared about it at all. I want to do it."

Jeff Marcus, an art teacher, dreamed up the project and did it with 10 kids from the

art club at the school, 1190 SW Second St. They got help from Judith Russell, a local artist and art education major at Florida International University.

The students have been studying about artists who make plaster casts of people. So far, they've just seen pictures of the work. Marcus wanted them to have a chance to do it.

"They'll really get a taste of the process and see what it's like to work in 3-D," he said. "It's not something they get to do all the time."

Before the plastering began, Elizabeth's clothes were smeared with Vaseline, so the plaster wouldn't stick to them. The kids worked with the same kind of plaster doctors use to set broken limbs. It was cut into strips, soaked in water and then laid across Elizabeth, who was sitting in a lawn chair atop a table.

She didn't complain at all, although she erupted into giggles several times. The strips were cold she said.

The kids around her worked intently, totally absorbed. Some cut the strips, while others soaked them and laid them across Elizabeth's legs, arms and chest.

"I think this is really funny," said Kassan Myers, 12. "I like art class because you don't do any work, you just do art."

The kids wrapped Elizabeth's body, let her dry, then cut her out of the mold. Her head then got the same treatment. The head cast was attached to the body cast, and the whole thing is now on display at the school.

"It's so cool when they cut her out," said Alfred Cardonne, 11, a fifth-grader. "She's just like a mummy."

Lorenzo Perez, 10, liked working on the legs best. Russell encouraged the kids to pay special attention to the details, like fingers and toes. The entire process was video-taped and will be shown on WRES, the school's TV station. Marcus was pleased how the project turned out.

Mr. Speaker, I commend the creative guidance offered by art teacher, Mr. Jeff Marcus, and the time and expertise offered by Ms. Judith Russell. I also want to recognize the leadership of Principal Jesselyn Brown for making Riverside Elementary School a place where teachers like Mr. Marcus and their students can thrive.

REDUCE FEDERAL SPENDING

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. HUBBARD. Mr. Speaker, I have received an excellent letter from my friend and constituent, Dr. Clem F. Burnett, Jr., of Mayfield, KY. Dr. Burnett has been my personal physician in my hometown of Mayfield for over 25 years.

In his letter, Dr. Burnett expresses his deep concern over the Federal budget deficit and calls upon the Congress to impose effective restrictions on uncontrolled spending. He supports a spending freeze and asks Congress to come up with a plan to reduce the deficit and to advise the citizens of America how and when the debt will be repaid.

At this time, I would like to share Dr. Burnett's letter with my colleagues. The letter follows in its entirety:

MAYFIELD, KY, *October 24, 1991.*

Hon. CARROLL HUBBARD,

Rayburn Office Building, Washington, DC.

DEAR CARROLL: Enough is enough! Congress seems to have an insatiable appetite for spending. It is time to impose some effective restrictions on uncontrolled spending. I trust that you will vigorously support a bill to freeze spending.

I am retired and live off the income from my savings. Interest rates are down, so I have no choice but to adjust my spending to my income. Congress can and MUST do the same thing.

When I borrow money, the bank wants to know my plan to pay it back. Congress has borrowed from me, my children and my grandchildren. Now let us hear plans to pay it back! Let Congress put forth a plan not just to reduce the deficit, but to tell the people when and how the debt will be repaid! Believe me, the people are waiting for an answer!

Carroll, I trust you and believe that you will work on an answer to the issue I have raised. Best wishes to you and your family.

Sincerely,

CLEM F. BURNETT, JR., M.D.

JESSE McCRARY: ACHIEVES ANOTHER "FIRST"

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Jesse McCrary, who recently was featured in the Miami Herald after becoming the first black to be named to the board of directors of Miami's Cedars Medical Center. The article, "Distinguished Attorney Joins Cedars Center Board" by Charles Rabin tells his story:

Jesse McCrary, senior partner in the Miami law firm of McCrary Wimbish and Blizzard, has been named to the board of directors of Cedars Medical Center, adding another honor to a long list of achievements.

A board member of several organizations in the Miami area, McCrary, 53, was asked to join Cedars while representing the hospital in a legal capacity several months ago.

"I intend to be a supportive board member and help enhance both the physicians' and staff of Cedars' long-standing commitment to provide the very best of health care to all its patients," he said.

McCrary says the Miami hospital takes extra precautions, such as a longer orientation process, to promote better awareness among its board members of the hospital's inner workings. He says this shows hospital regulators that board members aren't just "rubber stamps."

"To be able to attract someone of Jesse McCrary's caliber is vital to this institution," said Cedars President and Chief Executive Tom Culbreth. "Any company, much less one that has to swim in regulatory waters like us, is pleased to have him.

"South Florida hospitals are going through some very difficult times, and substantial leadership from the community is necessary."

A community activist and former Florida secretary of state, McCrary was in the spotlight recently as counsel to Community Relations Board member Willie Sims. Sims, a minister, was suspended from his post because of alleged racial slurs aired from his Liberty City pulpit.

"We believe he was treated absolutely unfairly," McCrary said.

"There's a little document called the Constitution of the United States. Sims has freedom of speech. Even though people may disagree, he has the right to say it."

Practicing law was always McCrary's goal, but as a minority, he said he had trouble gaining acceptance in such a high-profile industry during the 1960s.

"Given what the climate was in Florida at the time, there weren't many opportunities for a black in the white-dominated field of law," McCrary said. "Soon the dynamics of the country were changing with the civil rights movement. It wasn't a question of people given an opportunity, it was people demanding them.

In 1965, after graduating from Florida A&M School of Law, McCrary found a job as a law clerk in Fort Lauderdale. It was in the office of Alcee Hastings, who later became a U.S. District Court judge. Hastings also had graduated from Florida A&M two years earlier.

Six years later, McCrary was on his way to nationwide recognition. He formed McCrary, Ferguson and Lee, which was later succeeded by McCrary Berkowitz and Davis, and then his current firm.

It was during his tenure with McCrary Berkowitz and Davis that McCrary was catapulted to prominence. In 1978, when Bruce Smathers resigned as secretary of state to run for the governor's seat, the then-39-year-old McCrary was named Florida's 19th secretary of state. He was the first black cabinent member since Reconstruction.

Other firsts for McCrary included: first black assistant attorney general in Florida, first black to argue before the U.S. Supreme Court on behalf of a Southern state—something he considers his greatest achievement—and the first black to sit on a statutory court of appeals for Florida. Now he is the first black to serve on Cedars' board.

"I think I've opened some doors for others, but somebody opened those doors for me," McCrary said. "It took some tremendous sacrifices by others to allow me to obtain these goals."

I am happy to pay tribute to Mr. McCrary by reprinting this article. Mr. McCrary has overcome many obstacles to become the first black Florida cabinet member, the first black Florida assistant attorney general, and the first black to argue before the U.S. Supreme Court on behalf of a Southern State.

THE INDIAN HEALTH AMENDMENTS OF 1991

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. MILLER of California. Mr. Speaker, today we are introducing the Indian Health Amendments of 1991, which amends the Indian Health Care Improvement Act.

The House Interior and Insular Affairs Committee has worked closely with the Subcommittee on Health and the Environment of the Energy and Commerce Committee and with the Senate Select Committee on Indian Affairs to develop this legislation.

The bill sets several goals to improve the health status of Indians by the year 2000.

These goals were set for the general population in a report by the Department of Health and Human Services. These goals provide the committees of jurisdiction with a method to evaluate the performance of the Indian Health Service and established a yardstick by which we can measure the health of Native Americans.

According to the Indian Health Service, the mortality rates of American Indians and Alaska Natives continues to exceed that of the U.S. "All Races" group. For example, in 1987, the Indian age-adjusted mortality rates for the following causes exceeded those for the U.S. all races population by the shown percentages: tuberculosis, 400 percent; alcoholism, 332 percent; diabetes mellitus, 139 percent; accidents, 139 percent; homicide, 64 percent; pneumonia and influenza, 44 percent; suicide, 28 percent.

Hence, in spite of the efforts of the Indian Health Services, the health status of Indian people is still poor.

Mr. Speaker, these statistics are unacceptable, and the rest of this decade needs to be the time to reverse this situation.

The bill itself refines many of the goals of the original Indian Health Care Improvement Act, including: increasing the number of Indians entering the health professions; eliminating deficiencies in health status and resources; the provision and improvement of health facilities; providing better access for Indian people for health services by utilizing Medicare and Medicaid Programs; providing health services for urban Indians; and making organizational improvements in the Indian Health Service.

The bill provides for several technical and substantive changes in the act. The most significant change is the establishment of several substance abuse programs. New programs for youth; training and community education; urban Indians; and fetal alcohol syndrome attempt to deal with one of the most difficult and pervasive problems in Indian country—the abuse of alcohol and drugs.

Mr. Speaker, I wish to thank Mr. DINGELL and Mr. WAXMAN for their cooperation in the drafting of this bill and a special thanks to Senator INOUYE and the Senate Select Committee for their cooperation in this process. Mr. WAXMAN and I will be chairing a joint hearing on this bill on November 12.

Mr. Speaker, I urge my colleagues to support this important legislation.

A TRIBUTE TO THE AMERICAN VETERAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. DINGELL. Mr. Speaker, on the eve of the 50th anniversary of the attack on Pearl Harbor, the world experiences momentous changes. As we witness the collapse of Soviet communism, and the democratization of countries throughout Eastern Europe, we pause to remember the events and the people who brought us to this point in history. In their ceaseless protection of America's values and interests, our Nation's veterans are owed an enormous debt of gratitude for helping to secure a measure of peace and hope, not only for our citizens, but for peoples throughout the world.

American national consciousness and thought were irrevocably altered on that fateful December morning, 50 years ago, when our Nation was caught with its guard down. The surprise attack on Pearl Harbor forced America's entry into World War II, and contributed to our Nation's emergence as a world superpower. The fear of being caught off guard again shaped our defense and nuclear strategy for the decades to follow.

Today, as we celebrate the victory of our ideals and the spread of freedom throughout the world, we remember the invaluable contributions made by our veterans. In answering their Nation's call to duty, all of our veterans have made enormous personal sacrifices to protect our vital interests. They have paid the costs which have won us the privileges we enjoy today. Their victory is our victory, and our victory theirs.

Five decades after Pearl Harbor, the rhetoric of America's entrance into World War II has become reality. America's veterans truly have made the world safe for democracy and freedom. There can be no finer tribute.

BISCAYNE ELEMENTARY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the playing field at Biscayne Elementary School, Miami Beach's fastest growing school, has resorted to portable classrooms to relieve overcrowding by resembling a trailer park. The portables will help the school cope with a bigger student population. Biscayne will lease space from the Lehrman Day School of Temple Emanu-El for a joint class for gifted students. The Miami Herald recently brought attention to the decision made for the portables in an article by Mr. Aaron Rubin. The article follows:

The playing field at Biscayne Elementary School resembles a trailer park.

That's because Biscayne, Miami Beach's fastest-growing school, has resorted to portable classrooms to relieve overcrowding. A dozen stand outside, neatly arranged in rows; Principal Carlos Fernandez expects six more this year, including two for a Head Start prekindergarten program.

The added portables will help the school, 800 77th St., cope with a student population expected to top more than 1,050 in September and reach 1,200 by next June.

The school is in the middle of one of the Beach's fastest-growing neighborhoods, growth brought on by immigration and young families moving from South Beach to North Beach.

Without portables, the school could only handle about 500 students, Fernandez said.

With portables, most teachers won't have to share classrooms.

"It'll be more comfortable for everybody," Fernandez said.

There's even an advantage to the portables, Assistant Principal Brenda Nolan said: Because they're new, they're often nicer than the older classrooms.

The school is coping with crowding in other ways, too.

Teacher aides assist in classrooms, helping teachers with classes that sometimes exceed 35 students. And this year Biscayne will lease space from the Lehrman Day School of Temple Emanu-El, across the street, for a joint class for gifted students.

Fernandez has pressed to upgrade the school's facilities—the school was repainted, windows were replaced and the electrical system was improved, but new construction remains on hold. Planners must assess the effects on the historic school, established in 1941, Fernandez said.

Emilio Fox, director of Beach-area schools for Dade County Schools, said the school system didn't anticipate the rapid growth. But Biscayne can accommodate its students, he said.

"Yes, the school is crowded, and yes, the school is growing," Fox said. "We feel that we can offer a valid and very acceptable educational program there."

Mr. Speaker, I would like to recognize Mr. Carlos Fernandez, principal of Biscayne Elementary School, and Mr. Emilio Fox, director of beach-area schools for Dale County Schools, for making possible the resembles of the trailer park between Biscayne Elementary School and Lehrman Day School. I hope that this resemble will make a major student population at Biscayne Elementary School.

ADDITIONAL FUNDS FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. OLVER. Mr. Speaker, today, I rise to urge my colleagues to support additional funds for the Low-Income Home Energy Assistance Program [LIHEAP]. While I am pleased that there is more money for this program than the House approved, it is far less money than was appropriated last year.

Even though the budget is tight, we still must protect some important programs. LIHEAP provides one of the most basic of needs—home heat for the winter.

It's very simple. Without this money, thousands of people will be cold. Without this money, children will shiver in their beds at night.

This September, I joined many other Members of Congress in urging more money for heating assistance. While I am very pleased that the conferees were able to provide $1.8 billion, this figure is still $100 million less than last year.

People are suffering as this recession drags on all across this country. We in New England were the first to enter into the recession and experts estimate that we will probably be the last to come out of it. In western Massachusetts and in all of New England it has been a very long and tough year. Thousands have lost their jobs and thousands more have exhausted their unemployment benefits.

With winter coming, it looks even bleaker.

Why can't this program, at the very least, maintain its current level of funding?

To make matters worse, of the $1.8 billion appropriated, LIHEAP will receive this winter just $1.1 billion. There will be a deferment of $400 million until next year and another $300 million will be put aside in an emergency fund, that money will only be spent if the President declares an emergency. We are all too familiar with the President's ability to declare an emergency for the struggling people in this Nation.

This is the same President who proposed slashing LIHEAP by over $600 million this year. How cold would it have to get before the President would be inclined to release this money? I strongly urge my constituents and everyone to write to President Bush demanding that these funds be released immediately, not when children and elderly start getting sick because they are cold.

So what does all of this really mean? Nationally, this program which already serves fewer that 25 percent of eligible households, and on average pays less than 25 percent of those recipients' energy bills, will now be even more helpless. Since 1989, nearly 2 million households across the country have lost assistance.

Even with these increases, Massachusetts will lose $27,384,000 for LIHEAP next year. Over 40,000 fewer homes will have the money necessary to stay warm this winter.

Mr. Speaker, Massachusetts is expecting snow this weekend. Parts of Minnesota and Iowa are sitting under 21 inches of snow already. Winter has already begun for some in this country, and it is a shame that we cannot see our priorities clear to level fund a program that helps the hardest hit. For 1,955,473 American families who have now lost assistance for buying heat, I hope the knowledge that the money was better spent in other places is enough to keep them warm.

SISTER KATHLEEN FEELEY RETIRES FROM 21 YEARS AS PRESIDENT OF COLLEGE OF NOTRE DAME OF MARYLAND

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mrs. BENTLEY. Mr. Speaker, it is with great respect and admiration that I rise today to pay tribute to Sister Kathleen Feeley upon her retirement from 21 years of devoted service as president of the College of Notre Dame of Maryland.

On November 23, 1991, a party for Sister Kathleen will be held in the form of a benefit concert featuring Dinah Shore at the Meyerhoff Symphony Hall. Friends of Sister Kathleen, business, community, education, political, and religious leaders of Baltimore will gather to honor this special lady.

Since 1971, Sister Kathleen has served as president of the College of Notre Dame of Maryland, the oldest Catholic women's college in the United States. Sister Kathleen is widely respected for her years of hard work and dedication to this fine institution. The college has successfully weathered some difficult times thanks to the insight and commitment of Sister Kathleen. She is credited with preserving the heritage of the college when she stood firm and held to her conviction that there is a very important need for a women's college in society today while the popular trend among such schools was to go co-ed to survive. Thanks to her perseverance and devotion, the future of the college continues to look better and brighter every day.

Ironically, Sister Kathleen received her bachelor of arts in 1962 from the College of Notre Dame of Maryland. In 1964, she received her masters of art degree from Villanova University in Pennsylvania. In 1970, she received her Ph.D. from Rutgers University in New Jersey and was a fellow at the institute for the study of change in the 4-year college, Claremont University Center, CA.

Sister Kathleen began her career as an elementary and secondary school teacher of English in 1950. She went on, in 1965, to serve as professor of English at the College of Notre Dame of Maryland until 1971 when she began her service as president of the college. In addition, from 1970 to 1971, she served with the American Council on Education Internship in Academic Administration.

Sister Kathleen has received many honors which literally are too numerous to mention. She currently is on board memberships with the Association of Catholic Colleges and Universities, Baltimore Council on Foreign Affairs, Baltimore Gas and Electric Co., Consultation Center for Clergy and Religious, Marian House, and the Maryland Independent College and University Association. Sister Kathleen also has served on board leadership positions as chair of the Association of Catholic Colleges and Universities, 1988–89 and 1989–90, and as chair of Academic Affairs Committee, St. Vincent College, PA, 1985–89.

Although Sister Kathleen's professional accomplishments truly are commendable, she is also blessed with a wealth of character and spirit. A lady of integrity and inner strength, Sister Kathleen's trust in, and reliance upon, God is clearly evident. Indeed, it is with utmost respect and admiration that I congratulate Sister Kathleen Feeley upon this momentous occasion. May God bless her with continued success and happiness in the years ahead.

EVALYN DYER: "ALWAYS IN THE RIGHT PLACE AT THE RIGHT TIME"

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Evalyn Dyer, who recently was featured in the Miami Herald. The article by Bea Moss tells how Ms. Dyer has become a nationally recognized artist at the age of 62:

Evalyn Dyer says it seems she's almost always in the right place at the right time.

"I let the universe come to me and I flow with it," she said. "My whole life has been a quirk."

Always an artist, first doing commercial work, she and her husband moved to Miami from Charleston, S.C., in 1969. At first, she did odd jobs as a volunteer at an art center on North Kendall Drive.

"When they needed someone to answer the phone, I did it," said Dyer, who lives in Snapper Creek in West Kendall.

Through her work at the center, she received a call from Barbara Millard, wife of plastic surgeon Ralph Millard.

"She was looking for someone to do sketches. I told her if she couldn't find someone, I'd do it," Dyer said.

Since then, she has worked for Dr. Millard doing sketches and photography of people who need corrective surgery.

"She's an unusual person, well-educated, very smart," Dr. Millard said. "She first did portraits for me of famous plastic surgeons and she did them so well we got her to start learning to do medical art work."

It's a great teaching vehicle, he said.

"After I showed her one time she could very quickly understand the three dimensions of the operation," said Dr. Millard, chief of plastic surgery at the university of Miami Medical School at Jackson Hospital.

Dyer compares her art work with the doctor's expertise: "I'm an artist with paint but he's an artist with soft tissue."

After Dr. Millard's photographer left, she also inherited that job.

"In a week he showed me how to work a Hasselblad and a Nikon and all the other photography equipment," she said.

For 14 years, she did Dr. Millard's art work for his books on plastic surgery. He has written eight.

Dyer, 62, divorced since 1974, always has been interested in the stars and the universe around her. She once owned a metaphysical book store in Perrine while supporting her two children Val and Van.

But painting is Dyer's real love. Retired since Jan. 1, she now paints full time, although she still does some free-lance work for the doctor.

Her watercolors have been accepted for the Mississippi Watercolor Society show in Jackson, Miss., and the Adirondack Show in Old Forge, N.Y.

Recently, one was accepted for the Catherine Lorillard Wolfe Art Club's 95th annual open exhibition at the National Arts Club in New York City starting in October.

"I have a goal. I want to achieve recognition for my work," said Dyer, who paints every day. "I think we're given energies in our life, and a time for them to be used."

I am happy to pay tribute to Ms. Dyer by reprinting this article. Ms. Dyer's work should be an inspiration to us all. She has shown how someone can use their talent and ability to achieve much both in their professional and personal life.

MICROENTERPRISE: A NEW WEAPON IN THE WAR ON POVERTY AND HUNGER

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. HALL of Ohio. Mr. Speaker, I rise today to address my colleagues about new directions and new ideas in American welfare policy—ideas which I believe could hold the key to helping thousands, and perhaps millions, of poor and needy Americans to escape the stranglehold of poverty and dependence that holds them down.

The need for new ideas is obvious; poverty in the United States is climbing. More than 31

million Americans are now classified as living below the Government's official poverty rate. Demands for assistance are on the increase; applications for food stamp assistance increased by 3 million between August of 1990 and August of 1991, while the overall rate climbed above 23.5 million people. Recent reports that proposed changes in Federal food stamp regulations would restrict eligibility and access to the program by needy people only add to our penny-wise and pound-foolish approach to poverty alleviation.

At the same time, there is an increasing awareness that current Federal programs to help the poor, while humane and essential, do very little to allow poor people to escape poverty and become self-sufficient. In effect, current welfare holds people down.

Mr. Speaker, this just doesn't make any sense. It ought to be the goal of Federal poverty programs to help poor people to help themselves.

It is important that we focus on new ways of helping our poor and creating jobs in the more depressed parts of our community. If the past decade has taught us anything, it's that we can't depend solely on big industries or big government to provide jobs or take care of our poor.

As Hunger Committee chairman, I've seen the worst and the best: The worst conditions of poverty, but also the best of what works to help poor people get back on their own two feet. One of the best programs I've seen is something called microenterprise. Microenterprises are very small businesses employing five or fewer people, one of whom is the owner. These programs take people off of welfare, out of unemployment, and into their own small business.

Microenterprise is an exciting innovation in social policy that operates in the opposite way from traditional welfare:

Instead of stifling initiative, it depends upon it.

Instead of fostering dependency, it promotes independence and self-sufficiency.

Instead of excluding the poor from mainstream capitalist society, as many traditional welfare programs do, microenterprise uses the tools of American capitalism to help people to escape poverty.

It creates jobs where none have existed before. It replaces jobs that have left the region for good. It actually reduces welfare costs, increases tax revenues, and most importantly, provides hope to people and to a community that has recently known hopelessness and despair.

The United States spends more than $75 million a year on microenterprise programs in the developing world through the Agency for International Development. Amazingly enough, we spend virtually nothing to promote and encourage microenterprise here at home. That just doesn't make sense. Moreover, the Federal Government spends hundreds of billions of dollars on assistance programs that don't help people lift themselves out of poverty. It's time to start investing in programs that do.

Microenterprise programs are beginning to appear around the country, and my own district of Dayton is no exception. But for these innovative programs to achieve their full potential, the Federal Government must remove some obsolete and unnecessary obstacles. First, job training programs like the Job Training Partnership Act [JTPA] and the JOBS Program should offer training in self-employment and business ownership as a means of achieving self-sufficiency. Training people for jobs that don't exist is a meaningless exercise. Second, we must change current welfare asset ceilings that actually prohibit recipients from accumulating the business assets they need to start a microenterprise.

I've introduced legislation to make these changes in Federal policy. The bill, H.R. 2258, the Freedom From Want Act, is omnibus legislation designed to fight hunger as well as the chronic poverty that is often its cause. The microenterprise portion of the bill has already met with some success; the House accepted an amendment I proposed to JTPA legislation that adds microenterprise to the training offered through the program.

There is no cure-all for poverty. But there is the opportunity to help our poor and unemployed, one person at a time. Waiting for those from the top to take care of those on the bottom has proven to be a poor policy. Our challenge is to start from the other end—to start with those at the bottom, and move them out of poverty and unemployment, one by one, and into their own small business.

Traditional forms of assistance are important and essential: Millions of Americans need food stamps; millions more rely on AFDC, WIC, Head Start, Medicaid, and a vast array of other support programs to live their daily lives. But these programs alone cannot lift poor people out of their conditions of poverty.

It's important to remember that poor are not disadvantaged—everyone has an advantage; it's simply a matter of turning that advantage into an opportunity. Helping people to help themselves isn't just the right way to approach poverty, it's the American way. Using the tools of capitalism through microenterprise to solve the problems of hunger and poverty isn't just a new idea, it's the right idea.

RESIDENTS OF JOHN F. KENNEDY MANOR CELEBRATE THEIR 24TH ANNIVERSARY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize the residents of John F. Kennedy Manor, of Woonsocket, RI. On November 10, 1991 they will be celebrating their 24th anniversary as a senior housing facility.

John F. Kennedy Manor maintains a very active tenants association. Marquente Robin is the current president, and Berthe Dultamec is the vice president. Eva Lamoreux serves as treasurer, and Irene Pelypec is the secretary of the association. This group along with all the residents of the association work hard to bring success to the many events and social functions they host each year. Annually John F. Kennedy Manor hosts a Christmas, Valentine, St. Patrick's, Fourth of July, and Halloween party. They also serve as the site for very popular weekly bingo games.

In all John F. Kennedy Manor houses 260 residents. I would like to give special attention to Ms. Adeline Houle, the only original resident who still resides at John F. Kennedy Manor. The officers and all the residents of John F. Kennedy Manor have worked hard to make it such an enjoyable residence for senior citizens over the past 24 years. The residents of John F. Kennedy Manor have always made my visits a thoroughly enjoyable experience. It is with great pleasure that I join the residents of John F. Kennedy Manor in celebrating their 24th anniversary and I wish them success and happiness in the future.

A TRIBUTE TO CARLOS RICE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to pay tribute to Carlos Rice, who is a 12-year-old national cycling champion in two events, track racing and criterium racing. In a switch from motocross bikes to 10-speeds, Carlos became really incredible on wheels. In a Miami Herald article entitled, "Cyclist Sets Winning Pace," Todd Hartman reports on this extraordinary biker:

The best thing ever to happen to Kendall's Carlos Rice? His motocross bike was stolen. So, "I asked my dad to buy me a 10-speed," Carlos said.

Two years have passed, and Carlos, 12, is a national cycling champion in two events: track racing and criterium racing. He won the titles in August, becoming the first from Dade to win a junior (18 and under) national championship and the first junior Floridian to win a pair.

"This kid has more talent than any rider I've seen in the last 25 years at his age," said his coach, David Rodriguez. "It's not just a case of him being better than other 12-year-olds, it's a case of him being really unusual."

LOOKING AHEAD

Carlos, a seventh-grader at Belen Jesuit Prep School, is adjusting to life at the top of his game. He's already talking about attending college in Colorado, where the country's best cyclists congregate. He has tossed aside basketball, football and tennis. "He wasn't much impressed with those," said his father, Carlos Sr. "What impresses him is cycling."

Already, Carlos is being marked by the area cycling community. Said Dick Houser, the state representative for the U.S. Cycling Federation: "He is outstanding. The best thing I can say—and this is kind of an inhouse phrase—is that he looks comfortable on a bike. Greg Lemond looked comfortable on a bike."

Carlos won the U.S. junior national track title in Houston despite being disqualified in one of the event's three races. He won the 1,000-meter, 2,000-meter and the 500-meter sprints. He was disqualified from the latter for a rules infraction. But the first-place points from the other two races were enough for the overall title.

PRACTICE RIDES

Even more remarkable, prior to the track championship Carlos had never ridden on a velodrome, a banked oval track. Rodriguez prepared him for it as best he could, taking him to running tracks in Key Biscayne and Coral Gables to practice riding in circles.

He won the criterium, a 17-lap, 12-mile race in San Antonio. He rode in a seven-rider breakaway, then took off early on the race's final ascent, trying to make up for his lack of climbing ability with a head start. The early push paid off. By the time the stronger climbers caught him, he was at the finish line, winning in a photo finish.

Carlos is at a loss to explain his rocket ride to the top: "I started training with the team and started racing every Sunday. My riding just kept getting better and better."

GOOD FUNDAMENTALS

He met Rodriguez on a visit to a bike shop. Rodriguez invited him to ride with kids on the Heatwave team, and on the first day out, Carlos rode faster than everybody. Now he trains with the team almost every day and competes in local races on Sundays.

"Guys are marked way back when they're juniors," Houser said. "His fundamental cycling techniques are excellent. This bodes well for future accomplishments."

Carlos' dad is having almost as much fun as Carlos Jr. His son's bike has been upgraded to a value of about $1,700. Said Carlos Sr.: "I can't be cheap with him now."

I wish to recognize the accomplishments of this tremendous athlete, Carlos Rice, and wish him much success in his future races.

PEORIA'S AMAZING GRACE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. MICHEL. Mr. Speaker, at a time when many Americans are looking for spiritual guidance, it is inspiring for us to remember the example and service of Rev. Bruce Dunn of Peoria's Presbyterian Church. After a tenure spanning four decades, Reverend Dunn retired last week from the Church, leaving a thankful and devoted congregation as one of his many legacies.

Through his ministry on the Grace Worship Hour, a syndicated television and radio show, Pastor Dunn has inspired many with his proclamation of the Gospel. Known for his firm stand on many issues, Reverend Dunn encouraged members to become involved in their communities and to be a Good Samaritan to others. This is advice that one regardless of religious affiliation, can and should take to heart.

At this point in the RECORD, I wish to insert an article which appeared in the Peoria Journal Star, "Dunn Ends 40 Years as Pastor."

As his 40-year tenure as pastor of Peoria's Grace Presbyterian Church came to a close Sunday, the Rev. Bruce Dunn was remembered as a man who influenced many.

"You've been such a shepherd to us, and we've been such a flock to you," church elder Sam Wagner said Sunday night during a service honoring Dunn.

An estimated 1,800 people attended the service at Grace Presbyterian, 114 W. Forrest Hill Ave.

Dunn led a 2,400-member congregation, and his sermons were broadcast internationally on the "Grace Worship Hour," a syndicated television and radio show.

Church elder Al Sanders read letters from Dunn's fans, including one from a Ukrainian man and one from the Rev. Billy Graham.

"Certainly, God has given you one of the great ministries of this time in our history," Graham wrote.

Mayor Jim Maloof also applauded Dunn.

"His life has got to be a wonderful inspiration for all of us," he said before presenting Dunn with the key to Peoria.

Maloof recalled advice passed from the pastor to the newly elected mayor in 1985. "Don't be a wimp," Dunn told him.

It was advice Dunn followed himself. He has taken stands on issues such as the Persian Gulf War, pornography and legalized gambling.

Dunn, a 72-year-old native Canadian, tried to deflect some of the acclaim.

"I appreciate all the nice things said tonight," he said. But he compared the accolades to praise given at a funeral, "with the desire to be as comforting as possible."

Members of Dunn's flock expressed gratitude for his leadership.

"He was very instrumental in helping me decide to go to law school," John Schellenberg said after the service.

Schellenberg, a Peoria attorney, said he asked Dunn for advice about what to do with his life. Schellenberg couldn't decide if he wanted to join the clergy or become a lawyer.

After speaking to Dunn, he attended law school at Southern Illinois University at Carbondale.

"He didn't push me into giving my life to the Lord," Schellenberg said. "He advised me about what was best for me."

TRIBUTE TO HELEN COUSER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a citizen of California on her 80th birthday. Helen Couser was born on a farm in Indiana and came to California when she was a young woman to settle in Long Beach. She then moved to Inglewood which was located in my congressional district at the time.

Helen Couser educated herself, married and raised three children all of whom graduated from Inglewood High School, which is my alma mater. Helen worked hard putting all three through college including one through Medical School at USC. This spirit of self help has motivated her entire life.

Mr. Speaker, Helen Couser became a prominent real estate broker in Inglewood and in the 1950's and 1960's she was very active in the Inglewood Chamber of Commerce, advisor to mayors and to the city council. She was especially active at Holy Faith Episcopal Church, where she played the organ for a dozen years or more. Her efforts were an inspiration to the congregation and to the community as a whole.

Helen Couser has received many civic and business awards and today at age 80 still holds a real estate brokers license and remains active in the affairs of the State of California. She now resides in the congressional district of my good friend Congressman WALLY HERGER near the town of Whitmore. At age 80 Helen is still active enough to run a 160-acre ranch and run it well.

Mr. Speaker, Helen Couser's example as a business woman, civic leader, dedicated mother and wife have helped elevate the image and station of such women of accomplishment all over America, and I am proud to pay tribute to her on November 16, her 80th birthday.

I am also proud to have been a part of those early days in Inglewood during which people like Helen Couser contributed so much to build California and she is continuing to do so even today. My wife Lee joins me in saluting Helen and her three children Dr. Dena Smith, Donna Yaw, and E. Del Smith on this significant anniversary.

A TRIBUTE TO STEVEN CHERVIN AND THE BET SHIRA SOLOMON SCHECHTER DAY SCHOOL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize the new principal at the Bet Shira Solomon Schechter Day School, Mr. Steven Chervin. In the Miami Herald article entitled "A Lifetime of Preparation," Jon O'Neill reports on how Mr. Chervin's vast experience has helped him find his niche at Bet Shira. I commend to my colleagues the following article:

Steven Chervin's educational experience runs the gamut: from the doctorate program at Stanford University to Winnie the Pooh nursery school in New Hampshire. This summer, he found something in between. Chervin is the new principal at the Bet Shira Solomon Schechter Day School, which has more than 200 students in prekindergarten through sixth grade.

"This is what I was looking for," said Chervin, 41, who was lured to Miami from a job at the Bureau of Jewish Education in Boston. "I wanted to come to a large, young and dynamic Jewish community. That's what I've found here."

But Chervin is not looking for an easy ride. He came to the school, at 7500 SW 120th St., with a clear mission.

"This is a good school, but it's not well known in the community," he said. "We have to change that. We also need to increase our enrollment. And we want to work more closely with our teachers, to give them the chance to grow professionally."

The teachers are happy to hear that. They've enjoyed the start of Chervin's reign, which began July 1.

"He not only shows the children a lot of attention, but he shows us a lot of attention, too," said Norma Presley, who teaches preschool. "He speaks up for us and gives us the kind of support we need. We're glad he's here."

Chervin took the long road to Bet Shira. He started teaching 20 years ago in Boston and also worked at Hebrew schools in California. Chervin has a bachelor's degree in psychology from Columbia University and a master's degree in education from Harvard. He is finishing his dissertation in a doctorate program at Stanford.

"I'm very happy here," he said, "I feel like I've got the chance to combine everything I've heard."

Bet Shira has several things going for it, Chervin said. The best is that it's a small

school where the ratio of students to teachers is about seven to one.

"It really gives us a chance to work with them on their individual needs," said Linda Hakerem, a kindergarten teacher. "I think I'd be totally frustrated in a public school classroom."

Chervin wants to avoid having frustrated teachers or students, but he would like to attract more children to the school.

"I think that makes for a healthier environment," he said.

Some students think so, too.

"There are not enough kids here," said Seth Cassell, 11, a sixth-grader. "I have a pretty good time here, but it would be better if there were more kids."

Lisa Bass, 11, agreed with Seth.

"The more people, the more friends you can have," she said. "But I also feel like I'm getting a better education here than a lot of kids do."

I am proud to recognize the many achievements of Mr. Steven Chervin and to wish him much success at Bet Shira.

ECONOMIC INEQUITY IN AMERICA

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. FAZIO. Mr. Speaker, I rise today on behalf of affordable, accessible health care coverage for middle class Americans.

Inadequate health care is no longer just a problem for the traditionally underserved populations—the elderly, the poor, minorities and rural residents. It is a problem that is also reaching crisis proportions among middle class Americans.

Eight out of 10 of the uninsured in California are working adults or their children. The American worker can no longer assume that adequate health care coverage is part of the benefits package. Gone are the days when having a job meant you had insurance.

With medical costs skyrocketing, employers are increasingly hiring more contract workers, part-timers and temporary workers—and not insuring them. Employers are transferring more and more responsibility for the cost of insurance premiums to their employees who are covered. And, costs and premiums continue to climb as providers extend services to the insured and uninsured alike—the cost of caring for the uninsured accounts for 30 percent of annual premium rate hikes.

The bottom line is that those who are working and insured support the entire system, as they struggle to continue to afford premiums which are increasing faster than national income is growing in order to pay for coverage that is continually decreasing.

With costs out of control and coverage decreasing insured workers are also at risk financially. A 1990 study by the Service Employees International Union projected that coverage for a family enrolled in the least expensive California indemnity plan would be $4,000 for the year. If current trends continue, the same plan is projected to cost $10,000 by 1995. A middle-income worker with a serious illness must spend up to $5,439 in premiums, deductibles, and co-payments, or about 33 percent of after-tax yearly income.

In fact, I was recently contacted by one of my constituents, employed in a full-time clerical position, who had to face both an increase in her medical insurance premiums and an increase in her rent at the same time. Unable to afford both, she had to make a hard, economic decision and was forced to forego her medical coverage.

In addition, one in five middle income Americans each year has to eat large medical bills which insurance will not cover. And, to top it off, one-third of middle-income Americans suffer from job lock. An employee often cannot change jobs—even for a better paying position—because of preexisting health conditions that a new employer will not cover.

This Republican recession is continuing to drive more and more people out of work, and that means that more and more middle income Americans are joining the ranks of the uninsured. In the near-term, we need income tax relief and a plan to promote jobs and to get our economy moving forward again. But for the long-term health of our economy and the American family, we need to ensure that affordable health care is accessible to all Americans.

TAX CUT FEVER

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. GRADISON. Mr. Speaker, Americans are skeptical of promises of tax cuts—not that they object to receiving them, only that they believe that someone else gets them or that what the Government puts in one pocket, it pulls out of another.

This skepticism is well founded. It is consistent with history as well as with economic theory. Even a tax cut that is not financed by explicit tax increases elsewhere is paid for eventually, if not much sooner, in the form of higher interest rates—caused by the resulting higher deficits—and lower living standards. And contrary to the supply-side super optimists, tax cuts are not self-financing; they reduce revenues and therefore raise deficits.

Today's lackluster economy has given rise to calls for middle-class tax relief. These calls alone are harmful. As tax cut fever took hold in Washington 2 weeks ago, the credit markets responded by a noticeable drop in bond prices—and an accompanying rise in interest rates. If these calls are translated into reality in the current economic environment, an already weak economy would be more likely to worsen than to improve. There are several reasons.

First, a fully financed tax cut—one offset by other tax increases or spending reductions—cannot, almost by definition, be stimulative. If the net impact is zero, where's the stimulation?

Second, the tax cuts currently being proposed are tiny compared to our already huge deficits and even smaller compared to GNP. They cannot possibly produce the economic stimulus claimed, but they can cause both short- and long-term economic damage.

Third, a—net—tax cut is especially risky at a time when the economy is likely in recovery, albeit a weak one. The negative response of credit markets could cause the Federal Reserve to tighten monetary policy—negating the only stimulus—from the recent easing of monetary policy—that may be forthcoming and quite possibly causing a double dip, a second recession.

And fourth, we've seen what happens when the tax-cut bug is caught, and it's not a pretty sight. The result is political-legislative bidding war that soon gets out of hand to the detriment of most Americans and to the benefit of narrowly focused special interests.

However sincere they may be, tax cut advocates want to have it both ways. They want to jump start the economy by encouraging more consumer spending while, at the same time, increase investment. These are noble goals, but they are mutually exclusive; it is simply not possible to increase consumption and saving simultaneously. It may sound good; it may even garner votes, but it's schizophrenic economic policy that simply cannot work.

Everyone agrees that we need economic growth. Unfortunately, that's where the agreement stops. In my view, the way to more economic growth is through deficit reductions because deficits are the most important obstacle to economic growth now and higher standards of living later. Even under last year's budget summit agreement, without additional policy actions, the United States will be running large deficits for as far as the eye can see. Deficit reduction ought to be fiscal policy priority No. 1.

We simply don't know at this time whether consumers have decided to buy less in order to save more on a permanent basis or whether they are simply holding back their normal consumption until their confidence in the economy improves.

So, beware of politicians bearing tax cuts. It's nothing more than a new version of the old line: "I'm from Washington, and I'm here to help you."

SUPPORT FOR OUR CHILDREN

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. STALLINGS. Mr. Speaker, a few weeks ago, in observance of National Children's Day, I invited young people in my congressional office to call my office to talk about what they would do for children if they could be a Congressman for a day. More than 70 children called my office. Since then, school classes have written to me to pass on more ideas.

I was very impressed, Mr. Speaker, with the maturity and insight their comments and suggestions demonstrated. These children talked about the fact that too many kids go to bed hungry at night in our Nation. They expressed concern about homeless families, drugs in schools, child abuse, education and protecting our environment.

I would like to share with my colleagues some of the responses I got from Pam Rybus' classes at Mountain Cove Learning Center in the Boise, ID, School District. These comments were characteristic of what school children around Idaho had to say:

Mel Davis and Jessica Smith said that the most important thing anyone can do for children is to love them, give them the care they deserve and a fair chance to accomplish what they're capable of. Krystal Worthington wrote that she'd get the drugs and violence off our streets. Jamie Carey reminded me that children should be our first priority and that young people recognize when individuals are trying to help them. Jennifer Stearns said she'd help children with school work or with problems.

Desi Ahrens and Kim Meredith said children should not got to bed hungry and should have good homes to live in. A food drive for children might be a good idea, Desi suggested. Tamara Borges said laws to prevent children from sexual abuse should be stricter and Melissa Campbell said if she were Congressman for a day, she'd help spread the abundance some countries or regions have in food and clothing around our Nation and the world. Carrie Cady said she'd try to make children feel special and Tami Petersen said she'd set aside a special day to honor children. I think that's what Congress had in mind when it passed National Children's Day—but clearly we can do better.

Mr. Speaker, we can do more to help the children of Idaho and our Nation. I have been an enthusiastic supporter of programs like childhood immunization, the Women, Infants and Children's Food Program and Head Start because I recognize that these programs offer real help to children. Every dollar invested in this core group of prevention programs returns from $1 to $14. The problems our children face may not be as immediately detectable as some of the other emergencies we face, but they can be just as destructive in the long run. We cannot afford to put off support for our children.

LABOR, HHS, EDUCATION APPROPRIATIONS CONFERENCE REPORT NOT GOOD ENOUGH

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. LEWIS of Florida. Mr. Speaker, on Wednesday June 26, 1991, I voted for H.R. 2707 the Labor, Health and Human Services, and Education Appropriations bill with reservation. I voted to support vital programs including Medicaid, Medicare, drug treatment, and research for cancer and AIDS. However, I had hoped that conferees would see the wisdom in reducing the bill's excessive funding levels during conference negotiations.

Instead, the House took this opportunity to seek $850 million in increased education spending over the Senate bill. The Senate, in turn, asked for an additional $1.4 billion increase in health programs. The result produced a $204.9 billion appropriations bill with $1.1 billion over the House bill, $21.7 billion more than fiscal year 1991 spending, and $4.3 billion more than the President's request. If that were not enough, conferees decided to employ accounting gimmicks to inflate spending levels. This will take $4.3 billion out of next year's allocation for spending.

As I clearly stated in June, if H.R. 2707 returns to the House without substantial reductions in spending, I will be obliged to oppose the bill. Today, I was forced to uphold this obligation and vote against the conference report.

I have always been concerned about H.R. 2707's provision to allow federally funded title X family planning clinics to discuss abortion as an option for an unintended pregnancy. This provision is not consistent with the original intent of the title X program to provide preventive family planning services. Again, I hoped that conferees would see the wisdom in striking this language from the bill. The language remains and so does my opposition to the conference report.

"SMALL-SCALE" SPACE SPENDING FOR NASA

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. DURBIN. Mr. Speaker, I rise today to place credit where credit is due. NASA's unmanned planetary probe, Magellan, has sent back photos of startling clarity and breadth. A 3.7-ton unmanned probe, Magellan costs approximately $600 million, yet, will map nearly 90 percent of the planet's surface and yield a more complete map than is available for our own Earth. The success of Magellan reemphasizes NASA's success with smaller-scale projects rather than the large-scale "mega" science projects, like the proposed space station or the Moon-Mars mission which threatens to escalate in cost out of control.

Magellan's advanced radar is capable of imaging with 10 times the level of detail of previous surveys, detecting and reproducing with nearly photographic quality surface features larger than 400 feet. This mission has uncovered extraordinary scientific wonders, revealing craters the size of Los Angeles, canyons deeper than any previously known in the solar system, and twice as deep as our own Grand Canyon, signs of earlier volcanic activity and other geological formations such as the 1.8-mile high Sif Mons Volcano.

During this time of budgetary constraint, Magellan is a cost-effective use of our scientific research budget. Magellan's 1989 launch ended an 11-year hiatus in which no planetary missions were launched. During this period, potentially valuable projects languished, crowded out of the budget by expensive, "big science" projects. Unfortunately, NASA has not changed in the intervening years. Today, massive projects, like the space station, which the General Accounting Office currently estimates to cost nearly $40 billion to build and $120 billion or more over its lifetime, dwarf and crowd out worthy projects from the research and development budget.

"Small science" projects are more cost-effective in delivering scientific knowledge to the American public, American education, American industry, and American commerce, yet, these projects are being neglected by the administration. United States emphasis on "big science" has placed America at a competitive disadvantage. Over the last 20 years, United States R&D, as a percentage of GNP, grew only modestly from 2.4 to 2.8 percent, while Japan and Germany enjoyed dramatic increases. Civilian R&D, the segment of science research that contributes most to American productivity and jobs, 1.9 percent of United States GNP, lags far behind Japan, 2.9 percent, and the former West Germany 2.7 percent.

The administration's fiscal year 1992 budget request for one "big science" project, $2.5 billion sought for the space station, exceeds the entire budget for the National Science Foundation. The appropriations conference committee adopted National Science Foundation funding at a level below the House bill, a further casualty to the voracious appetite of the proposed space station. Leading scientific societies and professional associations have argued that the most productive discoveries come from small teams working in relatively modest laboratories. Such small research teams have produced Nobel Prize winning research in diverse fiends. In fact, "small science" has won most of the Nobel Prizes awarded in recent years. Of the 10 Nobel Prizes awarded for physics during the 1980's small-scale researchers were honored twice as frequently as the scientists associated with "big science" projects. The ratio is even more pronounced with Nobel Prizes in chemistry, physiology, and medicine, virtually all of which were awarded to small-scale researchers.

The President's budget emphasizes "big science" projects in greater proportion. Under the President's budget, large R&D projects consume an increasing share of domestic discretionary spending in the first half of the 1992's. The share of the three largest science projects, space station, earth observing system and the superconducting super collider, nearly doubles from 8 percent of all civilian R&D to 15 percent by fiscal year 1992. The three largest projects increase and consume 24 percent of all spending within the Federal science budget. The President's proposed spending increases for the space station, EOS and SSC represent fully 90 percent of all of his requested increases for domestic discretionary spending in fiscal year 1994. Though comprising just 7 percent of the domestic budget and 1 percent of the entire budget, NASA and SSC growth represent 21 percent of all available domestic spending growth tolerated by last year's budget agreement.

At this time of budgetary constraint, space science programs like Magellan, are cost-effective uses of our scientific research budget. While costs associated with the proposed space station continue to escalate, the Magellan project represents targeted and effective use of scarce Federal dollars with a scientific yield that can benefit all Americans.

KAREN COHN: SOUTHWEST HIGH'S SUPER TEACHER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Karen Cohn, who re-

cently was featured in the Miami Herald as one of Dade County's super teachers. I am proud to say that Ms. Cohn teaches English at my alma mater, Miami's Southwest High School. The article, "Teacher's Personal Style Is a Class Act" by Jon O'Neill tells her story:

Karen Cohn believes the best teaching is done one on one.

In the era of crowded classrooms, it isn't always easy to do that. But Cohn, an English teacher at Southwest High School, manages to do it often enough to leave an indelible mark on her kids.

"She talks to you like a person," said Andrea Stainton, 17. "She's a great teacher."

Senior Robert Villar, 17, said Cohn is "always willing to help. She treats us as peers."

Which is exactly what Cohn tries to do. She wants to know everything about every one of her kids.

"When you show students you're interested in them, they'll knock themselves out for you," said Cohn, 41. "I think learning is a personal thing."

Cohn does more than just memorize names and faces. She remembers birthdays and gives out cards. She tries to call the parents of each of her kids at least once during the year.

"She recognizes every person, and she knows how to make them feel important," said Mike Brennan, an assistant principal at Southwest. "During summer school this year, her class ended up with 50 kids in it. When we tried to split it, no one wanted to leave her class. That's the kind of relationships she has with her students."

Like so many dedicated teachers, Cohn never wanted to do anything else. She was born in Massachusetts and reared in Connecticut. When she graduated from high school, the inscription in her yearbook said she wanted to be a successful English teacher.

She graduated from the University of Connecticut with a bachelor's degree in English education and has since gotten a master's at Florida International University. She came to Florida in 1973 and went to work at St. Timothy's Catholic School, where she taught middle school.

Cohn came to Southwest in 1986, and in addition to teaching, she's also the business manager for the school's athletic department. She lives in Kendall with her husband Don, an attorney, and their daughter.

Cohn said her teaching philosophy evolved naturally. It's a compilation of styles that made sense to her when she was a student.

"I figured that if that approach worked on me, it could work for me," she said.

But just because she believes in being personable with her kids doesn't mean she takes it easy on them. She sets high standards in her classes.

"If you get students to believe they can reach those standards, they do," she said.

Students say Cohn grades tough and doesn't brook excuses. Robert said she keeps after him about his assignments. But he knows he needs the reminders.

"I have senior-itis. I forget everything," he said. "She's the hardest teacher I've had here, but it's better that way. I'm learning more."

For Cohn, the thrill is in knowing she's making a difference.

"Teaching is like a big emotional high," she said. "It's like getting a shot of Adrenalin every day when you come in."

I am happy to pay tribute to Ms. Cohn by reprinting this article. Ms. Cohn's success at motivating her students is an inspiration to those who are working for quality education.

NATIONAL WOMEN VETERANS RECOGNITION WEEK

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. BILIRAKIS. Mr. Speaker, this week the House of Representatives will pass a resolution to designate the week beginning November 10 as "National Women Veterans Recognition Week." For the last 7 years I have introduced this measure in order to honor the more than 1.2 million women veterans who have served in our Armed Forces.

In 1984, I authored the first piece of legislation introduced in the Congress which called for national recognition of women veterans. While I was pleased to be the originator of this idea, I was surprised and disappointed that such recognition had not been given before. I am proud to say that every year since, the Congress and the President have approved "National Women Veterans Recognition Week." This acknowledgment has been long overdue.

Although official military participation began with the formation of the Army Nurse Corps in 1901, followed by the Navy Nurse Corps in 1903, women have served in and with the military services since our country was founded.

During World War I, the Army held fast to its prohibition against enlisted women, but the Navy Department took advantage of the clerical skills women offered by signing up 13,000 women in the Navy and the Marine Corps. These women—who worked as telephone operators, clerical workers, typists, and stenographers—were the first to be accorded full military rank and status. When WWI ended, however, they were demobilized, and except for the Nurse Corps, the American armed services were once again all-male institutions.

World War II marked a turning point in the history of women in the military. On May 14, 1942, the Women's Army Auxiliary Corps, or WAAC's, was created, followed 2 months later by the WAVES, which stands for Women Accepted for Voluntary Emergency Service.

A total of 350,000 women served in the four services during World War II and their contribution to the war effort was invaluable. Perhaps the greatest compliment paid to the American women who served came from Albert Speer, Adolph Hitler's weapons production chief. Speer is reported to have said:

How wise you were to bring your women into your military and into your labor force. Had we done that initially, as you did, it could well have affected the whole course of the war. We would have found out, as you did, that women were equally effective, and for some skills, superior to males.

In 1947–48, Congress recognized the valuable service of women during World War II by granting them active duty status in the regular Army, Navy, Marine Corps, and Air Force. Women continued to play an active role in Korea and Vietnam and in 1975, Congress further recognized the important contributions of women by requiring the service academies to admit women. The first women were graduated in 1980.

Whether women served as nurses, clerical support, mechanics, technicians, pilots, cryptographers or one of the many other positions of service, they have contributed and continue to contribute mightily to our defense in times of both war and peace. And despite the fact that women are officially excluded from combat duty we all know that many women veterans served under very difficult and dangerous circumstances—some even gave their lives for their country.

In fact, in every war before the 20th century in which the United States was involved, small numbers of women disguised themselves as men in order to serve in combat roles. Among the most famous of these were Deborah Sampson, alias Robert Shurtleff in the Revolutionary War; Lucy Brewer, alias George Baker, in the War of 1812, and Loretta Vasquez, alias Harry T. Buford, in the Civil War.

Despite the continuous service of women throughout the history of our nation, we have not always recognized their tremendous contributions, nor have we paid attention to their needs as veterans.

It is my hope that "National Women Veterans Recognition Week" will highlight the special needs of women veterans, particularly in the areas of health care, employment, and readjustment problems. Of greatest importance is to increase women veterans' awareness of the availability of VA benefits and services for which they are eligible. Although much has been accomplished in the past several years, women veterans are less likely than their male counterparts to use veterans benefits such as VA health care and the home loan guarantee program.

In August, the Veterans' Affairs Oversight and Investigations Subcommittee, of which I am the ranking minority member held a hearing on the needs of women veterans. During the course of this hearing, several witnesses testified that they felt that traditional Veterans' Day festivities tend to overshadow the observance of "National Women Veterans Recognition Week." These witnesses felt it would be more appropriate to honor women veterans at some other time during the year.

In light of the testimony I heard during the August hearing, I am considering changing the date for the 1992 resolution. Several of the witnesses suggested June 12. This is the date in 1948 when President Truman signed the law establishing a permanent place for women in the Armed Forces. I hope that women veterans from across the country will contact me to express their preference for the commemoration of "National Women Veterans Recognition Week."

However, no matter when "National Women Veterans Recognition Week" is observed, it is a time for the country to become better acquainted with the service of women veterans and to express our gratitude to them for that service. It is also a time for women veterans themselves to remember their years in uniform and take pride in the many contributions women have made to the security and well-being of our great country.

I wish to thank Chairman SAWYER and the ranking member, TOM RIDGE, for their assistance in bringing this legislation to the floor. In addition, I wish to thank the women's groups, national veterans organizations and my House colleagues who worked diligently toward the enactment of this measure.

HONORING COUNCILMAN AND MRS. JOHN ANDSELL ON THEIR 50TH WEDDING ANNIVERSARY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. DYMALLY. Mr. Speaker, I would like to take this opportunity to pay tribute to Councilman and Mrs. John Andsell of Bellflower, CA, who celebrated their 50th wedding anniversary on November 4, 1991.

While serving in the Canadian Navy, from September 1939 until 1945, John met his wife, Irene and married on November 4, 1941. In 1952, while traveling through the State of California, John's car broke down in the "Friendly City of Bellflower," and they have been residents ever since. "I must say that not leaving Bellflower had nothing to do with the speed by which his car was fixed."

John and Irene developed skills in the upholstery trade and in 1953, opened A & D Upholstery in Bellflower. Although the newlywed couple was knee-deep in draperies and upholstery, they found time to raise two sons: Allan and Garry. Through the excellent examples set by John and Irene, Allan is now self-employed and a very successful businessman, and Garry serves as the pastor of Hosanna Chapel in Bellflower.

John and Irene retired several years ago. John exchanged his upholstery business license for a real estate license and is now selling private and commercial properties for Realty World Western Properties. Of course, Irene, like so many other American women worked hard in their home, in what Congress has recently began to look at as the women's unpaid labor.

John and Irene manage to stay busy. In April of 1982, John Andsell was elected as a member for the city council of the city for Bellflower and is currently serving his third term as a councilmember. Both John and Irene have officially represented the city at many events such as the League of California Cities, the California Contract Cities Association and the National League of Cities.

In this day and age when so many events are short-lived, it is remarkable and inspiring to learn of a couple like John Andsell and Irene who are celebrating 50 years of marriage. I ask my colleagues in the House of Representatives to join me in wishing the Andsell's many more happy years together.

DONATO F. SENA

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. RICHARDSON. Mr. Speaker, in these perilous times, we all feel renewed appreciation for the men and women who choose to devote their careers to the enforcement of our laws and the protection of our lives and property. Today I would like to call the attention of my colleagues to the career of Donato Sena, who will be honored this weekend on his retirement as chief of the Las Vegas, New Mexico Police Department.

Chief Sena is a native of Las Vegas who has served on his community's police force for the past 20 years. He has headed the force since 1984. During his years with the Las Vegas Police Department, Chief Sena initiated numerous crime prevention programs including neighborhood watch, safety programs, and home and business security surveys which resulted in a burglary reduction rate of 40 percent.

Chief Sena brought the Crimestoppers and DARE Programs to his area, automated his records division, and added a K–9 unit to his department. He developed and implemented a narcotics regional enforcement unit that worked to solve narcotic crimes in five countries in northeastern New Mexico, yet was not too busy to coordinate a school crossing guard program.

Donato Sena served as chief longer than any other individual in Las Vegas history. His presence on the force will be sorely missed, but I am confident that his example will continue to be an inspiration to young officers for many years to come.

LIGHTHOUSE FOR THE BLIND

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the Miami Lighthouse for the Blind sponsored a free program this past summer to help blind children become more self-sufficient. The program is just one of many efforts underway at the Miami Lighthouse to promote physical and emotional well-being in the blind community. The Miami Herald brought attention to this particular program, and the good work of the Miami Lighthouse for the Blind, in an article by Ms. Lori Teresa Yearwood. That article follows:

Adriana Zenck is a 12-year-old who lost sight in her right eye because of a brain tumor earlier this year. The tumor is gone, but fear lingers.

"What if I play a game of ball, and the ball hits me in my other eye and I can't see out of it either?" she asked.

Like other visually impaired children who attend a free summer program at the Miami Lighthouse for the Blind, Adriana has some psychological, as well as physical, hurdles to overcome.

For six hours every weekday, she and 10 other Dade County children go to the private, nonprofit organization at 601 SW Eighth Ave. to learn how to become independent.

Kevin Arrow, a group activities director at the center, offered some advice to the youngster while he and Adriana were gluing shiny plastic jewels on a silver box.

"You can't stay home every day because you're afraid to go out in the street," he said. "You have to enjoy your life."

Summer lessons at the Lighthouse concentrate on the intricacies of daily living: eating with utensils, making telephone calls, walking across the street, catching the bus, threading a needle, reading a book.

But last Thursday was Adriana's second day at the center, and it was full of unknowns.

"What if I go this way," she said, walking toward an open door, "and I do this instead?" she said as she pretended to bump into the table next to the door.

The "what ifs" are cast aside by the Lighthouse's 25 instructors and three counselors.

"You can't give them a break and say "Oh, poor little thing,'" said Hazel Trujillo, Lighthouse communications instructor who lost her sight to diabetes eight years ago. "Because when they grow up, they'll go around saying, 'Oh, look at me. You have to help me.'"

One of the organization's successes is 10-year-old Lucy Arguijo, whose gray eyes see nothing more than fuzzy shapes and blurry colors. She is known as "the little dynamo" because she runs to all her classes in the two-story Lighthouse building.

"I can do all things," she said while making Braille letters on a piece of paper. "I can make gelatin, pudding, all that. I want to learn to be a teacher of Braille when I grow up."

Cooking is just one of Lighthouse's popular classes. Computer training is another, one at which 13-year-old Willie Rosado is becoming a pro.

Last week he typed a letter on the computer to his girlfriend, who is also a student at the Lighthouse: "Hello Judith, how are you? When are you coming back [from vacation]? I hope you come back on Monday."

Lighthouse communications instructor Lidia Esquijarosa taught Willie how to use the computer.

"Just because people can't see doesn't mean they aren't full of emotion and spirit," Esquijarosa said. "The sight may not be there, but the rest is."

Mr. Speaker, I would like to recognize the leadership of executive director Vernon Metcalf, for making the Lighthouse for the Blind a place where the blind of all ages can learn independence. I would also like to commend Lighthouse instructors, Hazel Trujillo, Lidia Esquijarosa, and Nancy Gonzalez, as well as activity director Kevin Arrow for their contributions to the program. I encourage all of those involved in the Lighthouse for the Blind, both staff and volunteers, to continue their important work.

WE LEARNED FROM THE MADRID PEACE TALKS—SYRIA IS THE BIGGEST OBSTACLE TO PEACE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. SCHEUER. Mr. Speaker, the peace talks in Madrid last week were historic and informative for us all. Historic, I say, because Israel's neighbors finally sat down with her. Informative, because the talks showed that Israel, the Palestinians and the Jordanians want peace, but Syria only wants territory. We all should take note.

Clearly, Syria is the biggest obstacle to peace.

On the first day Presidents Bush and Gorbachev made it clear that any settlement of the conflict must be comprehensive and just. They correctly asserted that any territorial compromise, if it occurs, must be met with real, bilateral peace treaties, cultural ex-

changes, regional cooperation, and maybe even tourism.

The second day, unfortunately, was filled with vituperation and revisionist history. I continue to be amazed at how the Syrians can look the world straight in the eye and say Syrian Jews are accorded full equality, dignity and rights in Syria. Nothing could be further from the truth.

The weekend was marked by Israeli openness and Palestinian flexibility; only Syria, and its hostage state Lebanon, remained intransigent.

I have been to Syria and I have spoken with Syrian Foreign Minister Farouk Charaa. To my face, he had the gall to deny that Syria had ever shelled Northern Israel from the Golan Heights before 1967. He denied that Syria had made life a nightmare for the children of the Huleh Valley, for the fisherman on the Galilee, for the farmers of the Northern kibbutzim. He made the same preposterous claim that Syrian Jews are treated no differently. We all know this to be false.

The Syrian regime of Hafez Assad lives in a dreamworld, a fantasyland. They deny reality and in so doing endanger the entire Middle East region with continued instability and potential for conflict.

Mr. Speaker, Syria's irrational intransigence and insistence to deny reality—more than anything else—represent the biggest obstacle to peace in the Middle East.

ANOTHER POSTAL SERVICE SHELL GAME

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. BROOMFIELD. Mr. Speaker, the American consumer is about to lose another Postal Service shell game.

Yes, the Postal Board of Governors held the price of a first-class stamp to 29 cents.

But that decision came with a threat by the Postmaster General to raise the price by as much as 5 cents in as little as 2 years.

That's a 17-percent increase over today's rate. It comes on top of a 16 percent increase during the previous 2 year period.

Postal management must have its collective head in the sand. Anyone running a modern business organization in today's climate is looking for ways to cut costs, not raise prices.

This lack of managerial vision makes it all the more important for Congress to pass my resolution creating a bipartisan, blue-ribbon commission to study America's postal system.

I urge my colleagues to support this important resolution.

RETIREMENT OF GOV. GEORGE SINNER

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, George Sinner, the Governor of North Dakota, announced last week that he will be retiring next year following 8 years serving as Governor.

Governor Sinner is one of those rare public officials who is willing to take risks, to speak out, and to stand up for the things he believes in. North Dakota will miss his leadership, and I will miss working with a friend.

The past 8 years have been a very difficult time. North Dakota has been buffeted by economic trouble, Governor Sinner's steady hand and courageous leadership has guided North Dakota to a point where I believe our state's future can and will be a better and brighter future.

The lonely difficult job Governor Sinner was asked to bear during these past 8 years is perhaps best described by a verse I learned years ago:

Bull fight critics row by row,
crowd the vast arena full.
But there is only one man there who knows,
and he's the one who fights the bulls.

Bud Sinner knows. And—the critics be damned—he did what had to be done, and North Dakota is better because of it.

MONDAY, NOVEMBER 11, 1991: IN HONOR OF OUR VETERANS

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. HERTEL. Mr. Speaker, I rise today to pay special tribute to our Nation's veterans.

On November 11, throughout our Nation there will be parades, celebrations, and speeches honoring the men and women who put their lives on the line to protect the freedoms of the American people. Our great Nation cannot forget the tremendous sacrifices of the brave men and women who served in times of peace and in times of war to protect the liberties we cherish.

Each year on Veterans Day we have the opportunity to express our indebtedness to those who have answered our Nation's call to arms with courageous determination. To our veterans we owe our respect and honor for heroic service. You represented our country with pride and dignity. You stood by us, and now we will stand by you.

To the parents whose sons and daughters lost their lives fighting for our freedom and democracy, I extend my prayers and express the Nation's gratitude for your strength. You have paid the highest price for democracy and we enjoy its privileges only because your sons and daughters fought for it.

To those serving in today's Armed Forces, you are the veterans of tomorrow. Our Nation takes great pride in the men and women who serve today to protect our fundamental rights. As we watch our neighbors across the world fighting for the privileges that we sometimes take for granted, we must stop and thank you for your dedication and service. We are proud of you, and will stand by you.

Mr. Speaker, it is my highest privilege today to salute our Nation's veterans. We owe them our respect and honor them for their heroic service.

CONGRESSIONAL TRIBUTE TO RICHARD AND DONNA FUNGAROLI ON THE OCCASION OF THEIR 25TH WEDDING ANNIVERSARY

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. OLVER. Mr. Speaker, I rise today to recognize the 25th wedding anniversary of Richard and Donna Fungaroli. The Fungaroli's 25 years of commitment to each other deserves our recognition and praise.

Richard and Donna have been sweethearts since they started dating at the age of 12 and have been together since.

The Fungaroli's eloped 25 years ago when Richard was called to duty in the service of his country during the Vietnam war. Mr. Fungaroli served his time in the Armed Forces with the Navy on the U.S.S. *J.W. Thomason.*

Richard and Donna are the parents of two children, Richard Jr., who is a nurse in Palm Bay, FL and Shelly who attends Springfield Technical Community College.

Richard works for Whiting Oil Co. And Donna is a nurse at the University of Massachusetts.

A surprise anniversary party for the Fungaroli's will be held on November 9, 1991, at the Veterans of Foreign Wars Post in Amherst, MA. Many family and friends will be on hand to celebrate this special evening planned for the Fungaroli's.

Mr. Speaker, at this time I would like you and my fellow colleagues to join me in expressing special recognition to the Fungaroli's on the occasion of 25 years of marriage. I would also like to wish the Fungaroli's their family, and friends all the best on this joyous occasion.

THE PUPPY PROTECTION ACT OF 1991

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. CARDIN. Mr. Speaker, today I, along with 11 of my colleagues, am introducing the Puppy Protection Act of 1991. This legislation will establish a Federal lemon law for puppies sold through pet stores or by commercial breeders. The legislation is based on similar laws and regulations in eight States that have proven effective locally, but this is clearly an interstate problem that requires Federal action.

Ninety percent of puppies for sale in most pet stores have been raised under horrendous conditions—puppy mills set up to raise the greatest number of animals at the lowest possible cost. Based on over a decade of investigative reports by the Humane Society of the United States [HSUS], puppy mill dogs are often the victims of filth, inadequate shelter, overcrowding, insufficient food and water, incessant breeding, and lack of veterinary care. Hundreds of dogs have been found crammed together in wire pens and cages, with open

wounds, suffering from starvation, forced to eat, sleep, and sit all day in their own excrement. Puppies that live through 7 weeks under these conditions are then often shipped hundreds of miles through puppy brokers to pet stores, while still highly susceptible to disease.

Needless to say, the cute, fluffy puppies in the pet store window raised under these conditions are more likely to make terrible pets. They lack the critical socialization and veterinary care necessary for healthy pets. A California State study found 48 percent of the puppies in pet stores were ill or incubating an illness at the time of purchase. Even for papered dogs, the American Kennel Club states that papers "* * * in no way indicate the quality or State of health of the dog."

Veterinarians' stories of hyper, nervous puppies nipping at children or cowering in corners after their experiences in the mills are endless. The cruelty of the puppy mills was brought home to me by a Baltimore veterinarian, Dr. Kim Hammond, as he spoke of the terrible problems he must deal with in his office each day:

> I have had to destroy pet store puppies due to distemper, see them crippled by hip dysplasia, treat them for epilepsy, watch them tremble and bit in fear, and each day break the news of heartbreaking, needless problems to families.

In the past, the great portion of the Nation's puppy mills were located in rural areas of Kansas and Missouri. In recent years, however, the industry has grown significantly in other Midwestern States, including Nebraska, Iowa, Oklahoma, and Arkansas. In fact, today puppy mills can be found throughout the Nation. As John Hoyt, president of the HSUS has stated:

> The market is being flooded with animals that are ill-conceived, ill-bred, and just plain ill.

Working with the HSUS and veterinarians from around the Nation, I have crafted a lemon law for puppies purchased from pet stores or commercial breeders. My legislation would provide a recourse to consumers who purchase a dog from these sources that:

Within 14 days, a vet certifies has an illness, unsoundness, symptom of a contagious disease, parasites, or behavioral problems causing the dog to be an unfit pet;

Within 14 days, dies, except where the death results from an accident or injury during the period;

Within 1 year, is clearly not the breed of the dog that was represented at the time of purchase; or

Within 2 years, a veterinarian certifies has a serious congenial or hereditary disorder.

Based upon one of these causes of action the consumer may return the pet for an exchange, refund, or keep the animal and receive reimbursement for veterinary costs up to three times the price of the dog.

This legislation will create an economic incentive for pet stores and puppy mills to correct the fearful conditions under which so many puppies are produced and cared for early in their lives. It should ensure that the basic steps are taken to provide the fine pets consumers think they are purchasing.

HONORING WILBER J. WITZEL

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. MINETA. Mr. Speaker, it is said by some cynics that America is starved for leaders, for heroes. I do not believe these doubters, Mr. Speaker, and neither does the Carnegie Hero Fund Commission.

My hometown of San Jose, CA is like any other in the United States. Each has its heroes. Many of these ordinary people who do extraordinary things go unsung by their neighbors because they seek no publicity, no reward for their deeds. Wilber J. Witzel of San Jose is such a man.

On June 11, 1990, Mr. Witzel saved a woman from being struck by a train in San Mateo, CA. The woman was attempting to cross the tracks at a commuter rail station when she lost her footing. She fell onto the tracks just as a train approached at high speed. She tried to get up, only to fall a second time.

Mr. Witzel, a flagman, was standing on the passenger platform opposite the woman. He had seen her fall, immediately jumped from the platform, and ran to her just as the train hit its emergency brakes. The train continued its approach, its horn blowing. Mr. Witzel pulled the woman from the tracks just before the front of the train passed by.

Mr. Speaker, Mr. Witzel is a genuine American hero. For his act, the Carnegie Hero Fund Commission awarded him a Carnegie Medal 1 week ago for risking his life to save another's.

Mr. Speaker, I know I speak for my colleagues here in the House as I, too, congratulate Mr. Witzel for his heroism, and the Carnegie Commission for its work since 1904 to recognize true leadership and courage here in the United States.

EDWARD DEUTSCHER: 26TH EAGLE SCOUT OF TROOP 350

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. LEHMAN of Florida. Mr. Speaker, it is with great pride that I recognize Edward Deutscher who, on December 10, 1991, will become the 26th Eagle Scout of Troop 350 in North Miami Beach.

Achieving the rank of Eagle Scout is truly a tremendous accomplishment and a testament to Edward's fine character. Only a select few of our Nation's youth can hope to ever attain such an honor. A fine student and dedicated scout, Edward has excelled both in and out of the classroom. It is one thing to maintain a high level of intellectual curiosity and quite another to remain actively involved in community life. Edward Deutscher has managed to do both successfully.

Mr. Speaker, I commend Edward for his accomplishment as he has made all of North Miami Beach proud.

TRIBUTE TO DR. JOEL D. MEYERS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. MARKEY. Mr. Speaker, today, I rise in tribute to a world renowned researcher, Dr. Joel D. Meyers, who died on Sunday, October 27, 1991 at the age of 46 after a 2-year battle with colon cancer. Joel Meyers will be greatly missed by all who knew him.

Dr. Meyers is internationally recognized for his pioneering work on infectious diseases and was a leader and a champion in the fight against AIDS. He was an intellectually gifted scientist and teacher and is considered one of the Nation's innovators in the study of infections in bone marrow transplant patients.

I pay tribute to Joel Meyers, M.D. in an effort to recognize and to applaud his scientific excellence and his exceptional dedication to medicine, his commitment to research, his extraordinary devotion to his patients and to the education of the next generation of clinicians and scientists. Dr. Meyers graduated from Dartmouth College in 1966 and Harvard Medical School in 1970 and then went on to complete an internship and residency in internal medicine at the hospital of the University of Pennsylvania. He then served as an epidemic intelligence officer in the immunization division of the Centers for Disease Control [CDC]. From there, Dr. Meyers was recruited to Seattle, WA to join the faculty of the division of infectious diseases at the University of Washington's School of Medicine. He then joined the Hutchinson Cancer Research Center in 1978 and was appointed professor of medicine and head of the infectious diseases and Clinical Virology Program in 1982.

Dr. Meyers, through his research and teaching, was committed to improving the world around him and to enhancing the health of our Nation. I greatly admire his accomplishments and respect his dedication in a world where such selfless people are rare. Dr. Meyers made landmark contributions to the field of infectious diseases including numerous scientific publications that have invaluably increased our knowledge about the causes and treatment of infectious diseases, AIDS and cancer.

On a personal level, Joel was a brilliant, vital and energetic person who had a great love of life. He was a superb mentor to young researchers and was greatly respected and held in the highest esteem by his colleagues. He was a wonderful husband and friend. Dr. Joel Meyers touched many people, not only through his many contributions to medical practice, research and education, but also through his warm sense of humor and love of people. His memory will be cherished by all who knew him and his spirit and works will live on to enrich our lives. Mr. Speaker, thank you for giving me the opportunity to pay tribute to this eminent researcher, outstanding physician and dynamic and remarkable human being.

H.R. 2868 CONFERENCE REPORT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 6, 1991

Mr. ASPIN. Mr. Speaker, I rise in support of the Heartland Fuels Corp.'s K-fuel grant. As you know, it applied for a Clean Coal Technology IV Program grant to commercially develop K-fuel and received the top new fuel forms rating. Unfortunately, Heartland did not receive the funding it deserved.

The K-fuel process transforms high moisture, low energy coal feedstocks into low moisture, high energy solid fuel. This fuel is clean and allow older, coal-burning factories to meet the tough clean air standards that we passed last Congress.

K-fuel would first be used at the Rock River Power Generating Station in Beloit, WI. If this powerplant does not get K-fuel or a similar reformulated coal, there are two roads which it could follow. It could buy expensive retrofits and scrubbers whose high costs would be passed on to my constituents. Or, they could close up shop, put 75 hard working folks out on the street and force my constituents to get their energy from some other, more expensive source.

K-fuel is an important program. It's important to Beloit. It's important to my constituents. And it's most important to thousands of workers across the Midwest who work at coal-burning factories. This grant needs to be funded. I wish the Department of Energy had listened to its own advisors and funded this grant in the first place, but now we must look for a legislative fix to DOE's mistake.

This whole problem is a result of DOE's mishandling of the whole program. Under DOE management, the Clean Coal Technology Grant Program has become a natural gas program not a clean coal program. In fact, 86 percent of the clean coal grants went to natural gas related not clean coal related projects. It's only fair that K-fuel and other clean coal projects get their fair share of funding.

I also have serious concerns with how the DOE has handled this whole situation. If the DOE had not funded lower ranking projects over higher ones, we would not be discussing this issue here today.

Finally, the language we are considering today is a compromise. It would only provide Heartland with $5 million, less than an eighth of its original grant request. This would give Heartland a chance to make K-fuel a reality and would not undermine the integrity of the Clean Coal Technology Program in anyway.

I urge my colleagues to support the K-Fuel Program.

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, November 7, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 12

10:00 a.m.

Judiciary

To hold hearings on proposed legislation to establish a national background check system for day care centers in an effort to better protect children.

SD–226

2:00 p.m.

Judiciary

To hold hearings on the nomination of William P. Barr, of Virginia, to be Attorney General of the United States.

SD–226

NOVEMBER 13

9:00 a.m.

Governmental Affairs

Government Information and Regulation Subcommittee

To hold hearings on adjusting censal estimates of the Bureau of the Census, Department of Commerce.

SD–342

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings to examine competitiveness in the U.S. computer software industry.

SR–253

Judiciary

To continue hearings on the nomination of William P. Barr, of Virginia, to be Attorney General of the United States.

SD–226

10:30 a.m.

Armed Services

To resume hearings on certain issues relating to the Treaty on Conventional Armed Forces in Europe (CFE), with Protocols on Existing types (with Annex), Aircraft Reclassification, Reduction, Helicopter Recategorization, Information Exchange (with Annex), Inspection, the Joint Consultative Group, and Provisional Application; all signed at Paris on November 19, 1990 (Treaty Doc. 102–8).

SR–222

NOVEMBER 14

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings to examine the Federal Government role in promoting children's health through the national school system.

SD–342

NOVEMBER 15

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine global change research, focusing on ozone depletion and its impact on the environment.

SR–253

Select on Indian Affairs

Business meeting, to mark up S. 1869, to provide for the divestiture of certain properties of the San Carlos Indian Irrigation Project in the State of Arizona; to be followed by a hearing on S. 1607, to provide for the settlement of the water rights claims of the Northern Cheyenne Tribe.

SR–485

NOVEMBER 19

10:00 a.m.

Commerce, Science, and Transportation

To hold oversight hearings on title 5 of Public Law 100–418, authorizing the President to conduct a study on the effect of foreign mergers, acquisitions, and takeovers on U.S. national security.

SR–253

NOVEMBER 20

9:00 a.m.

Select on Indian Affairs

Business meeting, to consider the nominations of A. David Lester, of Colorado, Wiley T. Buchanan, of the District of Columbia, Robert H. Ames, of California, and William S. Johnson, of New Mexico, each to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development, and other pending calendar business; to be followed by an oversight hearing on Federal court review of tribal court rulings in actions arising under the Indian Civil Rights Act.

SR–485

CANCELLATIONS

NOVEMBER 12

10:00 a.m.

Select on Indian Affairs

To hold hearings on S. 538, to restore Federal recognition of, and assistance to, the Miami Nation of Indiana.

SR–485