

## HOUSE OF REPRESENTATIVES—Tuesday, November 19, 1991

The House met at 1 p.m.

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

We rejoice, O God, that some hostages have been released and we join with them and their families that the days of darkness and solitude and chains are past and a new day has begun. As these men have received deliverance from captivity, may each person from every background or nation, reaffirm the gifts of liberty and freedom and celebrate these gifts each day. As we give thanks for these freedoms, we remember those hostages who have not yet experienced release, and we earnestly pray that unification with those they love will be soon. May Your blessings, gracious God, that are new each day, be with the hostages and with us all. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

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

Mr. JONES of Georgia led the Pledge of Allegiance as follows:

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

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H.J. Res. 130. Joint resolution designating January 1, 1992, as "National Ellis Island Day"; and

H.J. Res. 327. Joint resolution designating 1992 as the "Year of the Gulf of Mexico".

The message also announced that the Senate had passed with amendments in which the concurrences of the House is requested, a bill of the House of the following title:

H.R. 2967. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act

of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2967) "An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Labor and Human Resources: Mr. KENNEDY, Mr. METZENBAUM, Mr. ADAMS, Mr. HATCH, and Mr. COCHRAN; from the Committee on Finance (solely for the Social Security Retirement Earnings provisions): Mr. BENTSEN, Mr. MOYNIHAN, and Mr. PACKWOOD; to be the conferees on the part of the Senate to the above-entitled bill.

### PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

### PILAR MEJIA WEISS

The Clerk called the bill (H.R. 458) for the relief of Pilar Mejia Weiss.

There being no objection, the Clerk read the bill as follows:

H.R. 458

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

#### SECTION 1. CLASSIFICATION OF PILAR MEJIA WEISS AS AN ADOPTED CHILD.

(a) IN GENERAL.—Subject to subsection (b), Pilar Mejia Weiss shall be classified as a child under section 101(b)(1)(E) of the Immigration and Nationality Act upon the approval of a petition filed under section 204 of such Act by Charles Weiss and Teena Weiss, citizens of the United States. Thereafter, Pilar Mejia Weiss will be eligible for processing under section 245 of the Immigration and Nationality Act.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall only apply if the petition referred to in such subsection is filed within 2 years after the date of the enactment of this Act.

(c) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Pilar Mejia Weiss shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

On page 1, line 7, strike "101(b)(1)(F)" and insert "101(b)(1)(E)".

The committee amendment was agreed to.

The bill 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.

### ABBY COOKE

The Clerk called the bill (H.R. 635) for the relief of Abby Cooke.

There being no objection, the Clerk read the bill as follows:

H.R. 635

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

#### SECTION 1. IMMEDIATE RELATIVE STATUS FOR ABBY COOKE.

(a) IN GENERAL.—Subject to subsection (b), for the purposes of the Immigration and Nationality Act, Abby Cooke, the widow of a citizen of the United States, shall be considered to be an immediate relative within the meaning of section 210(b) of such Act, and the provisions of section 204 of such Act shall not be applicable in this case.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall apply only if Abby Cooke applies to the Attorney General for relief pursuant to such subsection within 2 years after the date of the enactment of this Act.

The bill 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.

### MICHAEL WU

The Clerk called the bill (H.R. 1917) for the relief of Michael Wu.

There being no objection, the Clerk read the bill, as follows:

H.R. 1917

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

#### SECTION 1. NATURALIZATION OF MICHAEL WU.

(a) IN GENERAL.—For purposes of section 322(a) of the Immigration and Nationality Act, Michael Wu shall be considered to be a child under 18 years of age.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall apply only if a petition under section 322(a) of such Act is filed by Chi Shiang Wu or Caroline Wu, citizens of the United States, within 2 years after the date of the enactment of this Act.

The bill 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.

### MARIA ERICA BARTSKI

The Clerk called the Senate bill (S. 159) for the relief of Maria Erica Bartski.

□ 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.

There being no objection, the Clerk read the Senate bill, as follows:

S. 159

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Maria Erica Bartski shall be issued a visa and admitted to the United States for permanent residence upon filing an application for a visa and payment of the required visa fees. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act (8 U.S.C. 1152(e)).

AMENDMENT OFFERED BY MR. BOUCHER

Mr. BOUCHER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOUCHER: At the end of the bill, add the following: "No natural parent, brother, or sister, if any, of Maria Erica Bartski shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. The question is on the amendment offered by the gentleman from Virginia [Mr. BOUCHER].

The amendment was agreed to.

The Senate bill 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.

The SPEAKER. This concludes the call of the Private Calendar.

#### THE SOUND OF FREE SPEECH UNDER GEORGE BUSH

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

Mr. VISCLOSKEY. Mr. Speaker (period of silence) that's the sound of free speech under George Bush. Please vote against the President's gag rule. Vote for the Labor-HHS Appropriations Act.

#### EDUCATION REFORM: THE CONGRESS IS FLUNKING OUT

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

Mr. SUNDQUIST. Mr. Speaker, we have many matters to complete before we conclude this first session of the

102d Congress. However, it does not look like we will get to the President's education plan.

We hear Democrats constantly complain about the President's inattention to the domestic agenda. We hear how the President doesn't care about the children of this country, or about our Nation's future.

But, Mr. Speaker, the public should know one thing. The Democrat leadership decides which matters will come to the House floor.

Instead of having the President's America 2000 plan on the agenda, the majority has decided to waste time and money on an investigation of the so-called October surprise.

When the President said he wanted our students to have a better understanding of history, he did not mean for the Congress to launch a partisan inquiry into wild allegations about the recent past.

The Democrats rhetoric says they care about our Nation's children, but their actions show they care more about the October surprise.

When it comes to education, the American people must learn one thing: The Democrat-controlled Congress is flunking out.

#### PRESIDENTIAL PICTURE ON EDUCATION BECOMES CLEARER

(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, President Bush is warming up the well-worn veto pen to sign the 24th veto message of the Presidency.

Last September, he used \$26,750 of the taxpayers' education funds to promote himself as the education President by turning a classroom into a television studio and turning students into props.

But today, he is about to veto the education budget that would turn his expressions of concern into action—real results. What we have is a gap between photo-opportunities and reality.

In photo-opportunities, the President says he supports college student aid, chapter one programs, and Head Start.

In reality he vetoes legislation that would expand opportunity for college students, for the educationally disadvantaged, and for children qualified for Head Start.

The bill that the kinder, gentler President is preparing to veto will also provide funds for the Social Security Administration; it will fund vaccines for measles, mumps, and rubella; it will fund programs to help stop the spread of AIDS; and it will allow family planning clinics to provide honest, sound, medical advice to their clients.

If George Bush has a domestic agenda, this is it: Posing for domestic policy photographs while vetoing the domestic agenda our country needs.

Mr. President, we get the picture.

#### ONLY THE EDUCATED ARE FREE

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

Mr. SHAW. Mr. Speaker, an ancient philosopher once said "only the educated are free."

America prides itself as the land of the free. Yet, our education system has failed to provide many of the tools necessary to succeed in a rapidly changing world.

In May of this year, President Bush proposed an ambitious program to overhaul our education system. This proposal looked forward instead of backward, challenged old assumptions, and offered new alternatives to educating our young and old alike.

Unfortunately, the Congress has yet to act on the most important aspects of the President's plan.

The new American schools and merit schools programs have yet to be addressed. School choice has yet to be fully debated on the House floor.

If Republicans were in control of this Congress, we would make education a top priority. Instead of delaying open debate on these issues, we would bring them to the floor.

Adequately educating all of our people means preserving our Nation's freedom for generations to come. Failing in that endeavor, we risk undermining a vital component of our form of government.

Unfortunately, it looks like the Democrat leadership will not address this important issue this session, and our people and our democracy will suffer as a result.

□ 1310

#### GOVERNMENT BY VETO

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

Mr. SKAGGS. Mr. Speaker, my son, Will, has a way of getting to the heart of things. Will is 12. The other day, when I could not be home in time to take him to Scouts because we were in session and I would miss a vote, he asked: "What difference does it make? Bush will just veto it anyway—he's the only one who makes the laws anymore."

To paraphrase the President, all kinds of crazy things can happen with this crowd that controls the White House. And, today, another of those crazy things happened. The veto President struck again.

When you do not know where you want to take this country, when you do not have a program for health or economic growth, then at least keep the other guys from doing anything.

The origin of the word "veto" is interesting. Of course, it is Latin for "I forbid." The language of the Caesars and the Emperors of Rome. I suspect the regal aspect of the veto makes it especially appealing to the President. It is quick and antiseptic—it does not require you to get involved. Just say "no."

So, now he has said "no" to funding for schools and student loans. He has said "no" to job training and worker safety—forget the recession or the tragic fire at the Imperial Food chicken plant. Winter is coming, but it is a "no" for heating assistance to the poor. And while everybody else worries about paying for health insurance, he says "no" to immunizing our children.

Must be some pretty powerful reasons. What? He's determined to keep doctors and nurses from talking to pregnant women—even victims of rape or incest or some other God-awful tragedy—talking to them about the legal choice of an abortion.

Now there's a guy who's really got his priorities straight.

#### UNIVERSITY OF FLORIDA'S SEC CHAMPIONSHIP ADDS TO STATE'S RICH FOOTBALL TRADITION

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

Mr. STEARNS. Mr. Speaker, since Steve Spurrier came to the University of Florida 2½ years ago he has brought a lot of excitement to Gainesville, FL, located in my district. But the excitement his Florida Gator football team delivered last Saturday was unprecedented in the State of Florida's glorious football history.

With a victory over Kentucky, Spurrier's Gators won the school's first outright Southeast Conference championship with an undefeated conference record. With great football programs like Alabama, Auburn, Georgia, and Tennessee in the Southeast Conference an undefeated conference record is a tremendous achievement.

Of course tremendous achievement on the gridiron has almost become commonplace in the State of Florida. One look at the Associated Press top 25 shows three Florida teams, Miami, Florida State, and Florida, in the top five. No other State in America comes close to the State of Florida's college football achievement this year.

Mr. Speaker, I salute Coach Steve Spurrier for bringing the Southeast Conference championship to Gainesville. The achievement puts another feather in the cap of America's greatest college football State.

#### PILAR MEJIA WEISS

(Mr. LEHMAN of Florida asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of Florida. Mr. Speaker, I would like to express my sincere thanks to the gentleman from Kentucky [Mr. MAZZOLI] for his compassion and cooperation in bringing to the floor this morning H.R. 458, a private bill on behalf of Pilar Mejia Weiss. This legislation, once it becomes law, will bring great joy to a wonderful family in Miami Beach.

The Weiss family adopted Pilar and her younger brother 4 years ago, but because Pilar was over the age of 16 at the time she was not eligible for permanent resident status. Knowing the Weisses, there is no doubt in my mind that they have a loving and close-knit family. Pilar was born in Colombia and came to know the Weiss family when she and her brother stayed with them during a visit to her grandmother, who was employed by the Weisses. This visit blossomed into a warm and loving family relationship that was eventually formalized by adoption proceedings.

Pilar Weiss is exactly the kind of citizen we want in this Nation. She arrived knowing little English, and yet she learned quickly and excelled in school. She was accepted by Wellesley College and graduated from there with honors in 1990. Presently she is in medical school at the University of Pennsylvania. I am certain that she will make great contributions to our Nation, and by putting her on the road to citizenship we will enable her to stay here, near her wonderful adopted family and ready to serve others as a physician.

Mr. Speaker, I would again like to thank the chairman of the subcommittee for all his help.

#### PRESIDENT BUSH SPEAKS OUT ON BEHALF OF SBA

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

Mr. IRELAND. Mr. Speaker, I would like to commend President Bush and SBA Administrator Pat Saiki on their recent public service announcements. These announcements, highlighting the importance of small businesses and available SBA services, have been sent to television and radio stations nationwide.

The spots highlight SBA's International Trade Program by focusing on a couple in Seattle who owns a sonar manufacturing firm and exports their equipment to 15 countries. They received an SBA-guaranteed loan and credit SBA with helping them achieve success.

Here is what the President says about small business:

Small businesses helped build our nation. Today more than 20 million small businesses

employ half of America's workforce. Small business: building America's future.

The President and Ms. Saiki are doing their part to help keep American small businesses competitive at home and abroad.

I remind my colleagues that we can do our part by remembering that it is easy to say you are all for small business, but it is how you vote that really counts.

#### PRESIDENT'S EXPECTED VETO OF THE LABOR-HHS BILL

(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, because the President does not want women to be informed of their choices when making the intensely personal decision of whether or not to terminate a pregnancy, he will veto a bill that would provide: \$3 billion for job training, \$280 million for the Ryan White AIDS Program, \$1.5 billion in low-income energy assistance, \$39 billion for Medicare and Medicaid, \$15 billion in family support, \$744 million in child care grants, more than \$100 million for research on women's health issues, nearly \$2 billion for Head Start, and \$804 million in programs for seniors.

And, Mr. Speaker, that is not the half of it. This President, who calls himself the education President, is vetoing his own education initiative and 27 billion dollars' worth of additional education programs.

He is ignoring the most basic needs of our children, families, sick, and elderly in order to keep women in the dark. It is time to end government by veto. Let Congress lead. The President won't. Vote to override.

#### AMERICA 2000

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

Mr. THOMAS of Wyoming. Mr. Speaker, if Republicans were in charge of the House today, we would have already passed President Bush's education initiative, America 2000.

America 2000 is a bold strategy for education reform that focuses on energizing local communities and urging greater local participation in education. America 2000 will help all of America's communities refocus their attention on our most important resource, our children.

By graduation, a student will have spent only 9 percent of their time in the classroom, and 91 percent of their time as members of their community. Too often this time is wasted. The President's education proposal tries to refocus the time spent in the community as beneficial and educational.

Mr. Speaker, my colleagues on the other side of the aisle try to blame President Bush for the weaknesses in our education system. But it is the Democratic leadership that refuses to bring initiatives like America 2000 to the floor for a vote. The American people want us to improve the education in our country, why will the Democrats not allow us to vote on America 2000?

It is time for the Democratic leadership to get serious about education. Let us act on the President's plan, America 2000. Our children need our help.

#### DOES THE PRESIDENT CARE ABOUT AMERICA?

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

Mr. PRICE. Mr. Speaker, once again, President Bush has shown his lack of concern for the working families of America.

By vetoing the Labor-HHS appropriations bill, our President is telling the American people that partisan politics are more important than the well-being of our families.

With one stroke of his pen, our President is willing to jeopardize student aid, vocational and adult education, Head Start and infant mortality programs, community health centers, and even unemployment and job training programs—all to protect the gag rule and score points with rightwing ideologies.

But he's not scoring points with most Americans. By a margin of 2 to 1, Americans oppose the gag rule. They believe low-income women deserve the same access to the same quality of care as women who can afford private family clinics.

The American Medical Association says that it's an intrusion into the physician-patient relationship. Our colleagues JIM McDERMOTT and J. ROY ROWLAND, the only two physicians serving in the House, say "when we are forbidden from talking honestly with our patients, they are not getting the best care."

Even some pro-life advocates say this is about freedom of speech, not abortion rights. The administration's regulations would stifle free speech, blatantly intrude into the doctor-patient relationship, and deny women complete access to information on reproductive matters.

Our President is ignoring the will—and the problems—of the American people to pay a political debt. I urge my colleagues to override this veto and let the American people know that Congress, at least, is listening.

□ 1320

#### WHO IS RESPONSIBLE FOR OUR DOMESTIC AGENDA?

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

Mr. ROHRBACHER. Mr. Speaker, the public hears so much criticism of the President coming from this side of the aisle, sometimes one wonders who is in charge. Let us take a look at who is in charge.

The President is in charge of foreign policy. That is what the Constitution grants the President of the United States. By and large, he has a large area of authority in foreign affairs, and he has received accolades from everyone for his successes in foreign affairs.

Yes, we have had some miserable performances when it comes to the domestic economy, and the issues that affect our economy and jobs, et cetera.

The President does not have control of those policies. Instead, he has to rely on Congress being responsible. So when we hear criticism of the President about the recession that we are in, let us remember who taxed, regulated, mandated, and spent us into that recession. Those people who are worrying about their jobs should look and find out who is responsible for putting them out of work.

#### SUPPORT THE LABOR-HHS BILL

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, I am deeply disappointed the President has vetoed the Labor-HHS appropriations bill.

This bill contains critical funds for preventive health care, research, treatment, and education.

One message of the recent elections is that the American people want better health care.

But the President has decided to ignore that message and veto the first major health bill that comes before him.

The President vetoed this bill because of the so-called gag rule.

The gag rule is bad policy and bad medicine.

It is bad for women, who deserve better from their President than his relentless attacks on their integrity and judgment when it comes to decisions about their reproduction.

It is bad for health care professionals, who are trained to provide health care, not to promote political ideology.

And it is bad for everyone when we limit informed consent and invite malpractice.

This is not the time to sacrifice ethical medical care for political purposes.

I urge my colleagues to override the President's veto and vote for honest health care for all Americans.

#### PRESIDENT BUSH'S EDUCATION PROGRAM—DEMOCRATS WILL NOT BRING IT TO THE FLOOR

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

Mr. SOLOMON. Mr. Speaker, I yield to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, if Republicans were in charge of the House, we would have already addressed legislation to improve the quality of education in our country.

President Bush announced the America 2000 Program earlier this year. America 2000 is an innovative proposal designed to make our education system the best in the world. But the Democrat leadership has refused to bring this legislation to the floor for a vote. Instead, the Democrats spend their time and energy blaming President Bush for the problems our children are experiencing today.

America 2000 challenges everyone in our country to become involved in education. From the Federal Government to the local communities, all individuals will help our children become better educated so that they may lead productive lives.

Mr. Speaker, why can the Democrats not rise to this challenge? What are the Democrats afraid of? The American people want us in Congress to address this issue. Why does the Democrat leadership continue to put it off?

Our children can't begin to improve their lives through a better education system until we in Congress pass legislation to help them do so. Let us pass President Bush's America 2000 Program. Let us show our constituents that we care.

Mr. SOLOMON. Mr. Speaker, I say to the gentleman from Florida, "Well said." Let us get behind our President.

#### OVERRIDE THE VETO ON LABOR-HHS BILL

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

Mr. JONES of Georgia. Mr. Speaker, we have only got one first amendment, only one Bill of Rights, only one constitutional guarantee of freedom of speech. The President's promised veto today of the Labor, Education and HHS appropriations bill because of his insistence on the gag rule is an outrageous attempt to limit the right of patients to knowledge of their medical options. It is a clear attack on the freedom of discourse and opinion. It is an affront to the first amendment freedom of speech and it must be met with an unequivocal bipartisan veto override.

Mr. Speaker, this should not be made into a battle between pro-choice and right-to-life arguments. This is clearly a battle between free thought and government oppression. The American people overwhelmingly oppose this gag rule. When the people lead, Mr. Speaker, the leaders should follow.

#### DEMOCRATS BLOCK THE PRESIDENT'S DOMESTIC AGENDA

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

Mr. GUNDERSON. Mr. Speaker, I am always intrigued listening to some of these 1-minute speeches that come here to the well. I have to say to my good friend from Georgia [Mr. JONES] and others if they are truly so committed to what they are saying, why does their leadership not bring up the title X reauthorization? The fact is if they succeed in overriding the President's veto this afternoon, all they are doing is creating a 1-year delay. But should we be surprised that they are not going to bring up title X reauthorization? It is because they do not want parental consent and a number of other amendments to be offered. It is typical of the Democratic agenda in this Congress, which is do not let the Republicans have a chance. Do not let the American people have a chance to enact the President's domestic agenda.

If we talk about the economy, way back in 1989 the President first came and twice since then has come to this Congress and asked us to pass an economic growth package. The President asked us in that famous speech in March can we pass a crime bill and a highway bill in 100 days, and we have not done it; can we pass an energy bill, can we pass education reform. No, we have done none of the above, but it is time we do.

#### TWO REPUBLICAN SENATORS HOLD UP CRIME BILL

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

Mr. BILBRAY. Mr. Speaker, the previous speaker brought up the crime bill and I am glad he did, because the President challenged us to pass a crime bill and we have passed a crime bill and sent it to the other House. The other House has passed their bill, and what has happened, two Republican Members of the other House have put a hold on the crime bill. If the President truly wants a crime bill then he should shake those two Republican Senators and get that bill out of there, get conferees appointed and we will get a crime bill, Mr. President, because if you do not get those conferees appointed we will not have a crime bill this year.

It is not the Democrats' fault, it is not the fault of the Republicans in the House. It is two Republican Members of that other House who have put a hold on that bill, will not let it out, will not let conferees be appointed, and the American people are suffering because of it.

Mr. President, call on those two Senators today and get them to release that bill.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MFUME). The Chair will advise Members that all remarks should be directed to the Chair.

#### WE SHOULD SAVE AMERICA'S MILITARY ACADEMIES

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

Mr. JOHNSON of Texas. Mr. Speaker, last night this House passed the Defense authorization bill. The bill marks the beginning of the end of one of America's finest traditions—our service academies.

Beginning in 1997, academy graduates will no longer receive a regular commission as an officer in our Armed Forces. Instead, they will be placed in a reserve pool with ROTC graduates from 4-year universities.

Academy cadets have already passed a rigorous selection process before appointment. They don't deserve another competition after graduation.

America's service academies train our best and brightest young men and women to be tomorrow's military leaders. Parents and prospective appointees are already asking—if academy graduates are not allowed to become regular officers—what is the point of an academy appointment?

Mr. Speaker, the President should veto this bill and the Congress should save these important American military institutions.

#### THE PRESIDENT SHOULD GET OFF THE BACKS OF THE AMERICAN PEOPLE

(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, I am surprised that the President tried to run away from David Duke. After all, much of the rhetoric used by the Duke campaign came right from the White House. And when we talk about the message they tried to send, it was a message to divide Americans, to make Americans fearful about race and religion.

Today we have another battle on the same kind of lines. The President talked about getting government off our backs, but what we find is the government that this President wants goes into our doctors' offices and prevents our doctors from giving our people the kind of qualified medical advice that every citizen ought to expect to get in this society.

The buzz words of the Duke campaign ought to end. They ought to end on racial bases, on religious bases, and on issues like abortion. There are legitimate differences in the abortion debate, but one of them ought not be that doctors not be allowed to give their patients medical advice.

Mr. Speaker, ask the President to get government off our backs.

□ 1330

#### CLAMP DOWN ON ILLEGAL TRADE

(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, America's trade deficit for September is close to \$7 billion. It is no wonder America is bankrupt. While the President concerns himself with school prayer and abortion, American jobs keep going overseas and Wall Street keeps going up and down like a yo-yo. This is ridiculous.

Mr. Speaker, let me remind Members that illegal trade is a crime. About the only thing we are allowing the President to do is suggest that people go out and buy a house or buy a car who do not have a job.

What is next? Is he going to recommend that everybody play Ed McMahon's Publishers Clearing House jackpot program?

I think it is time to clamp down on illegal trade. We might solve some of our economic problems.

#### CREDIT CARD DISTRIBUTION

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

Mr. NEAL of Massachusetts. Mr. Speaker, in the past week the Hill has been buzzing about credit card rates. This buzz began with the President expressing his concern about increasing credit card rates. The other body soon followed with an amendment that caps credit card rates. Then Wall Street started buzzing and the result was the Dow falling 120 points.

It is my belief that the No. 1 concern should be credit card distribution. The credit card industry freely gives out credit cards and this leads to an increase in defaults. Ultimately, it is default that leads to a higher rate.

In order to make up for losses, banks are targeting a new group for credit

cards—college students. College students are a growing new market with 3.68 million spenders. Students can often obtain credit cards without the usual requirements such as credit histories and parental consent.

Student credit cards are creating a new generation of debt addicts. For these reasons, I am introducing legislation that will address this issue. The legislation is targeted at full-time students who have minimal income and are dependents.

The legislation would allow for the student to have a credit card but with restrictions on the limit. The student would be able to have a higher limit with parental consent and the parent would be liable if the student fails to pay.

I am not trying to prevent students from obtaining credit cards. The purpose of this legislation is to protect students and to prevent them from facing unsurmountable expenses.

#### THE PRESIDENT MUST CAPTAIN OUR NATION TO ECONOMIC RECOVERY

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

Mr. CLEMENT. Mr. Speaker, the President must propose an economic recovery program now, not later.

Members of Congress can be viewed as 535 sailors, each charting a separate course to pilot our economy over troubled seas.

But, no ship can have 535 captains. We must have Presidential leadership to get the economy moving again.

I personally favor a broad recovery package—one combining tax relief for middle-income Americans, restoring deductions for IRA's with incentives for business—lowering the capital gains tax rate, adopting new passive loss rules and offering an investment tax credit. But I am just a lone sailor.

Oliver Wendell Holmes said:

I find the great thing in this world is not so much where we stand, as in what direction we are moving:

To reach the port of heaven, we must sail \* \* \* sometimes with the wind and sometimes against it \* \* \* but, we must sail, and not drift, nor lie at anchor!

The President must come forward to captain our recovery. We need "the vision thing." We need a great "point of light" to illuminate our way to economic recovery.

#### IN SUPPORT OF CROATIAN INDEPENDENCE

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

Mr. TAUZIN. Mr. Speaker, I rise today in ardent support of Croatian

independence and to call upon President Bush to exercise all of this great Nation's influence in the United Nations in an effort to bring peace to that worn-torn region of eastern Europe.

Yesterday, after 3 months of courageous fighting, the Croatian resistance in Vukovar fell to the relentless bombardment of the Serbian-controlled, Yugoslavian Federal forces. I join Croatian families here in America in their grief of the atrocities committed against innocent civilians and in their pride for the heroic efforts of the Croatian defense forces. In the face of this vicious onslaught against the Croatian people, the United States must aggressively pursue all means to protect Croatian families fleeing the systematic destruction of their homeland.

Croatia is a longtime friend of the United States. Croatia recognized our fledgling Nation in 1776 during our struggle for independence, and now we should assist them in their time of need. Mr. Speaker, United States recognition of Croatian independence is important, but the United States has the power to effect change in the region. We were once a friend in need. It is time for us to be a friend in deed.

#### THE G-7 NATIONS SHOULD NOT INVOLVE THEMSELVES IN REWRITING SOVIET DEFICIT

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

Mr. MCEWEN. Mr. Speaker, first of all, I would like to associate myself with the remarks of the distinguished gentleman from Louisiana wholeheartedly and call upon the President to do what needs to be done on behalf of freedom-loving people everywhere and support the independence of Croatia against the attack of the Communist military under its Serbian leadership.

Mr. Speaker, I rise particularly today because the newspapers are full of the suggestion that the G-7 nations should involve themselves in rewriting the \$80 billion deficit the Soviet Union has.

Now, very quickly, I ask this: Who is this \$80 billion owed to? Over a third of it is owed to German banks, a significant number to British banks, Belgian banks, and others.

The United States is now being encouraged through the State Department for the American taxpayer to join in underwriting the obligation of the Soviet Government to German and Japanese banks.

Mr. Speaker, I ask, why? They have the wherewithal. In Japan the first \$50,000 of savings is tax free. They are going to underwrite most of those loans. They will pick them up. They will get the interest. The United States taxpayer does not need to step in between the German bankers and the So-

viet Government. They should deal with their problems on their own and leave the taxpayers out of it.

#### WHO ARE THE POOR IN AMERICA?

(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, there has been a lot of talk about the rich getting richer and the poor getting poorer. What type of people are we talking about?

In this country today, if you earn less than \$10,000 you are in the bottom 10 percent of Americans. If you earn \$100,000, you are in the top 5 percent of Americans.

Today in this country, 50 percent of Americans earn less than \$30,000. The top 1 percent earn \$617,000.

Do you know what is sickening, Mr. Speaker? The bottom 10 percent of Americans contributed 5.5 percent of their income to charity, while the top 1 percent only gave 2.9 percent of their income to charity, but yet the Government gave them an \$84 billion tax cut.

Mr. Speaker, it is time for us to start listening to the middle- and low-income people.

#### THE OUTRAGEOUS TREATMENT OF HAITIAN REFUGEES

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

Mr. RANGEL. Mr. Speaker, I ask my colleagues to join with me in expressing outrage that our Government would send back to Haiti the people who have been forced to flee because of the illegal and outrageous conduct of the military in that country.

To our credit, we have condemned the coup. We have attempted to organize the Organization of American States. We have imposed an embargo.

In retaliation, many Haitians, hundreds, indeed thousands, have been shot and many have been killed.

These people have fled seeking a better way of life. That is what America is all about.

It seems to me that our President could exercise the same leadership that he did when Kuwait was being attacked by Saddam Hussein, to call countries and ask them to assist us to provide safe haven for these people, but to ship them back to these ruthless killers to me is inconsistent with what a great democracy is all about.

No one downtown would put their fingerprints on this. Please join and give some type of asylum to these human beings who need it.

#### THE WORSENING MERCHANDISE TRADE DEFICIT

(Mr. LEVIN of Michigan asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, the merchandise trade deficit increased to \$6.7 billion in September. That is the third straight month the deficit has worsened.

Japan represents over three-fifths of our trade deficit.

This administration has no economic policy. It has no trade policy clearly vis-a-vis Japan, though it represents more than half our trade deficit.

Sweet talk is certainly not a policy, even if it is spiced now and then with a dash of tough talk. The result of talk, talk, talk, is what Secretary Baker got in his trip to Japan; nothing, nothing, nothing.

The answer is action, not reckless, but resolute action.

Mr. Speaker, saying "It ain't so" is not an economic policy.

#### LEGISLATION ESTABLISHING NATIONAL FALLEN FIREFIGHTERS FOUNDATION

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, I rise today to recognize the firefighters from Maryland and Pennsylvania who bravely served and protected the people of Westminster, MD.

On Sunday evening, 150 firefighters from Carroll, Frederick, and Baltimore counties, and Adams County, PA, battled a seven-alarm fire in downtown Westminster. All but 1 of the 22 fire companies answering the call were volunteer. Although two businesses were burned out and three firefighters were injured, the professionalism and dedication of these men and women prevented any loss of life and held damage to a minimum.

I would like to take this opportunity to introduce legislation to establish a National Fall Firefighters Foundation that will commemorate firefighters who have died in the line of duty and to assist family members left behind. The foundation will be a charitable, nonprofit corporation to help maintain and preserve the National Fallen Firefighters Memorial.

This past year, 105 career and volunteer firefighters lost their lives in the line of duty. The National Fallen Firefighters Foundation will give these heroes the recognition and thanks they deserve. I invite my colleagues to join me in sponsoring this important piece of legislation, and look forward to its consideration and passage.

□ 1340

#### SUPPORT FOR BILL PROVIDING FOR NATURALIZATION OF MICHAEL WU

(Mr. LOWERY of California asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. LOWERY of California. Mr. Speaker, I rise to ask for the support and to thank the House for approval of H.R. 1917, which would enable a special and deserving young man to become a citizen of the United States. H.R. 1917 will provide for the naturalization of Michael Wu of San Diego, CA.

First, I would like to extend my sincere thanks to Chairman RON MAZZOLI of the Immigration Subcommittee and BILL MCCOLLUM, the ranking minority member, for their evaluation and support of this legislation.

In addition, I appreciate the support of Chairman BROOKS, Congressman FISH, and the Judiciary Committee to enable this legislation to come to the floor.

Mr. Speaker, Michael Wu is 25 years old and was born on the island of Taiwan. He has been a permanent resident of the United States since April 18, 1980. Unfortunately, Michael has Down's syndrome.

Despite his handicap, Michael strongly desires to become a citizen of this great Nation. His parents and brothers are naturalized citizens. They are all hard-working, responsible residents of San Diego who contribute to this country and would like to see Michael join them as full citizens.

Michael has taken the naturalization exam six times since 1985, but because of his condition, he has been unable to complete the history and government portion of the exam. Despite his inability to meet this requirement, Michael understands the concept of citizenship and wants to achieve this goal.

All who know Michael will attest to his hard work and desire to learn. He is currently enrolled at the Association for Retarded Citizens in San Diego, where he is developing skills to enable him to support himself and contribute to our society. He can speak both English and Chinese and his teachers describe him as an intelligent, friendly, and hard-working individual.

Michael is the kind of person who represents the best of what this Nation is about: He is someone who has serious obstacles to overcome, but who does his best to succeed and is grateful for the opportunities given to him.

Mr. Speaker, private legislation should be used to grant citizenship to an individual only in the most special of cases. This is such a case. Michael's desire to become a citizen is perhaps stronger than anyone I have ever known. This legislation would allow Michael to achieve his dream and I thank the House for giving him this chance and approving H.R. 1917.

#### REPUBLICANS HOLDING BACK THE CRIME BILL

(Mr. SCHUMER asked and was given permission to address the House for 1

minute to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, nearly a year ago the President went on television and told us that he had two domestic priorities which had to be passed in 100 days. One of them was the crime bill, and then month after month the President got on television saying to the Congress and the Democrats, "Where's the crime bill?"

Well, we passed a crime bill 27 days ago, and now, lo and behold, who is holding up the crime bill but Members of the other body of the President's own party?

Mr. Speaker, I ask, "Why is the President so strangely silent? Why doesn't the President jet around the country, going from dinner to dinner, blaming his own Republican colleagues for failure to pass a tough crime bill?"

Mr. Speaker, we are in the last days of session. The President is strangely silent. We do not hear a peep out of him about getting his conferees, his own party members, to stop holding up this desperately needed bill, and Mr. Speaker, if the President cannot get his own Republicans to stop from holding back the crime bill, let him not utter a word of criticism about Democrats and the crime bill when we adjourn in November, because then it will be too late.

#### INTRODUCTION OF DOMESTIC MARSHALL PLAN RESOLUTION

(Mrs. COLLINS of Michigan asked and was given permission to address the House for 1 minute to revise and extend her remarks.)

Mrs. COLLINS of Michigan. Mr. Speaker, this Nation continues down a path of economic and social despair. All around us we see failed businesses; we see roads, bridges, and other structures which have been damaged or destroyed; and, we see a school system which fails to meet the ever-expanding needs of a world which demands increasingly sophisticated knowledge. These problems are multiplied many times over in my own district in Detroit.

Following World War II, the Marshall plan was developed to assist in Europe's recovery. Because of the planned, comprehensive, and coordinated effort to aid Europe, the countries of Western Europe are now amongst the world's leaders in both developing human resources, and in economic power.

Many of us have grown tired of the inaction of policymakers today toward moving this Nation forward once more into a world financial and social leadership position. Yesterday, Congressman RAY THORNTON, Congressman TIM ROEMER, and myself introduced a resolution calling for a domestic Marshall plan. I urge all of my colleagues to support this urgently needed congressional mandate.

OVERRIDE GOVERNMENT BY  
INACTION

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, we all know the economy is stalled, but the leadership of this Nation is in reverse.

For months, the President blocked urgently needed unemployment benefits. Now he is about to veto one of the most important bills to aid working people and jump start the economy.

He promised to help working people, but he is about to veto job training, funding for unemployment compensation operations, and aid for workers harmed by unfair foreign trade.

He promised to be the education President, but he is ready to veto Head Start, chapter I, and aid for our college students.

He promised action on health care, but he is set to veto childhood immunizations, AIDS prevention, and medical research.

Mr. Speaker, our broken down economy is the logical result of broken promises and absent leadership.

The President may think he can ride out the storm by putting Air Force One on autopilot, but the American people are on a collision course with economic disaster.

Today, we have a chance to take real action to help real people. We can override the President's autopilot and chart a new course for economic growth and prosperity.

Mr. Speaker, override government by inaction. Override this veto.

TAX DOLLARS SHOULD NOT SUBSIDIZE REFERRAL OR COUNSELING FOR ABORTION

(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, everyone who berates the President for vetoing the Labor-HHS bill knows that the veto has nothing whatsoever to do with cancer research, education, student aid, Head Start, or immunization. The President and most House Members support these and other vital programs in the bill. Framing the President's veto as opposition to these programs just is not in touch with reality. It is, unfortunately, intellectual dishonesty, and I believe everybody in this Chamber knows it.

The issue in dispute, Mr. Speaker, is a new title X regulation which wisely separates abortion from family planning. The purpose of the new title X regulation is to ensure that Federal tax dollars do not subsidize the promotion, referral, or counseling for abortions as a method of family planning.

Sustain the President's veto.

LET US NOT BE GAGGED BY THE  
PRESIDENT

(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, today the President is vetoing the Labor-Health and Human Services appropriation, and he says one of the main reasons is the gag rule. He does not believe that doctors and federally funded commissions ought to be able to advise women of all their medical options when one of them is abortion.

But let me show who else gets gagged by this single-issue politics. The millions of students that would have gotten Pell grants under this appropriation, they get gagged because their money is in here, too. The millions of students who would pass for guaranteed student loans, they get gagged because their money is in here, too. The millions of those who would get job training spots, 426,000, they get gagged because of this veto. Their money is in there. Mine health and safety inspectors in the State of West Virginia has had a cataclysmic increase in mine fatalities. Those Federal mining inspectors get gagged because of the President's veto over the gag rule. OSHA inspectors, black lung, medical training, NIH research, medical research, for Pete's sake, is gagged because of the President's veto of this appropriation.

That is why I hope that my colleagues will dispel and repudiate single-issue politics and vote to override the President's veto. Let us not be gagged by the President.

A NATIONAL ELECTRONIC BILLING SYSTEM WOULD CUT HEALTH CARE COSTS

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

Mr. SCHULZE. Mr. Speaker, let us cut the talk and do something about health care costs. This summer I advocated in a white paper, that this Nation needs to standardize the billing process as part of health care reform. In my paper, I noted that standardization can be achieved through a new national electronic billing system. The technology is available, so let us use it now.

Just 2 weeks ago, Secretary Sullivan recognized the possibility of standardization. The Secretary agreed in a meeting with the American Association of Retired Persons and U.S. Chamber of Commerce, that standardization could save between \$20 and \$50 billion.

Mr. Speaker. I challenge the Secretary to make standardization a priority and a reality before it is too late.

□ 1350

THE REAL VICTIMS OF THE  
PRESIDENT'S VETO

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

Mr. TORRICELLI. Mr. Speaker, if this attempt to override the President's veto fails, there will be those who will see it as a defeat for the Democratic Party or indeed for this Congress generally, but in fact it will only be the loss of the moment. The real victims will not be in this Chamber but across America—40,000 4-year-olds who seek a start in Head Start, 7 million young Americans who want an opportunity to seek student loans and go to college, and millions of children who are vulnerable to contagious disease and seek vaccines. These will be the real victims.

And indeed, Mr. Speaker, there is one other group: millions of American women who want only the opportunity at a vulnerable and important moment in their own lives to speak to a doctor and get honest and straightforward advice about a most important decision in their own lives.

These are the victims, Mr. Speaker. These are the people today who are victimized by this veto, and it is with them that Members of this House must stand.

PRESIDENT'S VETO PUTS FUEL ASSISTANCE FUNDING IN JEOPARDY

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

Mr. OLVER. Mr. Speaker, I urge my colleagues to override the President's veto of the Labor-HHS bill.

There are many important reasons for overriding this veto, but none is more important than the fuel assistance program which needs immediate funding.

I met a young family in Pittsfield last week who were waiting in line to apply for fuel assistance for the first time. The young father was struggling to find work, and their 18-month-old had been cold in their own apartment. They were worried that Federal money had not yet come for fuel assistance this year, and every day is a struggle for this family and thousands of others like them.

They should not have to suffer the stress and pain of uncertain fuel funding because some folks in Washington are more interested in keeping the President's veto streak alive than keeping people in western Massachusetts warm this winter.

Winter has arrived, and the cold nights are getting longer. Children are getting cold, and in the Berkshires and

in Hampshire, Hampden, and Franklin Counties there are thousands of new applicants for fuel assistance, people who have been looking for jobs.

Mr. Speaker, in the name of the kids who are cold, we should override the President's veto today.

#### DOMESTIC AGENDA NEEDED TO FACE ECONOMIC PROBLEMS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, it is a tortured trail that Republicans have followed to come to the well of this House for years while the economy was growing and to say that "this is our economy, our responsibility, a Republican success." But now when the economy goes sour and we have a recession, they come to the floor and say, "It's not ours; it is somebody else's fault. We didn't do it."

Today we hear this from them: That the problem is that we did not follow President Bush's agenda. The question is, what agenda? President Bush has not had a domestic agenda. The American people know that.

He has traveled the equivalent of three times around the Equator, creating a "new world order." He has not had time for a national agenda. Education, health care, agriculture, all are failing in this country.

If the President had a national agenda, a real agenda that helped real people, he would find plenty of support from people here who want to roll up their sleeves and go to work to put America back on track, because we believe it is time to take care of our needs here at home. When and if the President comes to us with that kind of an agenda, he will find plenty of willing followers. But first he has to park Air Force One and focus on needs here at home.

#### PRESIDENT'S VETO AN OUTRAGE, TARGETS AMERICAN WOMEN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, any moment down this aisle will come someone with a message from the President, and the President will say that he is going to veto the entire kinder, gentler bill for all America dealing with education, cancer research, and all the things that really make life better for Americans, because he does not want to treat women as first class citizens. That is the bottom line.

This is not about abortion. This is not about anything else. What is this about? This is about the fact that a President does not want a woman in a

federally funded family planning clinic to be able to get a straight answer from a doctor or a nurse, and that if they ask a question, they will not be able to answer it.

Anybody who does not vote to override this veto is really saying to America's women, "We don't think you are adult enough to have your rights explained to you and your options explained to you by a medical doctor or a nurse."

Mr. Speaker, I think it is probably illegal for doctors and nurses to even participate in a clinic where they cannot talk and tell adults the full story. I ask the Members to please vote to override this veto. This is an absolute outrage.

#### THE FAILED BUSH CHINA POLICY

(Ms. PELOSI asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, the initial results of the Baker visit to China demonstrate that the Bush China policy has failed. Despite the best efforts of Secretary Baker, the foggy message of the President's unwise China policy was too much to overcome.

It is time to pull the veil of mystery away from United States-China relations. It is time to encourage democratic change behind the Great Wall, as we did behind the Berlin Wall. It is time for the administration to join Congress in granting most-favored-nation status to China only if China begins to act like a responsible world player by taking action to make the world safer, trade fairer, and its political climate freer. China must stop selling nuclear capability to unsafeguarded countries. China must stop clobbering American workers with its unfair trade practices in violation of our trade agreements with them, and China must free the prisoners who risked their lives and their security in Tiananmen Square.

#### A PLEA TO RETURN JOBS TO AMERICA

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

Mr. APPELGATE. Mr. Speaker, the American economy is in shambles. I just listened to the television and learned that the stock market is down again. The last time I heard, it was down over 60 points. And all the answers and all that Congress can come up with is a bunch of tax gimmicks and short-term solutions.

What we are doing is sending our jobs overseas, and we are sending our industries overseas. Consumer confidence is down. Why is it down? Because people do not have the money to buy anything.

We have got to get our jobs back, and we have got to get our industries back. We have got to stop passing legislation that is forcing our industries to go out of the country. We can do this through some equitable trade policies, not what we have today, so we can put Americans back to work.

We have a highway bill that will create 2 million jobs. We ought to do that now. Americans do not want handouts. They want to work. They want jobs to take care of their families. Congress and the administration have the power to do it, so let us get down and do it.

#### IN SUPPORT OF THE PRESIDENT'S VETO

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

Mr. VOLKMER. Mr. Speaker, I rise today to support the President in the veto of the Labor-HHS bill. I support that veto because the language in the title X regulations does not prevent a physician from advising any patient, any woman, of their health care.

I would like to read to the Members from a statement of the Secretary of Health and Human Services:

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, these regulations do not prevent a physician from fully advising any patient on medical treatment and medical care. Therefore, I rise in support of the President's veto in the name of saving human life and young children.

□ 1400

#### A \$3,000 TAX BREAK FOR EVERY AMERICAN FAMILY

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

Mr. WALKER. Mr. Speaker, if you ask most American families what they would most like right now in terms of getting their own economies started, most of them would like a substantial tax cut. Most of them could use another \$3,000 a year in their pocket. Not just \$3,000 a year for 1 year, but \$3,000 a year as far out as they can see. In other words, they would like to almost win the lottery and have some real money.

How can they do that? How could 70 million American families get a \$3,000 tax cut?

One of the ways would be if we were not spending the money in the bill that the President vetoed and we were spending the money instead on the American family, with them having a tax cut. That is right, 70 million American families could get a \$3,000 tax cut with just the money that we are going to spend in the Labor-HHS bill. Seventy million American families would be \$3,000 better off with just the money that we spend in that bill. Seventy million American families would have real money in their pocketbook, real money to spend on the things that would help drive our economy forward.

Mr. Speaker, I think a lot of American families would prefer the tax cut to the Government spending.

#### VERRIDE LABOR-HHS VETO FOR THE GOOD OF AMERICA

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

Mr. DURBIN. Mr. Speaker, the suggestion of the previous speaker is incredible. What the gentleman has just suggested is that the United States should stop all medical research to find a cure for AIDS, to find a cure for cancer, and to find a cure for heart disease. This is what is in this appropriation bill.

The gentleman just called for eliminating all assistance, Federal assistance for America's college students. That is what is in this bill.

The gentleman thinks that is the way to get America moving again, keep us sick and uneducated.

Thank goodness, this House of Representatives, Democrat and Republican, thinks otherwise. I urge Members to vote to override President Bush's veto in the Labor-HHS appropriation.

#### RESPONSIBILITY NECESSARY TO AVERT ECONOMIC CHAOS

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

Mr. BURTON of Indiana. Mr. Speaker, I do not think that is what the gentleman from Pennsylvania [Mr. WALKER] said. But let me just say one thing, and I think this is very, very important: The reason we have the economic problems we have today started a long time ago, and they have been building and building and building because of the liberal welfare state mentality of Members on this side of the aisle.

The deficit this year is going to be \$400 billion, the largest in U.S. history. We have increased the national debt from \$1 trillion to \$4 trillion in just 10 years, and the responsibility rests with this body. This is where all spending originates.

Mr. Speaker, they try to pass the buck to the White House to say the President is responsible, but the economic problems facing this country rests with the big spenders here. If we get control of our appetite for spending and start living within our means, this country will survive and do well economically. If we continue down the path that these people have put us on, we are going to have economic chaos.

#### CAMPAIGN REFORM LEGISLATION SHOULD PROTECT WORKERS' POLITICAL RIGHTS

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

Mr. BALLENGER. Mr. Speaker, I think it is safe to say that the majority of my colleagues, like myself, are interested in seeing campaign reform. There are many proposals floating around a lot of disagreement over which direction to take these reforms.

However, I hope that my colleagues agree that no American should be forced to give financial support to political candidates or to causes they oppose.

Sadly enough, thousands of American workers contribute millions of dollars every election cycle against their will. I am talking about the use of forced dues spent on politics. I am speaking of workers who are forced to pay union dues as a condition of employment. And a large percentage of those dues goes toward activities that are unrelated to collective bargaining, including political activity. Quite often these forced dues come from workers who oppose the candidates or causes their dues are financially supporting.

I ask my colleagues to join me in ending this blatant disregard for the rights of dissenting workers by outlawing the use of compulsory union dues for politics. I oppose any campaign reform legislation which does not protect workers' political rights.

#### ONE SIZE FITS ALL ISN'T PART OF THE SOLUTION

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, health care costs are out of control. The Nation's spending on health reached \$666.2 billion in 1990, an increase of 10.5 percent in a single year. Clearly, reining in skyrocketing costs is imperative.

There are some who propose simple solutions like mandating that all providers accept Medicare payment levels for all their services—Medicare and non-Medicare patients, alike.

I asked my hospitals what this would mean to them. To date, five of them

have responded. The Charlotte Hungerford Hospital, Connecticut's eighth lowest cost hospital, would have a decrease in patient revenues of \$8.3 million and turn a small positive operating margin into a \$7.4 million operating loss. The John Dempsey Hospital would go from a positive operating balance of \$1.2 million to a loss of \$19 million. If the Medicare rates excluded graduate medical education and indirect medical education adjustments, this teaching hospital would realize an astounding operating loss of \$35.5 million. My hometown hospital, New Britain General, would experience a shortfall of net patient revenues of 2 to 3 percent over existing new patient revenues. Johnson Memorial Hospital would have lost \$4 million in fiscal year 1991, an operating loss of 15.7 percent which they estimate would rise to \$6.2 million and 22.5 percent in fiscal year 1992. And the small hospital of Winsted Memorial Hospital estimates its operating loss for 1991 would have been approximately \$2 million.

Mandating Medicare rates for all sounds like a solution to skyrocketing costs. But ask your hospitals to run their numbers for you. We might be solving the cost problem simply by eliminating care.

#### VERRIDE ILL-ADVISED PRESIDENTIAL VETO ON LABOR-HHS

(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, we will soon consider the President's veto. I want to read from a letter dated November 12, 1991, from the following list of health organizations:

- American Academy of Family Physicians.
- American Academy of Nurse Practitioners.
- American Academy of Pediatrics.
- American College of Nurse Midwives.
- American College of Obstetricians and Gynecologists.
- American College of Physicians.
- American College of Preventive Medicine.
- American Fertility Society.
- American Group Practice Association.
- American Medical Association.
- American Medical Women's Association.
- American Nurses Association.
- Association of Reproductive Health Professionals.
- NAACOG: The Organization for Obstetric, Gynecologic & Neonatal Nurses.
- National Association of Community Health Centers.
- National Association of Neonatal Nurses.
- National Association of Nurse Practitioners in Reproductive Health.
- National Association of School Nurses.
- National Association of Gerontological Nurse Practitioners.
- National Medical Association.
- National Organization of Nurse Practitioner Faculties.

They say;

The President's November 5th memo to Secretary Sullivan "clarifying" the regulations has no legal standing and does not affect the law—it merely confuses the issue.

We are—

All the medical practitioners and medical advisers in our country, the doctors of our country,

opposed to the White House's intention to exempt physicians from the counseling and referral restrictions but not other health professionals. This is unacceptable to all members of the health care team—physicians, nurses, and licensed counselors.

Mr. Speaker, let us vote for education, let us vote for health care, let us vote for worker safety. Let us override this ill-advised Presidential veto.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

CALL OF THE HOUSE

Mr. TRAXLER. Mr. Speaker, in view of the important matter to next come before the House, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 402]

Abercrombie Carper Engel  
 Ackerman Carr English  
 Alexander Chandler Erdreich  
 Allard Chapman Espy  
 Allen Clay Evans  
 Anderson Clement Ewing  
 Andrews (ME) Coble Fascell  
 Andrews (NJ) Coleman (MO) Fawell  
 Andrews (TX) Coleman (TX) Fazio  
 Annunzio Collins (IL) Feighan  
 Applegate Collins (MI) Fields  
 Armye Combest Flake  
 Atkins Condit Foglietta  
 AuCoin Conyers Ford (MI)  
 Bacchus Cooper Ford (TN)  
 Baker Costello Franks (CT)  
 Ballenger Coughlin Frost  
 Barnard Cox (CA) Gallegly  
 Barrett Cox (IL) Gallo  
 Barton Coyne Gaydos  
 Bateman Cramer Gejdenson  
 Bellenson Crane Gekas  
 Bennett Cunningham Gephardt  
 Bentley Dannemeyer Gibbons  
 Bereuter Darden Gilchrist  
 Berman Davis Gilman  
 Beville de la Garza Gingrich  
 Bilbray DeFazio Glickman  
 Bilirakis DeLauro Gonzalez  
 Blackwell DeLay Goodling  
 Bliley Dellums Gordon  
 Boehlert Derrick Goss  
 Boehner Dickinson Gradison  
 Borski Dicks Grandy  
 Boucher Dingell Green  
 Boxer Donnelly Guarini  
 Brewster Dooley Gunderson  
 Brooks Doolittle Hall (OH)  
 Broomfield Dorgan (ND) Hall (TX)  
 Browder Dornan (CA) Hamilton  
 Brown Downey Hammerschmidt  
 Bruce Dreier Hancock  
 Bryant Duncan Hansen  
 Bunning Durbin Harris  
 Burton Dwyer Hastert  
 Bustamante Dymally Hayes (IL)  
 Byron Early Hayes (LA)  
 Callahan Eckart Hefley  
 Camp Edwards (CA) Hefner  
 Campbell (CA) Edwards (OK) Henry  
 Campbell (CO) Edwards (TX) Herger  
 Cardin Emerson Hertel

Hoagland Michel  
 Hobson Miller (CA)  
 Hochbrueckner Miller (OH)  
 Holloway Miller (WA)  
 Hopkins Mineta  
 Horn Mink  
 Horton Moakley  
 Houghton Mollinari  
 Hoyer Mollohan  
 Hubbard Montgomery  
 Huckabee Moody  
 Hughes Moorhead  
 Hunter Moran  
 Hutto Morella  
 Hyde Morrison  
 Inhofe Mrazek  
 Ireland Murtha  
 Jacobs Myers  
 James Natcher  
 Jefferson Neal (MA)  
 Jenkins Neal (NC)  
 Johnson (CT) Nichols  
 Johnson (SD) Nussle  
 Johnson (TX) Oaker  
 Johnston Oberstar  
 Jones (GA) Obey  
 Jones (NC) Olin  
 Jontz Oliver  
 Kanjorski Ortiz  
 Kaptur Orton  
 Kasich Owens (UT)  
 Kennedy Oxley  
 Kennelly Packard  
 Kildee Pallone  
 Kleczka Panetta  
 Klug Parker  
 Kolbe Pastor  
 Kolter Patterson  
 Kopetski Paxon  
 Kostmayer Payne (NJ)  
 Kyl Payne (VA)  
 LaFalce Pelosi  
 Lagomarsino Penny  
 Lancaster Perkins  
 Lantos Peterson (FL)  
 LaRocco Peterson (MN)  
 Laughlin Petri  
 Leach Pickett  
 Lehman (CA) Porter  
 Lehman (FL) Poshard  
 Lent Price  
 Levin (MI) Pursell  
 Lewis (CA) Quillen  
 Lewis (FL) Rahall  
 Lewis (GA) Ramstad  
 Lightfoot Ravenel  
 Lipinski Ray  
 Livingston Reed  
 Long Regula  
 Lowery (CA) Rhodes  
 Lowey (NY) Richardson  
 Luken Ridge  
 Machtley Riggs  
 Manton Rinaldo  
 Markey Ritter  
 Marlenee Roberts  
 Roe  
 Martinez Roemer  
 Matsul Rogers  
 Mavroules Rohrabacher  
 Mazzoli Ros-Lehtinen  
 McCandless Rose  
 McCloskey Rostenkowski  
 McCollum Roth  
 McCrery Roukema  
 McCurdy Rowland  
 McDade Roybal  
 McDermott Sabo  
 McEwen Sanders  
 McHugh Sangmeister  
 McMillan (NC) Santorum  
 McMillen (MD) Sarpalitus  
 McNulty Savage  
 Meyers Sawyer  
 Mfume Saxton

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-166)

The Speaker laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2707, the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1992."

H.R. 2707 contains a provision that would prohibit implementation of rules related to the Title X family planning program and abortion. I am therefore compelled to disapprove H.R. 2707. I will sign a bill that does not include language that prohibits implementation of the abortion counseling and referral rule.

I have informed the Congress on numerous occasions that, consistent with the intent of the statute originally establishing Title X, I would veto any legislation that would entangle Title X with abortion. Accordingly, it is my intention to ensure that no Federal funds are used to support abortion except in cases where the life of the mother would be endangered if the fetus were carried to term.

Under the regulations upheld by the Supreme Court, pregnant women who seek services from projects funded by Title X are appropriately referred to qualified providers for prenatal care and other social services, including counseling. The Administration seeks to ensure the integrity of Title X as a pre-pregnancy family planning program and to ensure that women who are pregnant, or have a medical problem, are referred to providers who can ensure continuity of care. We do not seek to limit in any way the counseling pregnant women receive when they seek services from those providers.

In a memorandum to Secretary Sullivan on November 5, 1991, I reiterated my commitment to preserving the confidentiality of the doctor/patient relationship and seeing that the operation of the Title X family planning program is compatible with free speech and the highest standards of medical care. My memorandum makes clear that there is no "gag rule" to interfere with the doctor/patient relationship. I have directed that in implementing these regulations, nothing prevent a woman from receiving complete information about her condition from a physician. There can be no doubt that my Administration is committed to the protection of free speech. The United States Supreme Court specifically found that the regulations in no way violate free speech rights.

H.R. 2707 contains several provisions that would delay the obligation of over \$4.4 billion until the last few weeks of FY 1992 and early FY 1993. The magnitude of the delays contained in H.R. 2707 would make it much more difficult to remain within the FY 1993 spending limits required by the Budget Enforcement Act.

I urge the Congress to pass promptly an acceptable bill, one without objectionable language relating to Title X, to provide needed funding for the many important programs contained in this legislation.

GEORGE BUSH.

THE WHITE HOUSE, November 19, 1991.

The SPEAKER. The objections of the President will be spread at large upon

□ 1430

The SPEAKER. On this rollcall, 409 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

the Journal, and the message and bill will be printed as a House document.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER] for 1 hour.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the Presidential veto of the bill, H.R. 2707.

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

There was no objection.

Mr. NATCHER. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Michigan [Mr. PURSELL] and I ask unanimous consent that he be permitted to yield time to other Members.

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

There was no objection.

Mr. NATCHER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise today to urge the House to override the President's veto of H.R. 2707, a bill that makes provisions for appropriations for the Department of Labor, the Department of Health and Human Services, and the Department of Education.

This bill, Mr. Speaker, is under the ceilings established by section 602(b) of the Budget Enforcement Act. We are \$70 million under the ceiling for budget authority and we are \$33 million under in outlays.

It required 14½ weeks to hold the hearings on this bill. We had 730 witnesses, 127 Members of the House appeared before our subcommittee justifying to the subcommittee various appropriation requests including new programs and increases in other programs.

Mr. Speaker, I believe that these Members will tell you that this is a good bill.

This bill, Mr. Speaker, is the bill that helps the poor, the elderly, the sick, the unemployed, and our children. That is what this bill is about.

Please keep in mind that in the bill we have, Mr. Speaker, \$2,020,000,000 for Head Start; \$31,965,000,000 for education; \$9,010,000,000 for the National Institutes of Health for biomedical research; \$298 million for childhood immunization; \$1,921,000,000 for AIDS; \$825 million for child care grants; \$771 million for impact aid; \$1,500,000,000 for low-income fuel assistance; \$650 million for maternal and child care health grants; \$1,043,000,000 for vocational and adult education; \$22.5 million for rural health outreach grants; \$226 million for trade adjustment; \$3,081,000,000 for al-

cohol, drug abuse, and mental health; \$4,582,000,000 for Social Security Administration administrative costs; \$2,025,000,000 for unemployment compensation operations.

□ 1440

Mr. Speaker, these are just a few of the programs in this bill, and, Mr. Speaker, at this time I would like to call the House's attention to the "Dear Colleague" which they received this morning. All of the ladies in the House, on both sides of the aisle, Mr. Speaker, that know as much about this bill as anyone on the subcommittee or on the full committee, signed this "Dear Colleague" letter with the exception of two, Mr. Speaker. This is a bill that the center aisle does not mean a thing to. It means the same thing to every Member in this House, Republican or Democrat. Mr. Speaker, at this time I ask my colleagues respectfully, I ask the Members of the House today, to please, override this veto.

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

Mr. Speaker, our subcommittee spent 8 long months putting this bill together. This is my first opportunity to be ranking on this committee. I have had the honor to serve on this committee 14 years, and I do not think I have seen a better, more professional effort to put together an outstanding bill.

Now I know title X is in this bill. I am sorry that it did not have the opportunity to be addressed by the authorizing committee, and our appropriation committee would have fulfilled its responsibility by passing a good clean appropriation bill. We would not have gotten into a debate on authorizing language, but the realities are here.

Mr. Speaker, as our chairman said, the outstanding gentleman from Kentucky [Mr. NATCHER], we have some outstanding programs in this bill that were a result of bipartisan support. Head Start, one of the outstanding programs for our young children of America. Student loans, for students going on to college. Our jewel in our committee, in my opinion, the National Institutes of Health, 13 of them who are working on dramatic breakthroughs into cancer research, Alzheimer disease, and other critical illnesses. We also have impact aid. We have 55 Members of the House on both sides of the aisle who came to us and pleaded for impact aid. I assume that they will be voting with the chairman and minority ranking members today. President Bush's America 2000, the first breakthrough in education in years, and the result of some very creative work by Lamar Alexander and the President of the United States.

Therefore, Mr. Speaker, I must come down on the side of the committee and vote to override this veto.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I ask the House to override this veto. The 1991 funding this bill for entitlements and discretionary funding was \$185 billion. The 1992 amount for these programs is \$203 billion. That is an \$18 billion difference. That increase is being denied to all these programs and all these departments that every day that we go into the 1992 fiscal year without this bill being enacted.

Mr. Speaker, we should not wait another day to enact this bill into law. This bill affects almost everyone in the United States. In fact, it affects everyone from conception through death. We have all kinds of programs in here, prebirth programs, children's programs, elementary and secondary education, college funding, training programs, Social Security, all of those kinds of programs in this bill and their funding should not be held up because of one emotional issue that is in this bill.

Mr. Speaker, that issue should be resolved in a separate bill, enacted as a separate law, and a 1-year delay in implementation should not hold up this important piece of legislation, so I ask my colleagues today to not let these programs go another day without the 1992 level of funding. Vote to override this veto.

Mr. PURSELL. Mr. Speaker, I yield 3 minutes to our distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, at the very outset may I pay my respects to the very distinguished chairman, the gentleman from Kentucky [Mr. NATCHER], and the ranking member of my old Subcommittee on Appropriations, the gentleman from Michigan [Mr. PURSELL], for the great job that they both do, and their committee members, in meeting so many of the pressing needs of the country on that very important subcommittee. But I must say, Mr. Speaker, and I rise to urge the Members, to support the veto of the President; in other words, to sustain his veto.

Mr. Speaker, after listening to the veto message itself, I was encouraged to see that the President vetoed the bill, not only because of the provisions on the so-called gag rule, but also because of the abuses that have taken place on the money side.

As I indicated when we had the conference report on the floor, I do regret that so much attention is placed on the legislative language that should be considered separately as an individual piece of legislation, as the gentleman from Iowa [Mr. SMITH] just pointed out. I have seen numerous expressions of concern from the chairman of the Committee on Energy and Commerce over the usurpation of the committee's jurisdiction by the appropriation process, but I do not recall seeing any such expression on the title X regulation. I

wish I had, because that is clearly where this issue belongs, over in the Committee on Energy and Commerce.

Mr. Speaker, what we have before us is a \$200 billion bill, vetoed in part because of the gimmicks employed to get around a budget ceiling, and I urge that we pay attention to this aspect because what we are talking about here is \$4 billion in abuses.

Now I know the administration itself proposed some of these deferred obligations but certainly not to the extent undertaken in this bill. The distinguished chairman of the committee brought that to my attention during our earlier discussion of that, and I concede that openly and above board here as we discuss it today. As I say, however, one wrong does not justify tripling the wrong by what was done in the committee.

So, if we go ahead and spend this \$4 billion in deferred obligations, we will actually be requiring cuts next year of nearly \$8 billion below this year's appropriation in order to live within the budget caps. What this really means is that we are going to see \$8 billion in education and health cuts next year or a busted budget agreement.

Now, Mr. Speaker, the phrase "gag rule" has been used by those opposed to title X regulations, but when it comes to shifting expenditures, the majority has come up with something new, a blindfold rule in which we simply shut our eyes to the shell game being played here.

So, I urge we remove the blindfold and see things as they are, and that means that we sustain the veto and urge the committee to then come back with a bill that legitimately lives within the budget guidelines we have established for ourselves in this body.

Mr. Speaker, I thank the gentleman from Michigan [Mr. PURSELL] sincerely for having yielded this time to me.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, for 45 years the American people have paid taxes to defend the world against the Soviet Union. The average family share of the cold war cost has been about \$80,000 per family. The Soviet Union has now collapsed. The American people have earned the right to bring some of those dollars home to take care of our own.

Mr. Speaker, the new threat to America is economic. We need to do more to strengthen education, we need to do more to prepare our young people for the world of work, and this bill, more than any other we will deal with, does just that. It is aimed at meeting the health, and education, and job training needs of the American people, and we owe it to them to pass it.

Let me say just a word on title X.

□ 1450

My wife is a social worker. Like her, I hope that every pregnant woman

served by title X will choose not to have an abortion, but they all have the right to be fully informed when they make that choice, without vague and uncertain information from their Government about that choice. This bill provides that information and that is all it does.

Mr. Speaker, I urge the Members to support the bill and override the President's veto.

Mr. PURSELL. Mr. speaker, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. WEBER], a member of our committee.

Mr. WEBER. Mr. Speaker, once again let me compliment my chairman, the gentleman from Kentucky [Mr. NATCHER], and my ranking member, the gentleman from Michigan [Mr. PURSELL]. It is a pleasure to serve with them on this subcommittee, and it is truly an act of sadness to have to oppose them on this fine, fine bill with an unfortunate but fatal flaw. The President said that this bill would entangle title X with abortion, and that is the fatal flaw. That and that alone causes me to oppose overriding the President's veto.

What is this vote not about, Mr. Speaker? This vote is not about education. This vote is not about cancer research or job training. I support all those programs in my work on this subcommittee.

The President's message clearly states:

I will sign a bill that does not include language that prohibits implementation of the abortion counseling and referral rule.

These programs will all be funded once we have stripped out the objectionable language regarding abortion. That is not what is at issue.

This bill is also not about gagging anybody. The President's message makes it clear that the doctor-patient confidentiality will be preserved. I repeat, there is no gag on physicians in this bill.

Let me say also that this bill is not or should not be about partisan politics. The arm-twisting on the other side of the aisle has been well-reported on this bill. I think that is unfortunate.

Mr. Speaker, what this bill is about is abortion. A majority of the Members of this body have voted to oppose taxpayer-financed abortion in the Hyde amendment again and again. Without the regulations against abortion counseling and referral in this bill, we will basically put the title X program in the business of abortion referral and abortion promotion, and that, Mr. Speaker, is the issue. Will we tear down the wall between family planning and abortion and establish a nationwide system of taxpayer-financed abortion referral centers?

Mr. Speaker, that and that alone is the issue in this bill, and that is why the President's veto should be sustained.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Speaker, I want to speak to Members who have been weighing their consciences over this vote because of the gag rule.

On many past occasions this bill has not been consistent with my conscience because it contained the Hyde amendment denying poor women the right to choose, but I have often voted for this bill on final passage and for the conference report anyway because of the crucial health, education, and human services that are in this bill. I urge pro-gag rule Members to approach this vote today in this same spirit.

Let us keep in mind that the Hyde amendment is in this bill that the President vetoed. We should also keep in mind that the Porter amendment would merely restore free-speech rights to health-care professionals. It does not even require that a pregnant woman receive counseling and referral about a full range of legal options.

Mr. Speaker, if my conscience can allow me to override a veto of this bill containing the Hyde amendment, I would hope that Members' consciences would allow them to vote to override a veto and pass a bill that contains the Porter amendment.

Mr. PURSELL. Mr. Speaker, I have the honor to yield 2 minutes to the distinguished gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Speaker, I rise in support of overriding the President's veto, and I deeply regret the fact that the President has vetoed this legislation.

Make no mistake about it, the failure to override is something that women would not forget in this country, nor should they. Let there be no question among us as to what this really means if there is a vote to sustain the President's veto. We will have sent a message to American women that it is unequivocal and disdainful.

A vote to sustain means that we feel women do not deserve the same doctor-patient relationship as men have. No male patient is affected by this gag rule; we are creating a situation for women only.

A vote to sustain means that we approve of the Federal Government's intrusion into what has always been a very confidential relationship, that between doctor and patient, and we believe that a woman and a doctor are not to be trusted.

I wonder if you are willing to inject the Government into this relationship on this basis, where will you inject the Government next? To those Members who say doing so is unthinkable, I would suggest that just a very few years ago the step that we are contemplating her today with this gag rule would be totally unthinkable, and certainly it has always been.

A vote to sustain means that fundamentally you believe women are second-class citizens that deserve second-class treatment.

Let me note the irony in this legislation. Before us today we have health-care initiatives to reverse decades of discrimination and neglect toward women's health issues such as breast cancer and ovarian and cervical cancer. These are hard-won issues. With the repeal of the gag rule and the women's health research in this legislation, we would bring to an end society's penalty against women because of their gender.

So, Mr. Speaker, I would hope that Members would vote to override the President's veto.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, I want to speak today as I rarely do—as a physician and a member of the medical community.

Recently, the President indicated that he believed in the Hippocratic oath, which says that above all else, do no harm.

He was talking about the economy, but we need to remember that oath in this debate as well.

Do no harm. Yet the President has vetoed funding for health care that our children, our elderly, our sick, and our disabled desperately need. And for what?

The concept of a President saying to me, as a physician, what I can and cannot tell a patient of mine about life-and-death issues is the worst sort of Government intrusion into people's private lives.

The doctor-patient relationship is built on trust, not politics.

It must be defined by a patient's medical needs, not White House political strategy.

Today the President wants to step between a physician and a woman faced with a critical medical decision. This is a precedent that needs to be reversed.

What is next? Who is next?

Are we to sit back and allow medical care to be decided in the Oval Office instead of the doctor's office?

I urge my colleagues to examine the consequences of this precedent. It is a dangerous policy, relinquishing our authority to a Government authority. It is voodoo medicine and we should reject it.

Mr. PURSELL. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I'd like to direct my remarks to pro-life Members—especially to my good friends on the Democratic side of the aisle—who have been subjected to extreme pressure to violate their consciences on this vote.

It seems to me that you are being asked today—my friends, you are being pressured by the proabortionists

today—to do something you believe to be ethically wrong. You are being pressured to facilitate abortion by overriding this veto.

No one has the right to demand and expect you to override your conscience. No one has the right to demand that you trash your own deeply held convictions. This vote is—or at least should be—a matter of conscience. Yet a network of special interest groups and influential Members of this House are pressuring you to bar implementation of the most important pro-life policy of the year—the new title X regulations.

You are being pressured to flip-flop on a profoundly important moral issue. Abortion.

You are being pressured to turn your back on hundreds of thousands of vulnerable unborn children who will die, if this humane health regulation is stymied or overturned.

Of course for the proabortion Members, this isn't a problem at all. Under the guise of choice, unborn children by the millions are slaughtered without so much as an eyebrow being raised. Abortion is, from their perspective, a service rendered. The proabortionists treat pregnancy as a disease—the unwanted child as the moral equivalent of a diseased kidney, pancreas, tumor, or cyst—to be excised and destroyed. But as a pro-life legislator who both recognizes and respects the sacredness, dignity, and worth of every mother and every unborn baby, you see it differently. As a pro-lifer you want to help the mother—medically and otherwise—and shield her baby from the clutches of the abortionist.

Notwithstanding two decades of clever euphemisms and slick marketing by the abortion industry—from the squeal rule, to the so-called gag rule, to the bogus rhetoric of choice—there still is nothing benign about what the abortionist does—he kills kids.

I say to my pro-life colleagues, I have no doubt whatsoever that the consequence of overturning the new title X regulations will be both more dead babies, and mothers denied the enormous blessings of modern-day maternal and prenatal care. Conveniently overlooked by those who oppose the regulations is the fact that the new title X regulations actually require referrals for prenatal care. Thus, this policy is more aptly described as the prenatal care rule, not a gag rule.

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 impor-

tant 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.

Your vote—perhaps as never before—will mean the difference between an unborn child receiving referrals for life affirming prenatal care as prescribed by the regulations or violent death by abortion.

As a pro-lifer, by now you know that every year, a \$380 plus million corporation called Planned Parenthood—a major recipient of title X funds—counselors, refers, or performs over 200,000 abortions. Every year 200,000 of our daughters and sons lose their lives at the hands of Planned Parenthood.

Every year, 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, or maimed by injections of poison. And in many of the cases, the teenager's parents aren't even notified about their daughter's abortion.

By sustaining the President's veto today, we can save some of these kids from a cruel fate.

While I know it isn't always easy or pleasant to remain faithful to principle—in this case protecting human life—let me encourage you to firmly stand your ground. Resist the pressure. And the arm twisting.

Bending with the wind—bending with the pressure—may be the momentarily easy path for some. However, bending into the wind, remaining true to your convictions, takes tremendous moral courage, and strength, and character. Many are counting on you.

I say to my pro-life colleagues, when all the dust settles after today's vote, either the pro-life or proabortion cause will be advanced.

Either babies will be at more risk of death or less.

You can be sure, however, that if the pro-life side fails to win the day today, the proabortion lobby will rush to greet the television cameras to declare a proabortion victory. And all the cheap sophistry and issue framing that preceded the vote concerning free speech will be seen yet as another successful ploy intended to divert attention from the real issue: abortion.

Vote to sustain the President's veto. This is the most important pro-life policy of the year.

□ 1500

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I resent the remarks of the gentleman from

New Jersey [Mr. SMITH]. I think they are hateful remarks, and they have nothing to do with what we are talking about today.

Let word go out from this House today that this is the land of the free, not the land of the gagged. Here we are, facing a veto override. No because Federal funds in this bill can be used for abortion. They cannot be used for abortion. Not a penny can be used for abortion. Not even if a woman is the victim of rape of incest, can they be used for abortion.

We are facing this override because our President has put a gag around the mouths of doctors and health professionals and is stopping them from speaking the truth. And he is stopping women who need to hear about all their options. He is stopping them from hearing the truth.

Let me tell the minority of this House who may be thinking of voting against freedom of speech—read the Constitution. That is what this is about. It is a precious document. It is being sent for by every country in this world.

Vote for the Constitution, vote for our freedom, vote to override.

The SPEAKER pro tempore (Mr. MFUME). The Chair would advise Members controlling debate time that the gentleman from Michigan [Mr. PURSELL] has 17 minutes remaining, and the gentleman from Kentucky [Mr. NATCHER] has 22 minutes remaining.

Mr. PURSELL. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I urge my colleagues to vote to override the President's veto of 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 gag rule is anathema to the founding principles and freedoms of our Nation. With the imminent celebration of the 200th anniversary of the Bill of Rights, this threat to the freedom of speech should not be tolerated.

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. Even worse, in the overwhelming majority of cases, complete medical information will not be available even for victims of rape, incest, or potentially life-threatening illnesses, such as cancer or diabetes.

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.

This issue is one that should have the support of every Member of the House, regardless of their view on abortion.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I rise in support of overriding the President's veto of this bill. This bill provides \$204 billion for those entitlement and discretionary programs which help to keep Americans employed, healthy, and educated.

This bill provides significant funding increases for compensatory education for the disadvantaged, for cancer research, for minority health improvement activities, for higher education, and many other programs.

I am proud to have been able to help secure increased funding for many of these programs, as well as those programs which improve the quality of life for my constituents, as well as persons across the country.

For the Department of Education this bill provides \$6.6 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.

For lead poisoning prevention and screening activities, this bill provides \$23 million. 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.

Mr. Speaker, this is a good bill. I support the bill. I urge my colleagues to override the veto.

Mr. PURSELL. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, this is yesterday's newspaper, the metropolitan section, which deals with all the death and mayhem of crime and traffic accidents. Here is the opening lines of a story by Margaret Rankin. The headline is, "Police chase results in the death of innocents."

A pregnant woman, her 3-year-old daughter, and her unborn child were killed yesterday when their car crashed into a metropolitan police cruiser hurrying to assist in a car chase.

Her unborn child. Unborn child. Is Margaret Rankin wrong to write those words? Are those words politically incorrect for a newspaper? No. We all know that it is an unborn child.

Now, one of the gentlewomen from California got up and said my distinguished and noble and courageous young colleague, the gentleman from New Jersey [Mr. SMITH] had used hateful words. I went over to our Parliamentarian, bipartisan as he is in all of his wise renderings, and he said that was a close call. In other words, she characterized his remarks and not him.

Well, generally we find hateful people making hateful remarks, and Mr. SMITH is certainly not a hateful person.

I would not characterize the words of the opposition as anything but misguided, horribly misguided. I will make a challenge to all of my colleagues who are pro abortion, covering it under the words "pro choice" or "free speech" or so-called gag rule in this House.

I ask you this question seriously, as a philosophical, rhetorical question. I want you to give me a credible answer sometime in the Cloakroom or in the Halls or at committee. Can we teach our teenage daughters not to touch drugs, not to lie to their parents about not doing homework, not to be promiscuous, but tell them they can kill their unborn child in their womb without their parents' consent?

□ 1510

Those young women in the hall with the sticker that says "Family planning is not abortion," they are women, too. This is not a women's issue. It is an issue of life. It is an issue of decency. Support the President's veto.

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

Mr. FORD of Michigan. Mr. Speaker, early this year when I became chairman of the Committee on Education and Labor, I made a pledge to my committee and a public pledge to do everything in my power to make George Bush the education President that he wants to be. With this veto he is making it very, very tough for me.

I have demonstrated my good faith by moving the legislation that he asked us to move, his Education 2000. As a matter of fact, he even vetoed the money for that, that is in this bill.

The President has pledged to prepare American school children for the Nation's future and make American workers more competitive in the workplace. But he vetoed a bill that provides the funding for those goals. And he talked about goals all across this country. It has become the new in thing to go to a meeting and hear somebody from the Secretary of Education's Department talk about the education goals.

Members will remember that earlier this year we came and asked them to make education a priority, and we had a budget fight when we adopted the budget for the coming year, and we upped the ante on education in that budget with the home front initiative that this House overwhelmingly supported saying, if there is a window open and there is a little more money that can be spent, we want to stake it out for education.

We then came back to Members with the bill of the gentleman from Kentucky [Mr. NATCHER] that appropriated that money to the most important education programs that can make a difference between now and the year 2000 in the work force of this country and the education of our people. And overwhelmingly, I think it was 353 Mem-

bers of this House voted for it. And then he had to go and fight with the people from the other body to keep the education commitment that this House made at the level we made it.

What the President did today with his veto was just to roll the clock back and say, "All of this effort to increase our commitment to education, to say we really believe what we have been saying about it being a front-burner issue, an issue entitled to high priority in our country, was wrong."

The President's veto denies an additional 600,000 disadvantaged children the opportunity to receive compensatory education in grade schools so that they can learn to read and compute up to the standard of their peers. I can tell my colleagues without that, that 600,000, they are immediately placed in peril of dropping out of school. The President's veto leaves in doubt the future education of 3.2 million college students who are waiting for the Pell grant money that is in this appropriation, and 56,000 kids that we would have added to the Head Start Program, a program nobody speaks against, will be denied that access if we do not override the President's veto.

Mr. PURSELL. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, government should serve our needs, not dictate our choices. Government should serve our needs, not dictate our choices. Government should serve our needs, not dictate our choices. How many times do the American people have to say that before it sinks in?

What we have to do is learn to listen. That is a critical function of a Representative. If we listen and pay attention, as we do so, among the things we will discover is that American women do not want the government at any level to impose itself into the doctor-patient relationship. That is a very special relationship. It should be a very privileged and a very confidential relationship.

American women and the medical community do not want a gag imposed upon health professionals as they guide, counsel, treat their patients.

Make no mistake about it, the gag rule is what today's debate is all about. It is time to repeal the gag rule and to override this ill-advised veto.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I support overriding the President's veto, and I want to say to my colleagues who are pro-life that the Hyde language is intact. I want to talk about life. I want to talk about what this bill does.

It contains for one of the few times funds for elder abuse, something very neglected in our country. It contains funds for senior nutrition programs. Indeed, it covers American people from

the cradle to the end of their lives. It contains job training, summer youth employment, dollars for dislocated workers who are unemployed.

It contains funds for infant mortality, for health care for the homeless, for maternity and child health care, for Head Start, for grants so that our young people can have access to education, for the disabled.

It is a pro-life bill. It contains for the first time in my judgment an increase for women's health programs. We have an epidemic in breast cancer. This Congress has neglected that.

I am proud of the fact that they dramatically increased the research so that we can find a cure for breast cancer, a cure to prostate cancer, a cure to cervical cancer, a cure to ovarian cancer.

I believe that this is a pro-life bill because it also contains finally more funds to combat alcoholism, which is destroying our country. So I hope we do support the chairman of the committee and override the President's veto.

Mr. PURSELL. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. MOLINARI].

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. MOLINARI].

The SPEAKER pro tempore. The gentlewoman from New York [Ms. MOLINARI] is recognized for 2 minutes.

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

It is true, as those who have gone before me have stated, that the implications and the ramifications of our vote here today will be felt by many, if not all Americans. It will be felt by those who are hungry, by those who are cold, by those who are lonely.

But the debate today, Mr. Speaker, is about freedom of speech. It is about freedom of speech with regard to a woman's legal right to abortion. We have finally gotten through, everyone has been honest enough to say. The President has finally come before this Nation and said, "That is my problem with this bill." The opponents of this bill have finally come before this Nation and said, "That is my problem with this bill."

So thankfully for the first time since we have discussed this bill, we all know what this issue is all about.

It is difficult, Mr. Speaker, to step back and say that we disagree with the law and yet we will be a servant to it. But I believe that that is what we must do when we stand in this well and take a pledge. No, that is what we must do when we admit that we are Americans, that we admit that we are willing to fight for freedom and democracy on every shore in this world, that we will be a servant to laws that we do not like, that we disagree with.

That is what the debate is about in this House today, my colleagues, to be

a servant to a law that is a legal option in this country today in America to every woman and, therefore, we have no option. We have no option to the law but to say, yes, America, we will support this conference report. We will support the right to free speech.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. ROWLAND].

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

It grieves me that this is being debated as an abortion issue. This is a health care issue. This is an issue of whether or not a physician or other health care worker can discuss without hesitation or a sense of evasion the status of the health of a pregnant woman. This is an issue of whether or not physicians will become more vulnerable to malpractice litigation.

Already, wrongful redress suits have been filed in my own State of Georgia when a pregnant woman was not fully informed of the status of her pregnancy.

□ 1520

It is an issue of whether or not appropriate health care will be given, and I am particularly concerned about what will happen in rural areas such as the Eighth District in my own State of Georgia, which I represent.

It has been said there is no gag rule here. Let me read from the veto message of the President. It is pretty clear to me. "I will sign a bill that does not include language that prohibits implementation of the abortion counseling and referral rule." That is pretty plain. That is plain enough to me.

Vote for override.

Mr. PURSELL. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I will vote today to override the President's veto of H.R. 2707, the appropriation bill for Labor, Health and Human Services, and Education Departments.

My decision to override is not made easily. Only a few days ago, I voted against the conference report because of the excessive use of budgetary gimmicks. The \$4.3 billion in delayed obligations is a gross violation of the budget summit agreement this body—and the President—enacted last Fall. Weak as the discipline in that agreement is, creative as this Congress may be in devising loopholes to avoid it—it remains the only budgetary discipline available to us. We should abide by it. This bill does not.

However, on the issue of permitting the regulations to stand which deny some pregnancy counseling services to women, I disagree emphatically with the President. It is bad medicine; it is worse public policy.

In his veto message, the President has made clear that he will accept a bill that eliminates this one provi-

sion—enforcement of the gag rule. I am faced with the worst of both worlds. The President insists on denying counseling services to women. The House insists on doing violence to the budget agreement. We will get both.

My vote to override is an attempt—admittedly probably fruitless—to salvage at least one good provision of this otherwise terrible bill. I urge all my colleagues that believe that women should not be denied the right to a full range of pregnancy counseling services to vote to override the veto of H.R. 2707.

I include with my remarks a copy of a letter which the ranking Republican on the Budget Committee, Mr. GRADISON, and I sent to President Bush yesterday.

HOUSE OF REPRESENTATIVES,  
Washington, DC, November 18, 1991.

President GEORGE BUSH,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: We are writing to seek some guidance with regard to your position on the continuing dispute over H.R. 2707, the FY 1992 appropriation for the Departments of Labor and Health and Human Services.

We have been encouraged by your statements that your intended veto rests as much on your strong objections to the extensive use of delayed obligations as it does to your views on the so-called "gag rule". As you may know, both of us differ with your position on the latter issue. We believe strongly that such a prohibition, even with the recent revisions to the regulations, violates sound medical counseling practices.

However, we are both members of the House Budget Committee and find ourselves dismayed at the continuous assault on the 1991 budget summit agreement. The discipline contained in the agreement is certainly not perfect. But it is the only discipline available and both Congress and the Administration should be required to adhere to its mandate. The use of delayed obligations in excess of \$4 billion in this appropriation bill constitutes a gross violation of the spirit of the budget summit agreement. It was for this reason, and because of our long term concern about the impact of deficit spending on our economy, that we voted against adoption of the Labor-HHS conference report on November 6.

Several different scenarios are possible in the event your veto of H.R. 2707 is sustained. One that has been widely suggested is that the bill would be returned without the prohibition against enforcing the "gag rule" but with all the same offensive budgetary gimmicks that led us to vote against the conference report. If that event occurs, it is important for us to know what your position would be. While we want to be helpful in your efforts to enforce the summit agreement and its budget discipline, if we are faced with the prospect of losing both the prohibition on enforcement of the "gag rule" and the limited budget discipline available to us, our position on a veto override would be different.

We ask that you assure us that you would continue to veto any Labor-HHS appropriation bill that goes further than the bill originally enacted by the House in its use of delayed obligations and other budget gimmicks.

We look forward to your early response to our inquiry.

Sincerely,

WILLIS D. GRADISON, Jr.  
JIM KOLBE.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, this is a very tragic debate because of what it says about the politics of our country in the early 1990's. Make no mistake about it, this is a single issue veto for a single special interest group. I would like to contrast briefly the decision our chairman, Mr. NATCHER, made with that of the President to veto this bill. The gentleman from Kentucky [Mr. NATCHER] make no mistake about it, opposes abortion, but he understands that this is not about abortion. He has been willing to compromise on a broadly popular group of concerns about the First Amendment, freedom of speech, and the ability of a doctor and a patient to have a full and open relationship about a health problem. He is leading in this Congress to bring us together. This President is not leading. In fact, instead of reconciliation, he is bringing us confrontation and conflict. He has opposed every effort to compromise the gag rule and we are here now because we have been unable to reach an accord.

Today he places at risk the very funds that go to the quality of life issues, the concerns that affect every American after 45 years of cold war, the investments we need to make in the health care system and in our children. BILL NATCHER knows a pro-life vote when he sees one. This, more than any other vote we will cast on this floor this year, is a pro-life vote because it invests in the quality of all our lives, all the lives of the American people.

We have to send a message back to this President that we need to come together in this country. We need to have an end to the politics of division. We need to stop playing political games with the very lives of people. Let this overwhelming two-thirds majority of those of us in the people's House reflect on an even greater majority of American people, and let us send this tragic veto down to defeat. Let us override this President of confrontation and support this man of reconciliation.

Mr. PURSELL. Mr. Speaker, I yield 30 seconds to the gentleman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, a note to sustain the President's veto is a note of respect for women. I urge my colleagues to vote to sustain the President's veto.

Mr. Speaker, I find the most offensive and inaccurate argument that opponents of the title X reform regulations have put forth are arguments that promoting abortion as a family planning option protects women. Given that this argument comes from organizations who most vociferously oppose

informed consent legislation requiring full disclosure of fetal development and abortion procedures, it also strikes me as hypocritical. I suggest, Mr. Speaker, that the best planning program is to keep the Federal Government out of the decision over whether she should abort her child or not.

The fact is that these reforms were a response to evidence that the interests of women were not being protected—that the letter of the statute was not being carried out. It became clear to HHS officials that abuse of the title X preventive, preconception family planning program called for reform.

If there were ever any doubt about how the reforms treated the confidential relationship between a woman and her doctor, those doubts have been put to rest by the President's November 5 memorandum to Secretary Sullivan and today's memorandum ordering enforcement of that directive from the Secretary to Dr. James Mason, Assistant Secretary for Health. Both documents make it clear that nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician. Today, Secretary Sullivan has instructed the Public Health Service to implement the letter and the spirit of the President's directives.

As a woman, a mother, and a grandmother, it concerns me greatly that without this regulation, the program would return to the prerogative position in which abortion was promoted as a method of birth control. This would renew a policy of providing abortion counseling and referral to a minor without her parents' knowledge. Abortion is not a matter to be treated lightly, certainly with a frightened teenager experiencing the pain of a crisis pregnancy. She needs the support of those who know her emotional and medical needs most—her parents. A very reasonable compromise parental notification amendment was struck from this bill, thereby eliminating one more protection for women—the young women who need the most protection—our daughters. Striking this measure on the House floor was an extreme action in the eyes of most Americans, and one that makes this bill even more objectionable. I rise in support of sustaining the President's veto.

Mr. Speaker, I have worked to obtain adequate funding levels for several programs in this bill, especially for breast cancer research. And I know that not one single program is at risk of losing its funding in this bill—not cancer research, not education funding, or any other. There is absolutely no question as to the issue at hand in this veto. That issue is abortion, and the conference report was vetoed because of this issue only. If you don't believe me, believe the President. Read his veto message. The President has committed

to signing this bill if the abortion language is removed.

Finally, Mr. Speaker, the behind-the-scenes politicking that has occurred, and is going on now regarding this vote, is enough to cause a tremendous amount of concern to Americans who trust in this Congress to carry out its wishes. So intent upon overriding the President's veto, the power of the House's leadership is being brought to bear on the consciences of pro-life Members. No Member should every be pressured into voting against his or her conscience—especially concerning a matter of such extreme moral weight as the issue of abortion. I implore my colleagues to listen to their consciences.

Mr. Speaker, the wishes of 88 percent of the American public who oppose abortion as a method of birth control should not be ignored. Women's health and the right to accurate information must be protected. A vote to sustain the President's veto is a vote to keep the Federal Government and the Nation's tax dollars out of the abortion decision, a vote for integrity in the Nation's preventive family planning program, and a vote of respect for women.

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

Ms. DELAURO. Mr. Speaker, I have heard my Republican colleagues here today say that this vote is not about education, or health care, or children.

But it is clearly about those issues. The President has vetoed a bill that would provide billions of dollars for education, seniors, Head Start, health care, and job training.

The President's veto unveils his priorities. He would rather bar women from having the information they need to make a difficult and personal choice, than provide for our children, seniors, and families.

This vote to override the President's veto is a test of what we value. It is about freedom of speech for health care professionals and the right of people making a critical decision to have full information.

And it is also about our desire to see health care, education, and job training provided to people, working families, who deserve at least this much.

They are looking to us for leadership. Let us show them Congress cares. Please vote to override.

Mr. PURSELL. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. GREEN], an outstanding leader from his State.

Mr. GREEN of New York. Mr. Speaker, no letter, not even from a President to a Cabinet Secretary, can change a duly adopted regulation like the gag rule. We must vote to override if we are going to assure poor women that when they go to a family planning clinic, perhaps their only access to health care, they will get the whole truth

from the health professional they see. To my colleagues on this side of the aisle I simply say, we could do George Bush no greater political favor than to override this veto and get this sorry situation behind us.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, when this legislation came before the Appropriations Committee I told my colleagues at that time that for the first time in many years it reminded me of a debate that I attended when I was in high school. Imagine when arriving at that extemporaneous debate speech the topic was, "Do Women Think?" I had not thought about that for a long time until the gag rule came up, because that is what this is about. The President vetoing this legislation says that women do not have the same opportunities as men to think, or to hear, or to learn about what medical options are available to them.

This veto today is not about abortion. It is not about who controls a woman's body. This is something more serious even than that.

□ 1530

This event is about who controls a woman's mind. This vote today is not only about who controls a woman's body, this vote today is about who controls a woman's mind.

My colleagues, I ask you, I plead with you, do not go along with this veto of the President. Do not deprive your daughters of their right to have equal protection under the Constitution of the United States to freedom of speech and discussion. Vote to override the veto.

Mr. Speaker, unfortunately we are again debating a bill that should already be law. And I rise today in strong support of this vote to override the President's veto of the Labor-HHS appropriations bill. There are many good reasons to support this legislation—funding for programs necessary to our Nation's children, poor and elderly, language barring enforcement of the gag rule regulation, and increased funding for women's health research.

Mr. Speaker, we have all heard the arguments for and against the gag rule regulation but I would like to add that this vote is not only a vote on abortion or reproductive rights; it is a vote to protect our first amendment rights by not allowing the Federal Government to violate the confidential physician-patient relationship. It is a vote to say that we in Congress will not allow the President to create a two-tier health care system—one in which poor women are allowed to hear only some of their medical options while wealthy women are able to hear all of the available options.

Mr. Speaker, I would like to add further that my constituents, and women across the country, are demanding an increase in funding for women's health research. Yet, the President has spoken and, unfortunately, his message is clear—women's health concerns are secondary. He wants to restrict access to health care

options and not make women's health concerns a priority. But frankly, it is time that this body listened to the women of this country and demonstrate that their health concerns are taken seriously.

Mr. PURSELL. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I rise to strongly urge my colleagues to vote to sustain the President's veto of the Labor-HHS appropriations bill. Let's get one thing straight—this vote is about one thing, and one thing only. This vote is an abortion vote. A vote to sustain the veto is not a vote against education, or against cancer funding, or against the doctor-patient relationship, as some of our colleagues would have us believe. A vote to sustain is a vote against taxpayer-assisted abortion—and that's it.

I do not like to see the funding for all these important programs held up; none of us do. But the President was clear from the beginning that if this bill contained abortion language, it would be vetoed. How many times must we go through this exercise? Abortion supporters knew that the abortion language would draw a veto; still they insisted on abortion language in this bill. Abortion supporters are holding cancer research and education funding hostage to their single-minded purpose of overturning the administration's title X regulations.

Abortion supporters have managed to cloud much of the debate so far—first, they said that the regulations were untenable because they violated the doctor-patient relationship. But they were wrong—under the regulations, doctors must give patients complete medical information about their condition. Next, they conceded that the regulations had no effect on the physician-patient relationship, but they said that fact was unimportant. What was important, they said, is that women could never hear about abortion, regardless of what her circumstance is. Well, they were wrong about that, too. If a pregnant woman has a medical problem, she is to be referred for complete medical care, even if the ultimate result is an abortion.

The regulations only prohibit clinic staff from referring a woman to an entity whose primary business is abortions. We're talking about abortion mills, Mr. Speaker. We are not talking about health clinics, in the true sense of the word. We're talking about the multimillion dollar business of abortion in this country. The title X regulations prohibit the spending of taxpayers' dollars to send a woman to a profit-motivated abortion mill. Vote "no" on the vote to override the President's veto, and don't subsidize abortionists who would get rich on hard-earned taxpayer dollars.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

Mr. SCHEUER. Mr. Speaker, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Speaker, I rise in strong support of overriding the President's veto.

Mr. Speaker, I am here to discuss the unfortunate Presidential veto of the Labor, HHS, and Education appropriations bill. Instead of repeating the rhetoric about federally funded clinics that offer abortion counseling, I will focus on the heart of this bill—the increasing in funding levels that make education and literacy a national priority.

This bill provides a significant increase in funding for programs that have proven to be effective in the education of our children and still remains within last year's budget agreement. The bill provides:

A \$239 million increase for special education; \$25 million for education of homeless children and youth; a \$139 million increase for vocational education programs; \$40 million for dropout prevention demonstration programs; and \$6.9 billion for student financial assistance.

Mr. Speaker, this bill expands the number of preschoolers eligible for Head Start by providing \$2.4 billion for this program.

This veto, in effect, disavows his pledge to become the education President. The President can go back on his word, but this Congress has a responsibility to American families and must override the Presidential veto.

Mrs. MINK. Mr. Speaker, this is a sad and tragic day, another veto placing this country at risk. The very heart and soul of our democracy is being put to risk today over a principle which is incomprehensible. There is a contest being lodged by the President of the United States that says that a physician in consultation with his patient cannot have the freedom to discuss all the options that his medical expertise and knowledge have equipped him with.

We are putting to risk the hard work and the negotiations of our chairman and the committee members on Appropriations that have fashioned together the most incredible progressive bill that will put us forward in the areas of health and human services and education.

I came back to Congress because I wanted to help the people of this country, and yet we are putting ourselves again through a litmus test of one issue and sacrificing all these millions and billions of dollars for the education and for the quality of life which holds this Nation together. I ask my colleagues to please vote to override.

Mr. Speaker, I rise today in outrage, in utter disbelief that the President of the United States would deny women access to health care and the benefits of this most fundamental right in this country—the right to privately consult your physician to have advice and counsel on your reproductive needs. Today's veto of the Labor, Health and Human Services, and Education appropriations bill based on the sole issue of upholding the gag rule on title X

family planning clinics is an affront to all women across this Nation.

Once again, with a mere stroke of his pen, the President has proved that he does not care about women's rights or women's health.

He has in effect created an inequitable health system which denies poor and disadvantaged women full and accurate information about all their legal reproductive options—information that is available to wealthier women—solely because they are unable to pay for a private physician or clinic.

The gag rule exacerbates the already insufficient health care available to poor women and it further erodes their ability to obtain health services, even when they are the victims of rape, incest, or life-threatening illnesses.

Make no mistake, Mr. President, the women of America will not tolerate this brash and insensitive behavior without a fight. And, Mr. President, this is a fight that you are not going to win.

This is an issue that has been debated in this very Chamber over and over again and each time we have prevailed.

The tactic of using this one issue as a litmus test for the entire bill is narrow minded and detrimental to the welfare of this country, and it will not work.

The \$204 billion Labor-HHS-Education bill touches the lives of virtually every person in the United States—whether a high school student in New York City attending a chapter I school, an unemployed Detroit autoworker in a retraining program, an elderly person here in Washington who receives meals on wheels, or a child in my State who goes to Head Start, the impact of this bill is far reaching. And the people of this Nation should not be denied the benefits of this bill because of a divisive, political issue that will never be reconciled.

With his veto, the President has singlehandedly abrogated the hard work and resolution of the Congress to make education, women's health, and overall assistance to the disadvantaged funding priorities, while keeping in line with the budget agreement.

I personally worked hard this year to get increased funding for research on an early detection test for ovarian cancer. This year over 12,000 women will die of ovarian cancer because there is no way to detect the disease in the early stages. By the time the disease is discovered it is usually in its advanced stages, leaving women with little hope of survival. With the help of many of my colleagues we were able to get language included in this bill which directs the NIH to increase funding in this area. But now, it is all in jeopardy.

Once again, the President will have us turn our backs on women, children, and poor, the elderly, the sick, and the unemployed by denying funding levels which include:

A \$1.8 billion increase for education which will provide an additional 600,000 disadvantaged children access to reading and math; \$2.20 billion for Head Start; \$25 million for the Women's Health Initiative and additional funds for ovarian, breast, and cervical cancer; \$1.9 billion for AIDS research, education, and care; \$298 million for childhood immunization; and \$1.5 billion for low income energy assistance.

Mr. Speaker, let us not turn our backs on the American people. Vote "aye" to override

the veto of the Labor, Health and Human Services, and Education appropriations bill.

Mr. PURSELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, the issue we debate today is not one that is receiving its first debate on this floor. It is an old issue, one that will be with us a long time.

It is an issue that divides this country and divides all those in this Chamber. It is an issue to which many feel personally deeply committed on one side or the other. Let us recognize that first and let us be tolerant and understanding of each other's views on this critical issue, because as I said, it is something that divides this country very deeply.

Second, let us not talk about whether we are debating free speech. The Supreme Court has already ruled on this, the Supreme Court that ruled that burning an American flag is free speech, and has ruled that this is not a free speech issue. It is not. We are debating simply the question of whether or not abortion counseling ought to occur in federally funded clinics. We are not debating whether doctors can talk to patients in general or that doctors can advise patients in general. We are debating whether abortion counseling ought to occur in federally funded clinics, in an area where people in America are deeply divided, where we are likely to see a Supreme Court deeply divided, making a decision very soon on whether or not this issue of abortion ought to be one that does in fact come out one way or the other, depending on how you feel on the issue.

The bottom line is we debate today the Presidential veto on that single point, not on the bill as a whole. You know he signed the bill. We settled that issue.

I suggest to you that we ought to sustain the President's veto for the sake of allowing this issue to go forward in places where it ought to go forward and not on a bill of this importance to the American public.

We all feel strongly about abortion. We all feel deeply about it, and some of us feel so deeply about it that it is a part of our religious convictions here in this body and in America. I do not think we ought to confuse all these things under a bill that requires so much good to be done in so many areas.

Let us sustain the President's veto, get the bill back up, and pass these programs that are vital to America.

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 override of the veto of H.R. 2707, the Labor, Health and Human Services, Education, and related agencies appropriations bill for fiscal year 1992. The President has vetoed

this appropriation because he is opposed to provisions within the bill which prohibit funding to enforce or implement the administration's gag rule. Mr. Speaker, the President is wrong in this regard. I believe that the policy set forth by this regulation is an infringement upon a woman's right to make informed decisions about her health, and also an unwise restriction on freedom of speech for those who work in family planning clinics. The regulation promulgated by the gag rule is antithetical to democratic principles. Regardless of one's personal beliefs about abortion, this regulation jeopardizes the relationship between the people and their government. The gag-rule regulation is also detrimental to the relationship between a woman and her doctor. It is a professional responsibility to provide all available information to a patient in any circumstance. The gag rule prevents this dissemination of information—a complete denial of a woman's right to know and understand all of her options, and her ability to make an educated decision.

I must remind my colleagues that this bill provides funding for all the major labor, health, social services, and education programs of importance to the American people. 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.

Within the Health Resources and Services Administration, the bill establishes priorities for 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.

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 bill also provides 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.

This bill retains 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.

I am particularly proud of the increases for research on illnesses that affect women. Within the National Cancer Institute, 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.

Included in this appropriations bill is funding for a variety of aging programs under the Older Americans Act such as nutrition, elder abuse, transportation services, social services, ombudsmen activities, as well as community employment for older persons. 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 Congress 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 Congress and increases in funding.

I urge my colleagues to override the President's veto.

Mr. PURSELL. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. MCMILLAN].

Mr. MCMILLAN of North Carolina. Mr. Speaker, I rise in support of sustaining the veto.

I rise in support of the veto of this Labor-HHS appropriations bill, H.R. 2707, for budgetary reasons, not because it removes the gag rule.

Through a variety of budgetary gimmicks, this bill tries to shoehorn spending obligations into fiscal year 1992 to the tune of close to \$4.2 billion. What this bill really does is force additional spending into fiscal year 1993 under the already tight fiscal year 1993 budgetary cap while claiming credit for instituting programs on the last day of fiscal year 1992. I can't believe that there are still those in Congress who buy this shell game but as a member of the Budget Committee and one who strongly feels that it is up to us in the 102d Congress to adhere strictly to the spending cap agreements of the budget enforcement agreement of 1990, I cannot ignore these shenanigans.

As a result, I am voting to sustain the Presidential veto of this bill.

I have a different view of the repeal of the so-called gag rule than the President. I have shared his views and have consistently opposed Federal funding of abortion, except where the life of the mother was threatened or where rape or incest is established, throughout my time in Congress. I have taken this stance because of my personal moral beliefs and out of respect for those who also oppose abortion.

However, I do not support the gag rule, which has been sustained by a Supreme Court decision. While I do not support abortion or Federal funding of abortion, I don't see how a professional can be legally bound not to discuss abortion to the extent that it is permitted by State law. This is, in my judgment, an issue of free speech.

When the Labor-HHS appropriations bill was first on the House floor, I voted against it, not because of the gag rule issue, but because of budgetary concerns. As a member of the Budget Committee, I am committed to adhering to the President's budget and the budget deficit reduction agreement that was passed last year.

On the other hand, in the Health and Environment Subcommittee and the full Energy

and Commerce Committee, I voted for H.R. 3090, the bill that reauthorizes title X funding, in which it also overturns the gag rule. I did not have the same budgetary concerns with that bill as I do with H.R. 2707.

It is my hope that this bill will be sent back to the Appropriations Committee so the problems with the budget can be corrected in an above-board, honest manner. I also hope that H.R. 3090, which contains language to overturn the existing title X regulations, will come to the floor so we can deal with it in a proper legislative manner and not improperly as legislation in law appropriations bill.

Mr. PURSELL. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. HYDE] one of the leaders in our House on our side of the aisle.

Mr. HYDE. Mr. Speaker, this is a very sad day for me and I have had some sad ones, I can assure you. I have heard so many fine people, good compassionate sensitive people step into this well and talk about this legislation and not care one scintilla about the unborn, the tiny voiceless defenseless unborn, that cannot vote, cannot escape, cannot rise up in the streets, totally vulnerable to an uncaring society.

The fallacy of the false alternative—in logic they call that the fallacy of the false alternative—if you do not override the veto you lose cancer research, you lose all these good things. That is nonsense, and for people to come up here and list all the wonderful sparkling glittering things in this bill, and they are here, as though if you sustain the veto they are gone, you are being deceived. You are being deceived.

This whole debate on abortion lacks a certain honesty. When people who really want abortion refuse to use the word, they hide behind the language of civil liberties, they talk about choice, they talk about free speech.

Well, what they are talking about is the extermination of unborn children because somebody does not want them, and there is no concern about that unborn child.

Now, family planning clinics concern themselves with helping women get pregnant or avoiding pregnancy. Once you are pregnant, you are no longer within the purview of family planning. You need prenatal care. That is for another type of clinic, beyond family planning.

□ 1540

Now, if you want to turn family planning clinics into steering committees for Planned Parenthood to get abortions, if you want to turn them into sales offices for abortion clinics, that is fine, you can do so; but not at taxpayer expense, because that is not what the family planning program was set up to do.

Now, the doctor-patient relationship is inviolable, it is unimpaired, and I have heard so many people come in the well and talk about the regulations

standing between a doctor and his or her patient. The doctor-patient relationship is unimpaired. That is not what you are concerned about. What you pro-abortion people want are counselors and receptionists to steer people to Planned Parenthood. The doctor can give any medical advice his medical knowledge tells him to do. Read the regulations, read the President's veto. It is counselors that you want to steer people to for abortions. And that is wrong. Counselors are not trained to give medical advice. Read Planned Parenthood's own analysis of their counselors; they are volunteers, young, untrained. You want them to give medical advice?

Now, choice and free speech are very neat and very painless. Abortion, by the way is violence and destroys an unborn child, a human being, and turns that human being into a puree of blood and bone. I quite understand why you do not want to talk about that.

The gag rule? The last thing in the world Planned Parenthood wants, and many of you who advocate their agenda, is informed consent. You do not want a pregnant woman to look at the video cassettes of the fetus in the womb; God forbid. Someone might then understand that is a living child in the womb.

No, you do not want informed consent and you do not want parental consent; you do not even want parental notification. Who has got the gag, who has got the blindfold?

The last thing Planned Parenthood wants and the last thing the abortion forces want is informed consent and parental consent.

Now, Government should serve our needs, yes, it should; but what about the unborn? What about the woman who is pregnant using crack cocaine, does that bother you at all? It ought to.

Why? Is that a nothing in her womb, or is that a human being, a member of the human family?

You civil libertarians, I ask you to include within the circle of people that you are responsible for the unwanted, the homeless, the handicapped and the unborn. They are members of the human family. That is what this is about. It is not about cancer research. I am for cancer research more than maybe anybody in this building, I can assure you. But we are going to get cancer research once we take the baggage, the stain of a pro-abortion amendment out of this bill.

I plead, plead with you, and it breaks my heart to go against BILL NATCHER, but I plead with you on behalf of the unborn who have no voice, who have no eyes to weep with; I plead with you to sustain the President's veto. We will get the bill back, and we will have all of these good things included.

Call it abortion, not choice and come up here on a freestanding bill, do not bury it in the middle of this good bill.

Sustain the President.

The SPEAKER pro tempore (Mr. MFUME). The Chair will advise Members controlling the time that the gentleman from Kentucky [Mr. NATCHER] has 9 minutes remaining and the gentleman from Michigan [Mr. PURSELL] has 2 minutes remaining.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker and colleagues, our very able friend from Illinois said that Members will not speak about abortion. Let me: This bill does not cover abortion, period. It cannot pay for abortion.

The fact of the matter is that the gag rule turns mainstream medicine on its head. What we want doctors in this country to do is tell patients what their options are, what their choices are. This legislation does not permit it. It in effect zips the collective lips of the physicians in this country so that patients cannot be told of their choices.

That is what is at stake here.

I will mention abortion to our colleague from Illinois, that is because this bill does not pay for abortions and does not cover them.

Mr. PURSELL. Mr. Speaker, I reserve the balance of my time. I have a closing speaker.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I do not want anybody to make any mistake about what we are doing here today. We have heard one speaker after another saying, that women simply do not have the ability to make any choice of their own, and that the country is deeply divided on this issue. Neither statement is true.

Americans that have been polled on the question say that they believe every American woman, child, man, male, female, black, white, deserves the best medical care and advice that they can get. This veto says that the women of the United States are not entitled to it.

We hear all the time about our lack of concern for the unborn—that some of us do not care about the unborn. Let me tell you about some of the items in this bill that affect the "born". There are a million homeless already born children in America today—a million of them. For 5 years, since I have been in Congress, I have been trying to eke out a penny or two here and there to try to educate them.

I would like once to hear all my pro-life friends over there say, "All right, these babies are already here. What are we going to do about them? How are we going to vaccinate them? How are we going to feed them? How are we going to educate them?" I never

hear that. Part of the education needs of these million homeless children will be met by this bill, only part. The children living in the subways, the children moving from shelter to shelter, need this help. This time, override this veto for the born children.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

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

Mr. Speaker, 1 minute is not enough time, of course, to debate the substance of this bill. Some have talked about this bill and the twisting of arms. Maybe arms have been twisted. Three-hundred and fifty-three Members of this body, just a few months ago, including those who have voiced support for the veto today, voted for this bill. They knew that this provision, the gag rule, was in the bill. Not a jot nor a tittle has been changed in this bill.

Three-hundred and fifty-three people stood up and said this bill is good for America, for our education, for our health care, for workers' safety, for the vaccination of children, for research for breast cancer and cervical cancer, ovarian cancer and, yes, prostate cancer.

There were 353 of us who stood up. Are we divided on the issue of abortion? Yes, we are. We did not perceive this issue as an abortion vote until this issue was politicized. That is what happened. For political benefit, it was politicized. There were 353 people who voted for this bill. There are not 353 people in this House that are for or against the right to choose, and you know it. But in June, there were 353 people who stood in the well and voted in these machines and said, "Yes, we are for this bill."

Let us stand up for America, override this veto.

Mr. Speaker, the President had made a grave error, and this House must not sustain it.

On June 26, 353 Members of this House—81 percent—voted to approve the Labor-HHS funding bill. Why did we do this?

We did this because this is a bill about America's future: About our ability to compete, about our ability to care for our parents, about keeping our families together, about keeping America healthy, and it is about our children.

This bill is a bill for all Americans, not special interests. The Labor-HHS appropriation bill is the bill which helps all Americans here at home.

The only special interests this veto hurts are the 12,000 children who are vulnerable to a disease that could be prevented with a simple vaccination, but did not get the shots last year—the 39,000 children who will not have the opportunity to participate in the Head Start Program—the 56,000 women who die of breast and ovarian cancer each year, whose hopes are dashed as critical research is delayed—the 4 million students, and their families, who receive college loans—the 600,000 additional school children who will not have

access to the reading and math instruction in the chapter 1 program because the education President vetoed this bill—and the millions of others who will benefit from the many other important priorities in this legislation.

This bill is the domestic agenda of the country. It is our effort to improve education, giving children and their families the opportunities America promises to all, and fight the health and nutrition threats to the fabric of our society.

This veto ignores the forest and focuses on a tree. Congress must focus on the concerns of the American people; of concerns expressed by the voters of Pennsylvania and Mississippi last week. Joblessness, health care, anxiety about the future: this is what you point to when you go home for the holidays; this is what the American people want and need to hear about. And a vote to sustain the President's veto is a vote to ignore those concerns.

We all have a personal responsibility to work to improve our lives, those of our children and our community. This bill is the Federal Government's end of the bargain: The funding in this bill supports our schools, our children and families, our very health and traditional values. President Bush one hour ago, abdicated that responsibility for a short-term political objective. He is wrong. Let us vote to override.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to our majority leader, the gentleman from Missouri [Mr. GEPHARDT].

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

Mr. Speaker, Members of the House, for a very long time the President has promised that he wanted to be the education President. But he breaks this promise every time that he vetoes a bill that can make a difference, a real difference in the lives of the American people.

When he vetoed this legislation, he vetoed college loans and Head Start funds, he vetoed the dreams of disabled children who want to participate fully in the programs in their schools.

He even vetoed an education program to stop the spread of AIDS.

□ 1550

The President says that we can send him another bill without the gag rule, and then all of these programs can be properly funded. That may be true, but we should not hold hostage all of the education programs of this country that everybody supports so that the President can assert an indefensible position on the gag rule that few people in this country support. That is why we must override this veto today.

In the past 3 years the President has vetoed unemployment compensation, the minimum wage, family and medical leave, protections for Chinese students, protections for textile jobs, civil rights, legislation to prevent Japan from grabbing United States aerospace jobs and money, to a dozen other good ideas that this House supported.

I say to my colleagues, If you're looking for George Bush's domestic program, and many people are, this is it, this is it. This veto pen is more powerful than 66 Senators and 289 Representatives of this country. The President can stop what the American people want through this pen if we allow it to happen.

Mr. Speaker, this should be the first time that this Congress rises up and says, "This pen is not more powerful than the American people," and I say to my colleagues, "Stand up for what you believe, and vote to override this veto."

Mr. PURSELL. Mr. Speaker, I yield 2 minutes to close debate on our side of the aisle to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, this is an issue beyond abortion. It goes to the essence of the relationship between the Government and the governed. Are people coming to a Government-funded agency for help entitled to be told the truth? Is there anyone, regardless of their feelings about abortion, that believes that they are not? Apparently, Mr. Speaker, there are. Apparently there are.

JOHN CHAFEE and the White House negotiated a package that included information on the developing fetus and prenatal care, but that language, balanced in its approach, was rejected because it included telling people about the medical right to have an abortion.

This is America, Mr. Speaker. We do not attempt to control people by withholding the truth from them. We do not lie to people to control their conduct. We do not interfere in the relationship between physician and patient and tell health professionals what they can or cannot say to their patients.

The essential relationship of trust between the Government and its citizens was enshrined in our Constitution and our Bill of Rights over 200 years ago. But if this gag rule is allowed to stand, America will enter into a new era of government by mind control, and there will be no court, Mr. Speaker, to protect against it. The court has already, wrongfully, said in *Rust versus Sullivan* that, if the Government provides the funds, it can control the speech.

Please do not let this happen. We cannot let this happen. The President has been right so many times, but he has received some terrible advice and made a decision that flies in the face of basic American principles.

Vote to override this ill-advised veto. Suspend the enforcement of the gag rule and allow more balanced regulations to be drafted. Vote to preserve the relationship of honesty and trust that must exist in a free society between the Government and its citizens. Vote to override.

Mr. PURSELL. Mr. Speaker, I yield such time as he may consume to the

gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Speaker, I understand the concern for what some may think is a restriction of the flow of information between a patient and her physician. However, there is another side to this issue that deserves mention: Based upon the results of several nationwide polls it is clear that the majority of Americans consider it immoral to use abortion as a method of family planning.

A June poll by the Wirthlin Group revealed that a full 83 percent of Americans oppose the use of abortion as a method of birth control. Simply stated, American taxpayers feel strongly that they should not be forced to subsidize abortion advocacy of any kind.

It's time to tell the truth about the title X regulations. It is clearly an issue of taxpayer's choice. It is wrong to expect the majority of Americans, who oppose abortion as family planning, to support a program that makes no distinction between the two. It also provides no way for parents to have input in their daughter's decisions.

The fact is that title X was created as a pregnancy prevention program. It was intended to help poor women avoid unplanned pregnancy and plan for the arrival of each child. All discussion regarding title X makes it very clear that there was never intended to be any connection between title X activities and abortion-related activities. These regulations have corrected abuses of taxpayer dollars and restored integrity to the program.

The Supreme Court recently concluded in *Rust versus Sullivan* that the Government may make a value judgment favoring childbirth over abortion, and implement that judgment by the allocation of public funds. Critics of this decision have argued heatedly that the court is encouraging a lack of communication between the doctor and patient. That is misleading. The flaw in that argument is that we can never give more consideration to one individual's right to freedom of opinion and free speech than we do to the other individual's right to be born.

What is most difficult to understand is why some of the Members feel that the taxpayers are somehow obligated to fund an activity that most Americans find morally wrong—the promotion of abortion as family planning. Family planning prevents pregnancy. Abortion stops a beating heart.

The taxpayers, not proabortion forces, pay for title X. I ask my colleagues to support taxpayer choice and family planning with integrity.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to our Speaker, the distinguished gentleman from the State of Washington [Mr. FOLEY], to close debate.

Mr. FOLEY. Mr. Speaker, I take the well as the Representative of the 5th Congressional District of Washington to urge my colleagues to vote to override the President's veto.

The gentleman who has preceded me, the gentleman from Illinois [Mr. PORTER], has said that, as a Republican, he feels the President has been in error in this veto. This is not an issue between Democrats and Republicans. This bill represents the hopes and aspirations of

the Members of this Congress on both sides of the aisle in education, in health, in biomedical research, and in so many other critical endeavors. In a hundred ways it speaks to the social policies and needs of our Nation, and does so with tremendous unanimity and consensus.

Mr. Speaker, it is the President that has involved this in the question of abortion. It is he who has attempted to bring that divisive issue into a legislative package that has otherwise enormously broad support, and on the mistaken principle that these women who seek counseling at family planning centers should be denied, denied, information that all other women are entitled to, indeed, have the right to receive under the Constitution as well as under the laws of our Nation.

This is a mistake the President has made, and it is for this Congress to rectify it. It can be by overriding this veto.

We have before us an important opportunity to send a clear message that not only is this legislation strongly supported by both sides of the aisle, but that the principles of truth, honesty, openness, and fairness will attach to all that we do in our laws, regardless of the financial circumstances of women who need the health care and counsel of this bill.

I ask all Members of Congress to override the President's veto. We have it in our hands to pass a good bill and to rectify a serious mistake. Override the President's veto.

Mr. GRADISON. Mr. Speaker, I rise reluctantly to support the motion to override the President's veto of H.R. 2707, the Fiscal Year 1992 Appropriations Act for the Departments of Labor, Health and Human Services, and Education.

I voted against H.R. 2707 when the House first considered the bill. I objected to the emergency spending designations in the legislation that clearly violated the Budget Enforcement Act of 1990. I voted against the conference report on H.R. 2707 and explained my reasons for doing so in some detail in my statement of November 7, 1991. Principally, I objected to the serious budgetary problems in the bill—totalling over \$4.2 billion. I also expressed my concern at the continuing impasse over the title X program and hoped that by returning the bill to conference a compromise could be reached. I took the President's November 5, 1991, memorandum to Secretary Sullivan as a hopeful sign.

Over the last several months, I, like many of my colleagues, have suggested what I consider to be eminently reasonable changes to the title X regulations to the administration that also, in my view, retain the necessary wall of separation between preventive Federal family planning programs and abortion. Notwithstanding the President's recent memorandum and Secretary Sullivan's directive to Assistant Secretary for Health, James Mason, issued today, my suggestions have been entirely rejected. I do not rise, out of pride of authorship, to vote to override this veto. I am concerned and disappointed that all suggestions to compromise have been rejected.

The President's veto message lays the entire veto on the title X question. I believe that is unfortunate, unnecessary, and was totally avoidable.

With regard to the budgetary problems of this bill which I, and other Members of this House have decried, the President's veto message virtually ignores these serious problems. In spite of the fact that the administration opposes forward funding, the President's message states: "I will sign a bill that does not include language that prohibits implementation of the abortion counseling and referral rule."

The administration is prepared to accept budget gimmicks to get its way on a provision that could be compromised. The precedent is disturbing to me.

I voted against last year's budget agreement thinking we could do better. However, as the ranking Republican member on the House Budget Committee, I have defended that agreement as the only barrier between this House and fiscal chaos. In this case, the administration is willing to walk away from strict budget discipline.

I continue to believe that a compromise on the title X program is necessary, desirable, and achievable. I have come to the conclusion that the only way to accomplish this will be to override the President's veto. From here forward, if the administration makes an honest attempt to work out the problems of the title X program, I will be with them. However, on this vote, and in this context, I cannot join with those who would sustain the President's position.

Mrs. KENNELLY. Mr. Speaker, it is indeed unfortunate that I must stand in this well today to urge my colleagues to override the veto of the Labor, HHS, and Education appropriations bill. It is unfortunate because this legislation has come back to this body, not because its fiscal merits are in question, but because the first amendment rights of health care providers are disregarded and the constitutional rights of women carry no weight in the eyes of the administration.

Two hundred billion dollars in vital programs such as child support enforcement, foster care, and child care are being held hostage. The ransom note has gone to poor, pregnant women. The price? Complete and balanced information about their health options. I am talking, Mr. Speaker, about the gag rule.

For years, family planning counselors provided their clients with full information about pregnancy options. Then, in 1988, the Reagan administration issued a rule, prohibiting health care providers in federally funded clinics from telling women what is law in these United States of America; 3.7 million women in America are served by federally funded clinics. And because of their economic status or where they live, most of these women have no other medical services for primary care. On top of this, an estimated 600,000 of these women have a history of health problems.

Yet under the gag rule, a doctor is barred from telling a woman all her medical options, even if she has cancer, diabetes or AIDS. Can you imagine what a dilemma this poses for a doctor, whose professional responsibility it is to provide sound advice for his or her patient?

Mr. Speaker, we debate the gag rule today as a first amendment issue; a right that is sup-

pressed is no longer a right. If we do not turn back the gag rule today, our constitutional rights and our freedom will be in serious danger.

This debate is about freedom of information. If we fail to override this veto, we will be sending a loud and clear message to women—particularly poor women—across this country. The message will be: we in Congress, the men and women you have chosen to represent you, do not care about your rights, do not care about your doctor-patient relationships, and frankly, do not care very much about your health and your future. Please, let's not send this message. It is wrong; it is unfair; it is dangerous.

Mr. MORAN. Mr. Speaker, there is a crisis facing this Nation—a crisis in education, a crisis in health care, and a crisis in employment—and our constituents have sent us to Washington to find a remedy for these crises. Now after months of deliberation, hearings, and several days of debate on the floor of the House of Representatives and in the Senate, we have done just this.

Our Nation is facing a crisis in education. One out of every four American students does not graduate from high school and many of those that do graduate are ill-prepared to enter the labor force. On both sides of this aisle, in both houses of Congress, and in all branches of Government, we have repeatedly expressed our concern over our declining international competitiveness and have, in response, pledged to improve our education system. Today, we are debating legislation that goes beyond rhetoric and empty promises and seeks to improve our Nation's education system. The Labor, and HHS appropriations bill we are debating today contains \$2.2 billion in funding for the Head Start Program and extends this crucial program to an additional 39,000 children. It provides \$3 billion in funding for the Guaranteed Student Loan Program and \$5.4 billion for the Pell Grant Program which together help 7 million American students attain a college education. Furthermore, this bill contains \$631 million in funding for the Chapter One Program, a program which gives disadvantaged students access to much needed reading and math instruction. This Labor, HHS appropriations bill addresses the needs of our children and will make our Nation more competitive. The President—who claimed to be the "Education President"—has vetoed this legislation.

Our Nation is facing a crisis in health care. Every year there are more than 24,690 infant mortalities that could have been prevented with adequate pre-natal care. In 1989, there were 21,675 deaths from the AIDS virus and in 1990, 89 children died from measles for want of a simple immunization. To fight this tragedy and end these preventable deaths, we have passed an appropriations bill which contains \$650 million in funding for maternal and child care; \$1.9 billion in funding for AIDS research, education and care; and \$298 million in funding for childhood immunizations. This appropriations bill specifically addresses the health problems of this Nation and seeks to protect our children and underprivileged families. The President—who claims to be interested in health care reform—has vetoed this legislation.

Our Nation is in the throes of a lingering recession which refuses to subside. Unemployment across the country is 6.8 percent. More than 8.6 million Americans can't find jobs and more than 2.5 million of those unemployed have exhausted their unemployment benefits. While we were finally able to sign into law legislation extending unemployment benefits for those hardest hit by the recession, the legislation we passed last week, did not address those who are chronically unemployable because of a lack of education or those who must be retrained to work in an America that is shifting from a manufacturing to a service economy. It is through this Labor, HHS appropriations bill that Congress is working to reverse these trends and improve America's workforce by providing unemployed men and women across the country the tools to find work and to be more productive. This bill contains over \$1.4 billion in funding for vocational and adult education. It also contains \$1.7 billion in funding for the Job Training Partnership Act—a program that help more than 425,000 Americans get off the unemployment rolls and back to work. The legislation we are debating today specifically addresses the needs of those Americans unemployed and helps them once again become productive contributors to our society. The President who claimed he would create over 500,000 new jobs in his first term, has vetoed this bill.

The legislation we are debating today—legislation addressing our Nation's education, health, and employment needs—is being held hostage by an administration that refuses to compromise on its repressive and discriminatory "gag rule". In the past months the House of Representatives has repeatedly opposed this gag rule and has vetoed overwhelmingly to overturn this provision. Our refusal to accept this "gag rule" has met with support from medical professionals and an overwhelming number of our constituents. We must not allow the administration to defeat this provision and veto this important bill to advance its own partisan agenda.

I urge my colleagues to join me in voting to override the President's veto.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in strong support of overriding the veto of the Labor-HHS appropriations measure.

I am very sorry to see that the President is still insistent upon denying access to complete health care information to those women who use publicly funded family planning health centers. In vetoing the appropriations measure because it prohibits the use of funding to implement the gag rule, the President is trying to sustain a regulation that threatens women's lives, curbs the judgment of medical professionals and unfairly penalizes the women who use these facilities. In the process of doing this, he is also holding hostage funding for a variety of valuable and vital health programs, as well as, the implementation of reforms that will help bring some parity to the field of women's health research.

From where I stand, the President's obstinance on this bill is just another indication of his disregard for the needs and lives of American women. You see, the gag rule may only affect women who use federally funded family planning clinics, but the research dollars that are redirected toward breast, ovarian, and cer-

vical cancer programs, the increased funding for the women's health office at NIH would help all women. These are some of the many important programs that are now at the mercy of the President's veto pen.

Fortunately, we in Congress have a chance to undo what the President has done. We have a chance to do something that is in the best interests of women and our Nation's health care system. We can tell the President, "enough is enough, Mr. President" on his specious demagoguery. Let us seize this opportunity and vote to override the President's veto.

Mr. GAYDOS. Mr. Speaker, H.R. 2707, making appropriations for the Departments of Labor, Health and Human Services, and Education is a bill that is too important for any further delay.

As the chairman of the Subcommittee on Health and Safety within the Committee on Education and Labor, I know firsthand the difficulties faced by those Federal agencies responsible for worker health and safety—OSHA and MSHA in the Department of Labor, and NIOSH in HHS.

For the past several years, these three agencies have struggled to keep up with a rapidly changing arena. Resources have been limited, forcing the Congress to hold the line on worker health and safety. And occasional sequestrations have eaten into already appropriated funds, making it difficult for the agencies to perform their functions as effectively as we would hope.

So it is important to commend the conferees, especially the gentleman from Kentucky [Mr. NATCHER] and the gentleman from Michigan [Mr. PURSELL] for their hard work this year because this conference report reflects increasing attention to worker safety and health.

OSHA, with responsibility for enforcing safety and health standards and regulations in almost 6 million workplaces with only some 1,200 inspectors, needs every dollar we can provide. MSHA, while covering fewer work-sites, is directed toward protecting workers in one of the three most hazardous occupations in this country, and desperately needs resources to continue its job of eliminating all preventable deaths and injuries. And NIOSH, the unit that does basic research into both safety and health job hazards must have sufficient resources to continue conducting its studies which can then be translated into standards and regulations.

This conference report, as I just said, shows the concern of the Congress for the well-being of America's working men and women. All we have to do is to look at the numbers being made available for each of the three agencies.

OSHA is destined to receive \$304 million, almost \$19 million above the funding level for 1991. While the bulk of the increase is directed toward Federal compliance and enforcement, \$10 million over 1991 funding amounts, two other areas in OSHA also get significant increases: State enforcement, up by more than \$2.5 million, and consultation programs, up by more than \$3.3 million. This last item is important because it is through the consultation programs that OSHA reaches out to employers to help them understand the safety and health programs, regulations, and standards that are in place.

Let me touch on just one other OSHA issue before I go on. We have known for some time that many small businesses, often those with 10 or fewer employees are not as safe as they should be. For a great many years, because of language in various appropriations bills, OSHA was prohibited from using any of its resources to inspect and otherwise enforce its standards, regulations, or rules in those workplaces with 10 or fewer employees.

This conference report reflects a significant change in that prohibition. In the past, OSHA has been permitted to take action in the wake of an accident that resulted in either one or more fatalities or the hospitalization of five or more employees. In the original House version of H.R. 2707, the number of hospitalizations was reduced to one or more. The conference report has adjusted the number to two or more hospitalizations.

I supported the original change because, in my view, in a place of employment with 10 or fewer workers, an accident resulting in the hospitalization of five of those employees is not just an accident, it is an unmitigated catastrophe. An accident in which even one worker is injured and hospitalized, is, in itself, a serious occurrence.

Still, I can understand the compromise, and I support it because it dovetails very well with other occupational safety and health legislation that is in the hopper as we speak. H.R. 1063, the Construction Safety, Health, and Education Improvement Act, which has been ordered reported by the Committee on Education and Labor, would require notice to OSHA if two or more construction workers were to be hospitalized following an accident, and H.R. 3160, the Comprehensive Occupational Safety and Health Reform Act also modifies OSHA's current regulation on reporting accidents to either one fatality or two hospitalizations.

I must admit to being somewhat disappointed by the appropriation proposed for MSHA, but the \$185.4 million does represent an increase of \$11.8 million over 1991 funding.

There has been some concern that because mining deaths have been dropping consistently in recent years, there is a lesser problem. That is not the case. America's miners still need the presence of MSHA and its inspectors.

Anyone who fails to recognize that fact just doesn't understand the ever-present dangers facing those who work in our underground mines. And, beyond the safety hazards, we should all be aware of the threats to the health of our miners. In 1991, we have seen MSHA initiate two separate cases against underground coal mining companies for falsifying coal dust samples.

In one case, several hundred mining companies have been cited for tampering with dust sampling devices and, in the second, just 2 weeks ago, several small coal mining companies in Virginia, West Virginia, and Kentucky were cited for submitting fraudulent dust samples.

The 1969 Federal Coal Mine Safety Act and the 1977 amendments to that act sought to limit the amounts of dust in coal mines to protect miners from black lung disease. Given the two pending investigations, MSHA certainly

needs substantial resources to do the followup investigations.

For NIOSH, the present picture is one of the brightest in years. During the past several years, Congress has had to override funding requests from the current and immediately past administrations as they have sought to eliminate NIOSH from the safety and health equation.

This year, Congress again has taken the step of ensuring that NIOSH continues to be a factor in occupational safety and health. By increasing funding by \$9.6 million from 1991 levels to \$106.6 million, we have given NIOSH the opportunity to continue its important investigations into injuries and fatalities in construction and agriculture, which along with mining, are the highest hazard work activities.

While the three agencies have moved forward in the ongoing effort to reduce workplace deaths and injuries, employers still need to prevent and eliminate unnecessary and preventable deaths and injuries on the job. And, while we continue to work on these long-time persistent problems, we now have to address new concerns related to health and well-being.

Ten or fifteen years ago, repetitive motion trauma was a phrase known only to a small group of medical and health professionals. Today, it is the fastest growing form of occupational illness, affecting men and women in the production plant as well as in the front office. In 1981, 23,000 cases of repetitive motion trauma were reported. In 1989, 147,000 cases were reported. And we haven't got any clue as to how many cases went unreported because the workers were afraid of losing their jobs.

In recent years, we have seen some leveling off of deaths and serious injuries in most industrial categories—except for construction, where we still have as many as 2,500 annual deaths and some 200,000 serious and disabling injuries. But, even with these modest gains, we find, to our great chagrin, that today's injuries result in more lost time. In just a 1-year period, from 1988 to 1989, each lost workday case lost an extra half day.

Clearly, OSHA, MSHA, and NIOSH need whatever fiscal and manpower resources we can provide. This is a difficult task during this time of limited funds overall, but this conference report makes more than just a passing attempt to address real and ongoing problems that affect each and every one of us.

Mr. Speaker, we must override this veto of the conference report on H.R. 2707.

Mrs. LLOYD. Mr. Speaker, I rise in support to the motion to override the Presidential veto of H.R. 2707. The conference report has already garnered strong support in both the House and Senate and should be enacted as swiftly as possible. This bill invests crucial resources in essential domestic programs which provide vital services to millions of children and adults.

The funding levels set in the bill make education and literacy a national priority. The bill funds Head Start, vocational education, adult education, student financial assistance, math and science education, dropout prevention and drug free schools grants. Without Federal support for these programs, many deserving students would not be able to benefit from educational resources which prepare them for productive lives and careers.

The conference agreement also funds such diverse areas as low income energy assistance, maternal and child health, rural health care, infant mortality initiatives, biomedical research grants, cancer research, childhood immunization, child care State grants, jobs training, veterans employment and training, congregate nutrition services, home delivered meals for the elderly, foster care, adoption assistance, and administrative costs of State unemployment insurance programs. These programs and services are essential given the tough economic times the Nation is experiencing. It is more important than ever that they be maintained.

The conference agreement provides funding for women's health care programs that I worked hard to enact. The bill significantly increases funding for research on women's health by urging the National Cancer Institute [NCI] in the strongest way, to make breast, ovarian, and cervical cancer its top priorities.

The conference report includes \$2 billion for the National Cancer Institute—an increase in funding of \$275 million. As a result of our efforts, the National Cancer Institute has indicated that it will increase funds for research on breast cancer by \$42 million, in fiscal year 1992, for total funding of nearly \$133 million.

Further, the conference agreement contains \$10.3 million for the NIH Office for Research on Women's Health. The Breast and Cervical Cancer Mortality Prevention Program receives full funding of \$50 million for fiscal year 1992. These provisions are good news for the women of America because it shows that Congress is finally getting serious about funding women's health research.

The conference report also blocks implementation of the administration's gag rule. This is not a debate about abortion. The title X program has barred use of Federal funds for abortions since its inception in 1970. This is an important health care issue.

Although its central purpose is to provide family planning services, for many low-income women, a title X doctor is the only physician they see; 8 out of 10 title X patients have incomes below 150 percent of the poverty level and cannot afford the services of a private physician.

Title X clinics allow low-income women to receive high quality medical services when otherwise they would have to do without. Family planning programs are the entry point into the health care system for many patients who need other health care services, ranging from prenatal care to screening for cervical and breast cancer, anemia, hypertension, and diabetes.

The issue at stake is essentially the right of health care professionals to give and the right of women to receive medical information. Low-income women should not be denied comprehensive information of the full range of legal reproductive health care services because they cannot afford the services of a private physician. There are instances where a woman's health may be compromised by pregnancy, and an informed decision is essential.

I urge my colleagues to join with me in overriding the Presidential veto of the conference agreement on H.R. 2707.

Mrs. LOWEY of New York. Mr. Speaker, I rise today in strong support of the Labor-HHS

appropriations bill and I urge my colleagues to override President Bush's veto.

More than politics are at stake with this vote. If we do not override the President's veto we will place our most fundamental rights in jeopardy. With this veto the President has said it is OK to gag health care professionals who work in federally funded clinics; and he has said it is OK to provide low-income women with substandard health care.

Well, the American people say it's not OK. Americans do not want the Government interfering in their most personal and private family decisions.

Medical professionals say it's not OK. Virtually every professional medical organization in this Nation says that the gag rule interferes with their right to provide the best medical care possible.

Now the Congress must stand up and say it is not OK. It is not OK to gag our doctors by censoring information about our right to choose safe, legal abortion. It is not OK to play politics in the examining room. Vote to override the President's veto.

Mr. DELLUMS. Mr. Speaker, I rise in support of the bill H.R. 2707 and urge passage notwithstanding the President's veto.

Mr. Speaker, few Members of the House stand with more distinction than does the gentleman from Kentucky, the chair of the Labor, Health and Human Services, and Education Subcommittee. The bill before us, H.R. 2707, directly or indirectly affects the lives of nearly every family in this nation as reflected by the 275 formal requests to the distinguished Chair by Members from both sides of the aisle. H.R. 2707 is a fair and just piece of legislation, worthy of the support of every Member of this body.

Mr. Speaker, H.R. 2707 was vetoed by the President because of the courage of this body to support an override of the Supreme Court action that placed a wedge between the sacred compact a female patient has with her doctor.

Mr. Speaker, for this and for the other reasons stated by the distinguished gentleman from Kentucky, I urge support of the bill H.R. 2707, notwithstanding the President's veto.

I yield the balance of my time.

Mr. SYNAR. Mr. Speaker, I rise in support of the override of the veto of the Labor/HHS appropriation bill.

I know that the conferees struggled under the constraints of the Budget Enforcement Act to arrive at a balanced bill, I know that this balance was most difficult to achieve between the education and health programs, and I commend the conferees on this agreement.

I wish to center my remarks today on the so-called gag rule which denies women the benefits of the total medical information relating to their pregnancy.

I feel compelled to speak today on behalf of the physicians from my district who have contacted me about this issue. I share their concern that the gag rule is an unwise and unprecedented intrusion on the doctor-patient relationship.

Imagine the clamor that would ensue in the legal community if we were to pass a law that prohibited lawyers from giving their clients the full range of legal options—but this is exactly the effect of this rule in a medical context.

This rule should be changed.

Mr. KOSTMAYER. Mr. Speaker, this House has had many passionate and legitimate debates on issues of funding and policy.

This isn't one of them.

This debate is certainly passionate, but it is not legitimate, and it's not about funding or policy.

This debate is about the Government's effort to censor information, to withhold from American women medical information they may want and they may need.

We should never have to have this debate.

We should never have to question whether the Government should interfere in the conversation between a woman and her doctor.

We should never have to debate an administration that fights policies it does not like by robbing physicians of their rights of free speech, and by robbing women of their right to complete medical advice.

We should not have to have this debate. But on May 23, the Supreme Court ruled that women who rely on federally funded clinics do not have the same rights to complete information about their health as women who don't.

Rather, the administration would have us tell an AIDS infected woman about prenatal care and adoption services. The President would not permit her physician to tell her that continuing this pregnancy may significantly shorten her life, nor would the President allow her to know the likelihood of her baby being born HIV infected. Instead of allowing this woman to get information about abortion so that she could make an informed decision, he would prefer this woman exist in ignorance. Abortion is still a legal right in this country, but according to the President, you may only be informed of this right if you can afford a private physician.

The President has already prohibited the use of Federal funds for abortions for women who are victims of rape or incest. Now the President would deny these innocent victims the right to even know about the legal right to an abortion.

With his support for the gag rule, the President has declared a war on women. Simply because a woman accepts Federal assistance, the President would deny her legal information about her health.

Our President would like to promote a two-tier health care system where only those who can afford it may receive complete health information. Those who are less fortunate and must rely on Federal assistance will have their personal health information censored by the President.

Will the President next declare a war on seniors and prohibit any senior American from receiving any information about the treatment of Alzheimer's disease? Will he declare a war on students and prohibit any student receiving Federal financial aid from studying political science?

An overwhelming majority of Americans support free speech, and an overwhelming majority support a woman's right to choose, but not our President.

Initially the President denied funds; now the President would have us deny information.

I thought this country had moved beyond the days of censorship, but the President would like to bring us back to them.

Support the veto override.

Mr. MATSUI. Mr. Speaker, millions of women across the United States depend on the services of title X family planning clinics. We must vote today to protect the right of these women to receive information about all of the medical options available. I urge my colleagues to vote to override the President's veto.

As my colleagues have said repeatedly today, this debate is not about whether abortion is right or wrong. That is not the issue before us today. The issue before us today is whether a health care provider in a federally funded family planning clinic can provide information about safe, legal medical procedures. The gag rule deprives women of the opportunity to make an informed, educated decision as to how to treat an unintended pregnancy.

The gag rule infringes upon the rights not only of women to receive complete information, but upon the right of health care providers to speak openly and freely about medical options. The gag rule violates the most personal of free speech.

The title X family planning program is based on the principle of providing women with comprehensive basic health services. To do so without providing women with comprehensive information about health services is to compromise the integrity of the program. Title X clinics have never paid for abortions, and nothing in this bill changes that prohibition. However, the law has been clear that these clinics should provide information on all the options available to care for an unintended pregnancy, including abortion.

Federal family planning clinics provide care disproportionately to low-income women. If we cut off the free discussion of health care options for women receiving care at a title X clinic, we will be cutting off the health options of millions of American women.

This debate is about free speech. Free speech is a principle upon which this country was founded. It is a right that should not be provided to just a few, but that should apply broadly to all citizens of the United States.

Today we will be voting to decide whether women who seek medical care at a federally funded clinic have the right to the same information as women who seek services from a private physician. I urge my colleagues to strongly reject the gag rule and vote to override the President's veto of the Labor-HHS-Education appropriations bill.

Mr. BORSKI. Mr. Speaker, I rise today in support of sustaining the President's veto of H.R. 2707, the Departments of Labor, Health and Human Services [HHS], and Education Appropriations for fiscal year 1992. I oppose H.R. 2707 in its present form because of my opposition to federally funded abortion referral and counseling.

Mr. Speaker, I cannot support H.R. 2707 in its present form because of my strong belief that abortion is not a morally acceptable method of family planning or birth control. Counseling for abortion or referring a pregnant woman to an abortion clinic contradicts my conviction that family planning is meant to prevent or promote pregnancy, not to promote pregnancy termination.

H.R. 2707 would prevent the administration from implementing or enforcing its regulations

barring federally funded title X abortion referral and counseling. It would require title X clinics to continue operating for another year under current title X regulations. These regulations actually require clinics to provide abortion referral as a condition for receiving Federal funding.

In 1970, Congress created the title X program for one principal purpose: To provide family planning services. The title X regulations we are considering today were issued to clarify and maintain the wall of separation that must exist between family planning and abortion. They ensure that pregnant women will not be referred to a facility whose principal function is to provide abortions.

If the House votes to override this veto today, it will send a message to the American public that abortion referral and counseling is an acceptable method of family planning and birth control. The House will be telling all Americans that, regardless of their views on abortion, their Federal tax dollars should be used to subsidize abortion referral and counseling.

It is unfortunate that the abortion referral and counseling provision was included in this bill by those seeking to overturn the administration's regulations. Regrettably, the increased funding contained in the bill for Head Start, education, cancer research, and childhood immunization is being held hostage by this provision, which was inserted into the bill before it came to the floor. It is simply unfair to the beneficiaries of these increases to make the enactment of this bill contingent upon the resolution of an abortion-related matter.

Mr. Speaker, I hope that my colleagues will join me in sustaining the President's veto of H.R. 2707 so that we can send this bill back to him without the abortion referral and counseling provision. If the President's veto is sustained, I can assure my colleagues that I will support this bill once this egregious provision has been removed.

Mr. McMILLEN of Maryland. Mr. Speaker, I rise in support of the Labor, Health and Human Services appropriations bill and plan to cast my vote to override the President's veto of this legislation.

There are many excellent programs funded through this legislation which will be jeopardized should it not be passed by this body. For example, the Head Start Program receives \$2.2 billion under this legislation, there is also \$298 million for childhood immunization, and \$1.921 billion is allocated under this legislation for AIDS research education and care. But, as we all know, we are not here to debate the merits of these programs, although there may be the usual debate over funding levels. Instead, we are here today to seek an override of the President's veto because of the so called gag rule.

I have been actively seeking to lift the gag rule since its inception. The gag rule denies access to information to women who are dependent upon the Federal Government for health care. This is not, as some of my colleagues will suggest, an abortion issue. Lifting of the gag rule will not alter the existing prohibition on using Federal money to fund abortion. Title X clinics will not turn into abortion mills by lifting the gag rule.

The gag rule is the most insidious form of censorship. The heart of the debate today is

not should abortion be legal or should the Federal Government provide health care for the poor. Rather, the debate today is whether it is OK for the Federal Government to decide what information it will or will not make available to a poor woman in need of health care. Any other women going to a private physician would be apprised of all health care options and would have all of her questions answered directly and honestly. In fact, if this were not the case, that same woman could sue the doctor for malpractice.

Let us then contrast this with a woman going to a title X clinic subject to the gag rule. The gag rule would prevent counselors and physicians at the title X clinic from discussing abortion. A physician at this clinic could not even answer a direct question if asked if it had to do with abortion. The gag rule would also prevent these physicians from referring a patient to someone who could talk about this legal option. So, not only are we saying to these poor women who have no where else to turn that we will not give them all of the pertinent information, but we won't even tell them where they can go to get their questions answered.

Do we believe that it is somehow acceptable to operate under different rules because the Federal Government is paying for the doctor? Do the Members of this body believe that this practice will not open doctors up to malpractice suits? Is it OK to create a two-tier health system where those who can pay are entitled to information and those who cannot are limited to the morally acceptable line of the day—information not based on medicine or science but on political winds.

I do not believe that this is the message that the U.S. House of Representatives wants to send. In America you don't have to buy information. I can think of no principal which is more interwoven into the fabric that has made this country great. We must not allow the gag rule to stand. It will hurt women, it will hurt families, but equally devastating it will erode the principles that we have all been elected to uphold. I urge my colleagues to vote to override the President's veto.

Mr. RANGEL. Mr. Speaker, I rise in strong opposition to President Bush's mean-spirited and narrow-minded veto of the Labor-HHS-Education appropriations package and I am deeply concerned that collectively we were unable to successfully override the veto.

Why has President Bush decided to veto this appropriations package which would provide crucial health, education, and social programs with \$204.9 billion in Federal funds?

Is it because the bill will provide \$804 million, \$38 million more than President Bush wanted, for support services and home delivered means for the elderly?

Or is it because the bill provides \$75 million, a \$50 million increase from last year, for infant mortality initiatives?

Or perhaps it is the \$2.2 billion that the bill provides for the Head Start Preschool Program which would serve an estimated 40,000 more preschoolers than last year?

No, I trust that President Bush indeed does support these programs, although his budget requests were far lower than the ones proposed recently by the House. The administration, however, has held hostage this entire ap-

propriations package because, among all the vital programs and services that the package provided, the bill contained a measure to eliminate the existing administration's gag rule that prohibits federally funding family planning clinics from mentioning abortion as a viable medical option.

Ever since last May, when the Supreme Court upheld in *Rust versus Sullivan*, the gag rule, title X of the Human and Health Service Act has been in danger of extinction.

Title X provides Federal funds to over 80 percent of all the family planning agencies across the Nation. These services provide over 4 million low-income women and teenagers and contraception, preventative medical care, and counseling.

These clinics provide poor women with what wealthy women can afford: The opportunity to make an informed choice about their pregnancy.

Mr. Speaker, the elimination of the gag rule is crucial if we are to continue this Nation's efforts to reduce unintended pregnancy and providing low-income women with all available choices when it comes to family planning decisions.

President Bush has succeeded in forcing all federally funded clinics all over the country to make a devastating choice: Either give up desperately needed funds and reduce the number of patients they can serve or provide substandard care to residents in the area.

The President's successful veto of the appropriations bill is disastrous for women, young and old, in my district. These women depend on these clinics for complete information and support on family planning matter. For many women, these clinics are their sole source of accurate and accessible information. Most of the clinic's clients—nearly 8 out of 10—fall below the Federal poverty level and are unable to afford a doctor.

By prohibiting doctors and health care counselors in title X clinics from providing patients with medically appropriate referrals or information on options for handling an unintended pregnancy President Bush will be setting up to two kinds of health care in this country: Quality care for the affluent and second-rate care for the poor.

Women, teenagers, and their partners need voluntary family planning services with counseling on all methods of contraception before deciding what is most appropriate for them. And poor people deserve access to the same medical information as wealthy people.

Mr. Speaker, the people in my district struggle daily against crime, drugs, racism, and unemployment. By restricting their access to crucial medical options, the administration is only adding to their problems.

By failing to override the veto we have been unable to secure funding for these family planning services, services that title X clients so desperately need. I am deeply disappointed that the necessary two-thirds of my colleagues could not join me in opposing the veto.

Our only recourse at this time is to join in support of Representative WAXMAN's Family Planning Amendments Act of 1991, H.R. 3090, which reauthorizes title X and essentially overturns the gag rule. I strongly urge all my colleagues to support this new bill in order to successfully overturn the President's veto.

Mr. COLEMAN of Texas. Mr. Speaker, I rise today in support of H.R. 2707 and urge my colleagues to override President Bush's veto. It is irresponsible of the President to veto this legislation, which provides funding for hundreds of essential programs, just so that his administration can proceed with their plans to deny poor women their basic right to uncensored medical information. The fact that he is determined to impose the gag rule and thereby thrust the Government into what should be a confidential discussion between a woman and her doctor is bad enough. But his action also affects millions of innocent bystanders. So we'll let the President explain to the homeless why there is no funding available for their health care. We'll let him explain to handicapped children why there is no funding available for their special education program. And we'll let him explain to disadvantaged youth why there is no funding available to provide them with job training. Better yet, let's override his veto and send a clear message to the American people that even if the President doesn't care about their needs, the Congress does.

Mr. HAYES of Illinois. Mr. Speaker, today I rise to express my support for the Presidential veto override of H.R. 2707, the fiscal year 1992 spending bill for Labor-HHS-Education. The bill before us today includes many crucial provisions. Provisions which are crucial to the day-to-day quality of life for many Americans. H.R. 2707 funds every major health, education and social service program in this Nation. Mr. Speaker, I believe that most sane members of this body certainly understand the critical need to fund such programs as Head Start, Pell Grants, Medicare and Medicaid, Low-Income Energy Assistance, and AIDS research. However, it is unfortunate today that for unfounded reasons there is opposition to this measure.

Some in this body believe that the provisions which block this administration's gag rule regulations concerning the dissemination of health information by health care providers, encourages the use of abortions. In my opinion, the gag rule is one of the most destructive federal health policies ever proposed. Not only does it violate the first amendment right, it denies poor and minority women the right to well informed, quality health care. Mr. Speaker, I assure you, this issue is not about abortion, it is about the Federal Government dictating to health care providers what information can and cannot be disseminated. Such public policy is wrong—dead wrong.

Mr. Speaker, I ask my colleagues to think long and hard today before they vote and remember that the politics of the abortion issue ought to be removed from today's debate. The issue is good public policy, in addition to the need to fund programs that have overwhelming support in this Congress and for which many here have fought long and hard to gain increased funding. I ask that my colleagues vote in support of today's bill, and that we express to the President the need to quit playing politics with this Nation's domestic needs and sign this bill into law.

Vote to override this veto.

Mr. ROGERS. Mr. Speaker, no legislation written by this Congress has the level of human impact nor does more good for this Nation than the bill written each year by the

gentleman from Kentucky, the dean of its delegation, and my friend [Mr. NATCHER]. I have supported this bill for many years because of his efforts, and I look forward to voting for it this year.

The folks back home in my district worry about getting good medical care, about educating themselves and their children, about feeding themselves and their children, and about training to work in a rapidly changing world. They are concerned about our future, and about getting a boost when the future brings hard times.

This bill, as it always has, responds to those concerns. It contains \$2.2 billion for Head Start, a 13-percent increase over last year, \$32 billion for education programs, \$1.43 billion for vocational and adult education, a 15-percent increase over last year, \$22.5 million for rural health grants, a 15-percent increase over last year, \$771 million for impact aid, and billions more for health related programs.

Unfortunately, my constituents are concerned about something else in this bill, which is important but unrelated to the bill's purpose. H.R. 2707 contains a rider which would allow or, in some circumstances, require federally funded family planning clinics to counsel or refer clients on abortion as a method of family planning. The provision's authors intend to reverse current regulations which prevent such counseling, and which were upheld by the Supreme Court. My constituents oppose this rider, as does the President, who early on signaled the Congress that such a rider would draw a veto.

Mr. Speaker, the gentleman from Kentucky [Mr. NATCHER] did not include this controversial provision when he recommended the bill to the Appropriations Committee. In fact, regardless of one's view on the issue, the provision does not belong on an appropriations bill. But the failure of the Congress to deal with this issue through the normal legislative process led to its inclusion on this spending bill.

The Labor-HHS-Education appropriations bill is an annual, must-pass bill. Millions of people depend on it each year to fund the vital programs I described. Because it is must-pass legislation, it being used by proabortion advocates to shortcut and end run the normal legislative process. If those opposing the administration's regulations want them changed, they should propose legislation, obtain hearings, and work with the authorizing committees of the House to achieve their goal. In this instance, they have bypassed the normal process because they are impatient or afraid of failure. Neither this bill, nor the gentleman from Kentucky, should be their savior.

Mr. Speaker, I fully support H.R. 2707, except for the family planning rider, which I and my constituents find unacceptable. Therefore, with reluctance and extreme respect for my Kentucky colleague, I have absolutely no alternative but to vote against the bill and support President Bush's veto.

We have faced this type of situation before. In previous years the House has had to completely reconsider the Labor-HHS-Education appropriations bill because abortion-related riders drew a Presidential veto. I will vote no, therefore, with the hope and expectation that we will repeat past practice by passing out a clean bill that the President will sign and which I will support.

Mr. NATCHER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 276, nays 156, not voting 3, as follows:

[Roll No. 403]

YEAS—276

Abercromble	Fascell	Martinez
Ackerman	Fawell	Matsui
Alexander	Fazio	McCloskey
Allen	Feighan	McCurdy
Anderson	Fish	McDermott
Andrews (ME)	Flake	McHugh
Andrews (NJ)	Foglietta	McMillen (MD)
Andrews (TX)	Foley	McNulty
Anthony	Ford (MI)	Meyers
Aspin	Ford (TN)	Mfume
Atkins	Frank (MA)	Miller (CA)
AuCoin	Franks (CT)	Miller (WA)
Bacchus	Frost	Mimeta
Bellensson	Gallo	Mink
Bentley	Gaydos	Moakley
Bereuter	Gejdenson	Molinarl
Berman	Gekas	Moody
Bevill	Gephardt	Moran
Bilbray	Geren	Morella
Blackwell	Gibbons	Morrison
Boehlert	Gilchrist	Mrazek
Bonior	Gilman	Murtha
Boucher	Glickman	Myers
Boxer	Gonzalez	Nagle
Brewster	Goodling	Natcher
Brooks	Gordon	Neal (MA)
Browder	Gradison	Neal (NC)
Brown	Grandy	Oakar
Bruce	Green	Obey
Bryant	Guarini	Olin
Bustamante	Gunderson	Oliver
Byron	Hamilton	Owens (NY)
Campbell (CA)	Harris	Owens (UT)
Campbell (CO)	Hayes (IL)	Pallone
Cardin	Hefner	Panetta
Carper	Hertel	Pastor
Carr	Hoagland	Patterson
Chandler	Hobson	Payne (NJ)
Chapman	Hochbrueckner	Payne (VA)
Clay	Horn	Pease
Clement	Horton	Pelosi
Clinger	Houghton	Penny
Coleman (MO)	Hoyer	Perkins
Coleman (TX)	Hubbard	Peterson (FL)
Collins (IL)	Hughes	Pickett
Collins (MI)	Jacobs	Pickle
Condit	Jefferson	Porter
Conyers	Jenkins	Price
Cooper	Johnson (CT)	Pursell
Coughlin	Johnson (SD)	Rahall
Cox (IL)	Johnston	Ramstad
Coyne	Jones (GA)	Rangel
Cramer	Jones (NC)	Ravenel
Darden	Jontz	Reed
DeFazio	Kaptur	Regula
DeLauro	Kennedy	Richardson
Dellums	Kennelly	Ridge
Derrick	Klezka	Riggs
Dicks	Klug	Roemer
Dingell	Kolbe	Rose
Dixon	Kopetski	Rostenkowski
Dooley	Kostmayer	Roukema
Dorgan (ND)	Lancaster	Rowland
Downey	Lantos	Roybal
Durbin	Laughlin	Russo
Dwyer	Leach	Sabo
Dymally	Lehman (CA)	Sanders
Early	Lehman (FL)	Sangmeister
Eckart	Levin (MI)	Savage
Edwards (CA)	Lewis (GA)	Sawyer
Edwards (TX)	Lloyd	Scheuer
Engel	Long	Schiff
English	Lowey (NY)	Schroeder
Erdreich	Machtley	Schumer
Espy	Markey	Serrano
Evans	Martin	Sharp

Shays	Studds	Vento
Sikorski	Swett	Visclosky
Sisisky	Swift	Washington
Skaggs	Synar	Waters
Skeen	Tanner	Waxman
Skelton	Thomas (CA)	Weiss
Slattery	Thomas (GA)	Wheat
Slaughter	Thornton	Whitten
Smith (FL)	Torres	Williams
Smith (IA)	Torricelli	Wilson
Smith (TX)	Towns	Wise
Snowe	Trafcant	Wolpe
Solarz	Traxler	Wyden
Spratt	Unsoeld	Yates
Stark	Upton	Zeliff
Stokes	Valentine	Zimmer

## NAYS—156

Allard	Hefley	Packard
Annunzio	Henry	Parker
Applegate	Hergert	Paxon
Archer	Holloway	Peterson (MN)
Army	Hopkins	Petri
Baker	Huckaby	Poshard
Ballenger	Hunter	Quillen
Barnard	Hutto	Ray
Barrett	Hyde	Rhodes
Barton	Inhofe	Rinaldo
Bateman	Ireland	Ritter
Bennett	James	Roberts
Billrakis	Johnson (TX)	Roe
Bliley	Kanjorski	Rogers
Boehner	Kasich	Rohrabacher
Borski	Kildee	Ros-Lehtinen
Broomfield	Kolter	Roth
Bunning	Kyl	Santorum
Burton	LaFalce	Sarpalius
Callahan	Lagomarsino	Saxton
Camp	Lent	Schaefer
Coble	Lewis (CA)	Schulze
Combest	Lewis (FL)	Sensenbrenner
Costello	Lightfoot	Shaw
Cox (CA)	Lipinski	Shuster
Crane	Livingston	Smith (NJ)
Cunningham	Lowery (CA)	Smith (OR)
Danemeyer	Luken	Solomon
Davis	Manton	Spence
de la Garza	Marlenee	Staggers
DeLay	Mavroules	Stallings
Dickinson	Mazzoli	Stearns
Donnelly	McCandless	Stenholm
Doolittle	McCollum	Stump
Dornan (CA)	McCreery	Sundquist
Dreier	McDade	Tallon
Duncan	McEwen	Tauzin
Edwards (OK)	McGrath	Taylor (MS)
Emerson	McMillan (NC)	Taylor (NC)
Ewing	Michel	Thomas (WY)
Fields	Miller (OH)	Vander Jagt
Gallegly	Mollohan	Volkmer
Gillmor	Montgomery	Vucanovich
Gingrich	Moorhead	Walker
Goss	Murphy	Walsh
Hall (OH)	Nichols	Weber
Hall (TX)	Nowak	Weldon
Hammerschmidt	Nussle	Wolf
Hancock	Oberstar	Wyllie
Hansen	Ortiz	Yatron
Hastert	Orton	Young (AK)
Hayes (LA)	Oxley	Young (FL)

## NOT VOTING—3

Hatcher	LaRocco	Levine (CA)
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## □ 1618

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

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MFUME). The message and the bill are referred to the Committee on Appropriations.

The Clerk will notify the Senate of the Action of the House.

## PERSONAL EXPLANATION

Mr. LAROCCO. Mr. Speaker, during the vote to override the President's veto of H.R. 2707, I deeply regret that I was unavoidably detained. Had I been present, I would have voted "aye".

## □ 1620

## LEGISLATIVE PROGRAM

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

Mr. GEPHARDT. Mr. Speaker, I wanted to take a moment to have a dialog with the minority leader about our schedule for the rest of the week.

I would simply say to Members, a lot of Members have been asking what is the schedule for the rest of the week, what can we expect about the weekend, what about next week, can we finish our business?

Let me simply say to Members that we are trying very hard to see if we can finish our business by at least Tuesday evening of next week. We do not know whether votes will be held over the weekend. We obviously would like to not have votes over the weekend, but we cannot at this point predict with certainty that there will not be votes over the weekend.

Let me just reiterate the bills that are before us that we have to try to finish: the banking bill, which will probably be back on Thursday, recapitalization of the RTC. We have a Medicaid bill that is up this afternoon. The highway bill is in conference. The crime bill is in conference.

We would like to get a conference report finished on both. We have a campaign finance bill that we would like to consider the early part of next week.

There are other pieces of legislation that can be fit into the schedule. There is no reason that this legislation cannot be finished, all of this that I have read, by Tuesday night of next week. But it is impossible at this point to say for certain when each of these will be done.

We have had obviously problems with the banking legislation. If it for some reason fails, it makes it very difficult to see how we get a conference on that and get done by Tuesday night. But this is the program we are trying to finish.

Mr. MICHEL. Mr. Speaker, if the gentleman will yield, the gentleman has said that we would like to finish up by Tuesday night and the Members ought to be alerted to be available for this weekend for votes.

I would assume then we are talking about surely being in session Friday and possibly Saturday and Sunday. Do we give our Members any kind of indication if we get to that point that they need not be here Saturday or Sunday but still going over to Monday or Tuesday, or do we just play that by ear?

Mr. GEPHARDT. Mr. Speaker, I think we will give Members as much notice about where we are and what our plans are and what the possibilities are as we go along. Obviously if on Thursday we cannot pass a piece of banking legislation, it is going to be very hard to say to Members, we can finish everything by Tuesday night, so let us stay through the weekend.

If on the other hand we are able to pass it, then I think we can begin to lay out a schedule with the RTC coming behind it that we could get out by Tuesday night. We will keep Members informed as best we can each step of the way so they can plan their lives as one best can.

Mr. MICHEL. Mr. Speaker, if the gentleman will continue to yield, is there any possibility that if when we got to the weekend we found that we could not complete the business by Tuesday and for whatever reason were going to be obliged to take a break, to come back, that that determination would be made before the weekend?

Mr. GEPHARDT. Mr. Speaker, we will try to make that determination on Friday.

Mr. MICHEL. Bearing in mind, of course, that, as I understand from years past, the transportation schedule for Thanksgiving week is the worst for the airlines, even worse than Christmas, and that cancellation of flights, et cetera, et cetera, obviously in order to accommodate members, I think the earlier we can tell them what they will be able to do for Thanksgiving would be greatly appreciated, I am sure, on both sides.

Mr. GEPHARDT. Mr. Speaker, we obviously will do that. I think Members could plan today, if they wanted to make a specific reservation, Wednesday, when the sun comes up, I think Members can be ready to go.

Mr. MICHEL. I thank the distinguished gentleman.

## ORDER OF BUSINESS

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that my name be transposed with that of the gentleman from New York [Mr. OWENS] on the list of special orders for Wednesday, November 20, 1991.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Missouri? There was no objection.

## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2038, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1992, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-331) on the resolution (H.

Res. 285) waiving all points of order against the conference report on the bill (H.R. 2038) to authorize appropriations for fiscal year 1992 for the intelligence activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency retirement and disability system, and for other purposes, and against the consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

**REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2521, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1992, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT**

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-332) on the resolution (H. Res. 286) waiving all points of order against the conference report on the bill (H.R. 2521) making appropriations for the Department of Defense for the fiscal year ending September 20, 1992, and for other purposes, and against the consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

**PROVIDING FOR CONSIDERATION OF H.R. 3595, MEDICAID MORATORIUM AMENDMENTS OF 1991**

Ms. SLAUGHTER of New York. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 283 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

**H. RES. 283**

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3595) 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, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered as having been read for amendment under the five-minute rule. Consideration of all amendments to the bill shall not exceed three hours. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage with-

out intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER of New York. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. MCEWEN], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, House resolution 283 is the rule providing for the consideration of H.R. 3595, the Medicaid Moratorium Amendment of 1991.

The rule provides for one hour of general debate, to be equally divided and controlled by the chairman and ranking member of the Committee on Energy and Commerce.

This is an open rule. Any member can offer germane amendments under the 5-minute rule.

In order to ensure that the House can expeditiously attend to its full legislative program this week, the rule provides that consideration of all amendments to the bill shall not exceed 3 hours.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, this open rule will allow for consideration of H.R. 3595. This bill has been necessitated by differing interpretations of compromise language negotiated in the conference on the Omnibus Budget Reconciliation Act of 1990, concerning matching Federal Medicaid funds for voluntary contributions, provider-specific taxes, and intergovernmental transfers. The administrations has promulgated regulations which have been criticized as unclear and unworkable and which run counter to the Energy and Commerce Committee's understanding of the OBRA language.

H.R. 3595 does not provide a final resolution of this dispute, but provides for a moratorium on new regulations in this area to allow the administration the Energy and Commerce Committee, the States, and other interested parties to work out clear and workable guidelines to resolve this complex issue. Without this legislation, the Medicaid programs in as many as 39 States would be thrown into chaos and confusion. They would have only 6 weeks to either replace billions of dollars in funding or make severe cuts in Medicaid eligibility or benefits.

I commend Chairmen WAXMAN and DINGELL for expeditiously moving this legislation to avert this disruption. I ask all members to join me in supporting this open rule, which will allow full and fair debate on the provisions of this necessary and timely bill.

□ 1630

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

Mr. Speaker, as the gentlewoman from New York has explained, the House has before it a proposed open rule. It is worth noting that only open rules allow for the unfettered and free debate which the American people rightfully expect from the House.

I would like to take this opportunity to thank the Committee on Rules and particularly the gentleman from Massachusetts [Mr. MOAKLEY], its chairman, for bringing this open rule before us. I also congratulate the chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL], as well as the chairman of the Subcommittee on Health and the Environment, the gentleman from California [Mr. WAXMAN], for requesting that the rule be open so the House can fully work its will in this important legislation.

H.R. 3595 will avoid the crisis in numerous State Medicaid programs that we are facing just 6 weeks from now. Mr. Speaker, although I will support this rule and urge my colleagues to do likewise, there are some portions of it that do cause me concern.

I would mention that the bill has also been drafted as an amendment to the Technical and Miscellaneous Revenue Act of 1988. By drafting the bill with just such a narrow scope, amendments which one would have expected to be germane to Medicaid legislation would not be made in order with this bill. Nevertheless, it has been said that "The perfect is often the enemy of the good," and therefore I will support both this rule and the bill, for they are good if they are not perfect. The gentleman from California [Mr. DANNEMEYER] will point out exactly why the legislation was drafted in the manner that it is in comments later on.

The House needs to consider bills under open rules because they are an essential part of the legislative process. Mr. Speaker, this bill will impose a moratorium on the implementation of regulations published by the Secretary of Health and Human Services which deny States the right to use revenues from provider-specific taxes and intergovernmental transfers to help pay for Medicaid programs. These regulations would go into effect on January 1. This moratorium will be in effect until next September 30.

This bill is not a perfect solution to this complex issue. It simply provides the time and is needed for either a negotiated settlement, a court ruling, or further legislative action to resolve the concerns with a number of provider-specific Medicaid tax programs. The National Governors Association is working with the administration to develop a workable compromise, and we need to provide time to avoid a critical disruption of Medicaid services to the various States.

There are legitimate concerns which have been expressed by the administra-

tion regarding some States' provider-specific Medicaid tax programs, but the answer is not to simply eliminate all of them without any legislative authority. Instead, time is needed to develop a compromise solution.

So I conclude, Mr. Speaker, by asking my colleagues to support this fair rule, to work the House's will on the amendments offered to the bill, and to pass H.R. 3595 in a form that will avoid chaos in Medicaid programs around the country.

I include for the RECORD the statement of administration policy, as follows:

STATEMENT OF ADMINISTRATION POLICY

H.R. 3595—MEDICAID MORATORIUM AMENDMENTS OF 1991

The Administration strongly opposes H.R. 3595. If it were presented to the President, his senior advisers would recommend a veto.

H.R. 3595 would extend through September 30, 1992, the moratorium on Medicaid regulations pertaining to the use of provider-specific taxes and donations to increase Federal funding for State Medicaid programs. The current moratorium would otherwise expire on December 31, 1991. H.R. 3595 would also allow voluntary contributions to be used as the State share for Medicaid through December 31, 1992. In addition, a new and permanent moratorium would be applied to any regulation changing the treatment of intergovernmental transfers of funds as a source of the State share of Medicaid costs.

H.R. 3595 is unacceptable legislation because:

Inappropriate State spending through these schemes, if unchecked, could increase the Federal deficit—adding an estimated \$5.5 billion this year and \$40 to \$50 billion for FYs 1992 through 1996.

The bill violates the Budget Enforcement Act of 1990 (BEA). It designates the provisions of the bill as emergency requirements under the BEA and prohibits the added costs from being counted under the pay-as-you-go provisions of the BEA. In addition, H.R. 3595 includes a "directed scorekeeping" provision that specifies the dollar amounts that are to be used in estimating costs under the bill. The President has stated previously that he would veto any legislation that contained such a provision.

The moratorium on provider-specific taxes and donations was established in 1988 and has been extended twice in Administration-opposed provisions in OBRA 1989 and OBRA 1990 that received little congressional attention. Congress and the States have been on notice since 1988 that the Federal Government was planning to act in this area. Yet Congress has twice extended the moratorium, declaring that more time is needed to examine the issue. During this time, the number of States with provider-specific taxes, donations programs, or both has skyrocketed from seven States and \$200 million in 1990 to over 40 States and an estimated \$5.5 billion in 1992. Last year's moratorium alone resulted in at least a tenfold increase in Federal funding associated with States' use of provider tax and contribution programs. Many more billions of dollars will be provided to the States inappropriately through a distorted match system under another moratorium.

A permanent moratorium on changing the treatment of intergovernmental transfers is unnecessary and unwise. The Health Care Financing Administration (HCFA) is not elimi-

nating the use of traditional intergovernmental transfers in Medicaid. Under the HCFA regulation, public funds transferred between different levels of local government will continue to be matched by the Federal Government.

State donation and provider-specific tax programs, if unchecked, will undermine a basic premise of the Medicaid program—that States have a stake in the costs of the program. The Administration cannot condone the alteration of the Medicaid program through financing mechanisms that go beyond the conventional matching rate structure. States are accountable for the appropriate management and financing of their programs and the Federal Government is responsible for holding them accountable to operating fairly and appropriately in the Medicaid partnership.

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

Ms. SLAUGHTER of New York. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, in strong support of H.R. 3595, if the administration's regulations regarding the States use of provider-specific taxes are implemented they will result in the loss of more than \$1.1 billion in care for Tennesseans.

Tennessee has an infant mortality rate of 10.3 infant deaths per 1,000 births, its lowest ever. The rate is directly attributed to the assistance programs funded under the Medicaid program. Prior to the introduction of the Medicaid Programs, Tennessee's infant mortality rate was 22.7 infant deaths per 1,000 births. These numbers indicate that Medicaid dollars have made a significant difference in the quality of life for pregnant women, their babies and preschool children of Tennessee.

The administration claims that infant mortality is a grave concern and that they are committed to solving this problem. Mr. Speaker, if that be the case then why does the administration now pull the rug out from under the one program which has proven to be effective in accomplishing the very goal the administration says it desires. We cannot tie the States hands. The implementation of these regulations would spell certain doom for these programs in Tennessee.

Mr. Speaker, the State of Tennessee relies heavily on provider-specific taxes to raise its share of the Medicaid matching funds. Denying Tennessee the ability to raise its share of the Medicaid matching funds would make it impossible for the State to raise the \$345 million necessary to qualify for the \$750 million in Federal matching funds.

The HCFA regulations conflict with legislation Congress passed last fall and infringe on the States' rights to determine both the method they use to raise funds and how these funds will be

used. Furthermore, it is beyond HCFA's authority to impose such regulations.

Mr. Speaker, on behalf of the thousands of women and children of Tennessee, I rise in full support of this legislation and urge my colleagues to support it. We must not allow these regulations to be implemented.

Mr. MCEWEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. McGRATH], a member of the Committee on Ways and Means.

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

Mr. Speaker, I rise today in support of H.R. 3595, the Medicaid Moratorium Amendments of 1991.

If enacted, it would allow the administration and the States to move forward toward an agreement on the difficult issue of provider-specific taxes, and their treatment under the Medicaid Program.

As my colleagues are well aware, the Health Care Financing Administration, on September 12, issued a regulation prohibiting the use of a broad range of revenues currently applied toward Medicaid by State governments. This regulation, if permitted to be implemented, would disrupt the State of New York's Medicaid program. It would cost my State approximately \$500 million in lost Federal Medicaid matching funds.

There is no question about the need to establish a reasonable and rational policy for financing Medicaid Programs through voluntary donations, and provider-specific taxes. However, with adjournment right around the corner, and in light of the complexity of the issues involved, we simply need more time—time to come back next year to resolve this issue in a thoughtful and thorough way.

If Congress does not act to delay the HCFA rule, and if the administration and the States do not reach an agreement on this issue, we will see chaos result when the rule's January 1, 1992, effective date forces States to radically adjust programs in the middle of budget cycles. The result will be drastic cuts in basic medical services, as well as long-term care for millions of low-income mothers, children, disabled, elderly, and mentally ill individuals.

Even if an agreement is hastily put together in the next several days before adjournment, such a solution is unlikely to be equitable both to the administration and the States. We will be back in 3 months trying to solve this problem again.

H.R. 3595 will give the administration the necessary breathing room to craft a meaningful solution to this difficult problem. This moratorium would delay the implementation of HCFA's proposed rule until September 30, 1992.

Mr. Speaker, this bill represents a rational, reasonable approach to our current dilemma over Medicaid provider-

tax and voluntary donation programs. I believe this bill will allow us to avoid a crisis in programs that work at providing health care to the poor and disabled, and I urge its immediate adoption.

□ 1640

Ms. SLAUGHTER of New York. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. Mr. Speaker, I would like to encourage my colleagues to support this rule and this measure which I cosponsored, and put a stop to this dangerous precedent promulgated by the Bush administration.

The administration's cruel decision puts our most vulnerable citizens—the very old and the very young—at risk in my State and 21 other States, and carries serious implications for all 50 States.

I can find no law, statute or authority that gives the Federal Government the right to tell a State what type of taxes it can use. It is nothing short of arrogant for the Federal Government to arrogate to itself the tax decisions of State government.

As an editorial in the Birmingham News points out: "How the State of Alabama taxes itself to get money for Medicaid is hardly any business of the Federal bureaucracy."

Not only is this a fundamental assault on our system of federalism, it is an assault on a health care system that is beginning to make inroads in my State's infant mortality rate, one of the highest in the Nation.

If this administrative rule were to stand, some 10,000 Alabama nursing home residents will be swept off Medicaid, and more Alabama rural hospitals might be forced to close. Health care for the very young and the very old is jeopardized unless this bill passes.

I ask my colleagues to vote for this measure, and vote to protect our most vulnerable citizens.

Mr. MCEWEN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, when the writers of the textbooks on civics sit down to write a text on how to engage in a game of mirrors, "now you see it, now you don't" as part of the legislative process, watch what we are doing on this bill today. It is a classic illustration, exhibit A, of how the spenders who control this shop not only have a majority vote on the liberal Democrat side to work their will, but they brought to the floor of the House today a legislative vehicle where, even though they claim it is an open rule, as a practical matter the amendment that will have significance for the debate in order to reduce Medicaid spending that the National Governors Association wants to have happen, will not even be germane.

They can stand here and say this is an open rule, and the majority says that is what the minority always wants is an open rule, but they know full well that if I offer the amendment that will reduce some of the spending going on in Medicaid in this country, they will assert a point of order that it is not germane, and the Parliamentarian has indicated that it is not germane.

It is all part of the game, appear to be open-handed, appear to be reasonable, yet structure the debate on the floor of the House in such a way so that an amendment that will reduce some of this hemorrhaging that is going on in this country cannot take place.

That is why I rise in opposition to this rule. I came to the Rules Committee and asked that my amendment be made in order through a wavier of germaneness, because it is appropriate that the House be given an opportunity to do that.

I want to call the attention of my colleagues to what is going on here today. If the majority Democrats are successful with their effort today, the adoption of this measure is going to result in an increased expenditure in Medicaid in this fiscal year of \$5.8 billion. That quantity of additional spending is going to bust the budget summit agreement that was adopted last November. I did not happen to vote for that inappropriate piece of legislation, but it expressed the sense of Congress and was adopted.

But what we are talking about is a budget-buster on this floor today, and I think we should understand that. To put it in perspective, just in 1985, for instance, in Medicaid we spent \$22.6 billion; in 1990 we spent \$40 billion; between 1981 and 1990 Medicaid spending went up 152 percent when the CPI went up 59 percent.

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

Mr. DANNEMEYER. I yield to the distinguished minority leader.

Mr. MICHEL. Mr. Speaker, I want to compliment the gentleman on his statement and what he has said, because it is so true. While the amendment that we intended to offer would require that we would have to waive a point of order in order to make it germane, I think it is very appropriate. As the gentleman so well indicated, the administration has been in touch with the Governor's Conference in an effort to work something out here. Frankly, what we are doing is simply putting off again and again to another day and it is costing us in spades by failing to face up to what we really ought to be doing here.

It is really a sham, as the gentleman has expressed, because had we an opportunity earlier on to clearly define what is legitimate by way of reimbursement and what is not, then the States obviously would not have gone on to the extent that they have to just

really circumvent and undermine the whole program. It is a big rip-off of the Federal Government, quite frankly, and it ought to be corrected; but unfortunately, we are not going to have that opportunity to do so because of the Rules Committee failing to waive a point of order on an amendment that I feel, other than being technically non-germane, very, very much points the way to address the problem that the gentleman so well lays out for us.

I will have something more to say when we get into actual discussion of the bill.

Mr. DANNEMEYER. Mr. Speaker, I thank the minority leader for his comments.

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

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

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman from California for yielding to me.

As the gentleman knows, I have been one of his most ardent supporters on almost every cause he has brought before this House.

Mr. DANNEMEYER. Mr. Speaker, I thank the gentleman for that.

Mr. CALLAHAN. Mr. Speaker, I think the gentleman is absolutely sincere in his efforts to stop this growth of government that we have, but will the gentleman put himself in my position.

The State of Alabama is caught in the middle of this. I agree with the gentleman and I agree with the minority leader that indeed we should stop these schemes from taking place; however, the timing on this is impossible for the State of Alabama to comply with; \$795 million out of a \$1.5 billion program, it will cost us unless we have some solution passed by this Congress this week.

We must begin notifying the people in Alabama on Medicaid that they must be aware of the fact, we notify them on December 1, that they will have to move out of nursing homes on January 1.

So what do we do? I agree with the gentleman and I will work with the gentleman. I pledge my total support to stop this type of activity because it is wrong; but the timing of trying to correct it through the administration is just virtually impossible.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague for his comments, and I sympathize.

The answer to what we should be doing here today is to have an amendment that will reduce the Medicaid mandates that now are in existence. The reality that all of us must face is that over the last 5 years my good friend, the gentleman from California [Mr. WAXMAN], chairman of the Health and Environment Subcommittee, has been able to raise Medicaid mandates across this country to the point that 49

Governors of the 50 of the Union have in writing asked the Congress of the United States, "Stop loading up mandates on us. You are bankrupting us."

□ 1650

Let me quote from the Governor of Arkansas, Bill Clinton:

The annual cost in Arkansas of federal Medicaid mandates now exceeds \$100 million per year, severely taxing the ability of a poor, rural state to do all we are required to do.

Now here is Republican Thompson of Wisconsin:

The reason I haven't been able to do more for education, infrastructure or health care is the \$100 million that federal mandates took out of my budget.

What is going on here today is an effort on the part of this Congress to bring national health insurance in through the back door. These Medicaid mandates over the last 5 years are literally bankrupting some of the States of the Union, one of which is Alabama.

The answer to how we should proceed is to consider some amendments on the floor, and I have one available. I went to the Committee on Rules in order to make it in order, and they denied it.

My amendment will implement some of the recommendations of the National Governors' Association. I did not dream this up out of the air. These are what the Governors of this country are asking the Congress to do in order to reduce the financial burden that Medicaid has placed on the States of this Union. That is what this struggle is all about.

The administration wants to stop this nonsense. My colleague from New York, Mr. LENT, will describe some of the shams that are going on. We are ripping off the Federal Government by the States of the Union being required to respond to the financial pressures and mandates that Congress has imposed on them by these mandates.

And the answer is not to bless the scam and let it continue; the answer is to reduce the mandates, and the way we reduce the mandates is to consider an amendment on the floor that will achieve that purpose.

We can debate this issue.

But I commend the chairman of the committee, the gentleman from Michigan [Mr. DINGELL], and his colleague, the gentleman from California [Mr. WAXMAN]; they are adroit in the use of the legislative process. If they brought this measure to the floor of the House under title XIX Medicaid, they would know full well my amendment would be in order. They are too smart to do that. They attached this bill to the Technical and Miscellaneous Revenue Act of 1988, and as a result of them using this Technical Act of 1988, my amendment is not in order because it is subject to the imposition of a point of order that it is not germane to that particular bill.

So all I am saying is please vote down this rule. If you have any sense of commitment to save the taxpayers of this country from further driving ourselves into debt, vote "no" on this rule so that some of us will have an opportunity to further debate what is involved.

Ms. SLAUGHTER of New York. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL].

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

Mr. Speaker, I am taking this opportunity to address my serious concerns about the proposed regulations which would discontinue Federal matching funds for Medicaid expenditures financed at the State by donations and certain provider taxes. From the reports that I have seen, the proposed regulation would eliminate West Virginia's recently enacted provider tax program. To further dilute the ability of my State to deliver adequate health care services to its citizens is unconscionable. The West Virginia State Legislature, with the leadership of Governor Caperton and House Speaker Chuck Chambers, made some very tough choices in order to protect those who depend on Medicaid. I find it outlandish that the administration would then try to force us to switch horses midstream.

West Virginia, ranks 49th in the Nation in per capita personal income. Additionally, it is in the bottom third of all States in per capita personal health care expenditures. Medicaid serves as the only form of health care for nearly one quarter of a million West Virginians annually. On top of this, according to 1986 data, 16 percent of all West Virginians have no health insurance at all. As a result, providers of health care in my State have increasingly absorbed the cost of uncompensated care. With these numbers in mind, is it any wonder that out of 55 West Virginia counties, 49 counties or parts of counties are designated as medically underserved areas, and 43 counties or parts of counties are designated as primary care, health manpower shortage areas.

With this in mind, it is essential that Congress pass and the President sign H.R. 3595, the Medicaid Moratorium Amendments of 1991. This legislation would allow all of the concerned parties to continue their negotiations without the pressure of an arbitrary deadline hanging over them. I hope my colleagues will join me in supporting this important legislation.

Additionally, I would like to bring to your attention the problems with the current negotiations between the National Governors Association and the Health Care Financing Administration on Medicaid reimbursement for donations and provider taxes.

I understand one aspect of the ongoing negotiations would be to place a

cap on the percentage of State share derived from provider taxes. West Virginia does not have the revenue base to adequately fund its Medicaid Program, because of burdensome mandated benefits, which have increased the State cost to the point where provider taxes have become an absolute necessity. The cap under consideration by HCFA would unfairly limit West Virginia's ability to raise revenue for Medicaid reimbursement.

Another aspect of the current negotiations is the enactment of a grandfather provision for a State's use of provider taxes. Current dates that are being discussed would protect plans in place before September 1991. Both of these dates would exclude the West Virginia program which was passed by the legislature on October 18, and signed by the Governor on November 1, 1991.

In closing I would like to summarize my concerns about the ongoing negotiations with HCFA as they pertain to the State of West Virginia:

First, the limitations as to taxable activities and degrees of Medicaid participation should be removed;

Second, the Health Care Financing Administration should not prohibit or otherwise restrict the use of intergovernmental transfers;

Third, the upper limit on revenues derived from provider taxes for purposes of Federal financial participation should be no less than 60 percent of the aggregate State share of Medicaid expenditures;

Fourth, these tax programs should be permitted to remain in effect indefinitely and there should be no transition period for the permissible use of excess revenues;

Fifth, remove the limitation on disproportionate share hospital payments;

Sixth, allow States to tax institutional providers, and;

Seventh, adopt a grandfather provision that would exempt plans adopted or approved prior to January 1, 1992.

Ms. SLAUGHTER of New York. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Mr. Speaker, HCFA is attempting to decide by regulation what should be decided by individual States. The HCFA regulations grant broad discretionary authority to the administration to decide what types of taxes will be acceptable in each State. Such a position is not appropriate for an administration which supports a more decentralized government.

Georgia understands that voluntary contributions are no longer allowable, but the State needs a reasonable period of time to change to a new system and a clear signal about what type of system which would be allowed.

These rules clearly violate congressional intent as established in OBRA 90. They are untimely, unfair, and illegal.

The large increases in the cost of the Medicaid Program are not solely due to these programs. They are also a result of increased Federal mandates and a bad economy. In Georgia this year, for example, the recipient caseload increased by 23 percent.

The clarification issued on October 31 by HCFA does not completely address the problem regarding intergovernmental transfers, which almost all States use to some extent. In cases where the unit of Government making the transfer is also a health care provider, the transfer would be disallowed as a voluntary contribution by or on behalf of a health care provider.

The State of Georgia passed a constitutional amendment overwhelmingly by referendum in 1988, to authorize the creation of the voluntary contributions program. A number of constitutional amendments were on the ballot that year, and this was the only one approved. The amendment on the ballot specifically mentioned a program for the purposes of expanding eligibility for the uninsured.

Funds for this program in Georgia go through the appropriations process. The contributions made by providers are put in the State's treasury, and they must be appropriated by the general assembly. The Governor feels that the services therefore come from State spending and that the services are being financed in accord with the intent of Medicaid. They are definitely being financed in accord with the letter of the law in Georgia.

In my opinion, the Medicaid Program is severely flawed. I think we need to look for some other system to provide care for the poor. I think this is an example that we see here today of what could happen in Medicaid and not only put a drain on the Federal Treasury but also the States.

Georgia could lose a total of \$250 million in funds, about \$95 million of which is contributed by State providers.

Mr. Speaker, I believe we should vote on this rule, and I think we ought to vote on the bill when it comes up for our assessment.

Ms. SLAUGHTER of New York. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. I thank the gentleman from New York for yielding this time to me.

Mr. Speaker, I rise today in support of the rule and H.R. 3595. I do so, in part, because of the compelling picture of our Nation's most vulnerable citizens—low-income children in need of health care—who may well be left unprotected without this bill. I also support H.R. 3595 because of my long-held convictions about how we, the Federal Government, ought to treat the 50 States, as opposed to how we usually do treat them.

But I cannot say the decision to cast this "yea" vote is an easy one for me.

Despite criticisms from both conservatives and liberals, I am one Member who continues to defend last year's budget agreement, and argues that we must resist efforts to break that agreement. I maintain that the agreement's provision on declaring emergencies should be invoked only in the most dire of circumstances. I believe that my record, both on votes and cosponsorships, supports that claim.

For the past several weeks I have participated in an excellent series of Budget Committee caucuses led by Chairman PANETTA. These caucuses have painted the most graphic picture I have yet seen of the complete and catastrophic train wreck our country is rushing toward unless we switch tracks toward fiscal responsibility and away from budget deficits whose interest demands are devouring ever-increasing portions of our GNP.

Next to the growing obesity of interest payments, health care costs place the most serious strain on our Nation's Treasury, and Medicaid is growing faster than any other health program. Medicaid is projected to cost the Federal Government \$65 billion in fiscal 1992, up from \$41 billion in 1990, and \$14 billion in 1980. Sustaining that kind of growth is simply not possible.

With these concerns in mind how can I still support H.R. 3595? There are several reasons.

First, I must question OMB's forthrightness and handling of the scoring this issue. No explanation has been offered for OMB's vastly enlarged estimates over the months of this year. In addition, CBO has scored this legislation as having no effect on Federal Medicaid outlays. Let me state here and now, however, that should this bill be enacted into law and results in increased Federal Medicaid outlays, I believe we must answer that cost either with decreased spending in areas of our own choosing or with a general sequestration.

Second, I support H.R. 3595 because I adamantly insist that we must stop placing mandates on States without providing them the means to meet these mandates. In the Medicaid Program alone, 50 new mandates have been laid on the backs of States during the past 5 years. As a result, Medicaid expenditures have become the second-fastest growing portion of the State budgets. Since provider taxes, intergovernmental transfers and voluntary contributions have given States the ability to meet those Federal mandates, I believe we have no right to hastily remove those funding options from States while leaving the mandates in place.

Third, and in a related vein, the time frame of the regulations is extremely unfair to States. The regulations are set to take effect in the middle of most

States' fiscal years, at a time when most State legislatures are out of session. In my own State of Texas, the potential financial shortfall is estimated to be at least \$800 million. Obviously, States would need time to adjust to such a severe change in fiscal conditions.

Fourth, I believe HCFA has gone beyond its bounds in the regulation which it has proposed. Under last year's budget reconciliation bill, the administration was given authority to ban voluntary contributions as of January 1, 1992, but virtually all provider taxes were to be permanently allowed. In my opinion, the ambition of the regulation exceeds the statutory authority.

Finally, I am of the opinion that, given time and discussion, some reasonable compromises are possible among HCFA, Congress, the States, and the providers. As I have already indicated, I am most sympathetic to HCFA and OMB's concerns about the increasing potential cost of the Medicaid Program. I, for one, would be happy to see and work toward caps being placed on the percentage of overall State Medicaid contributions which were achieved through provider taxes and/or voluntary contributions. Furthermore, I believe it is possible to more clearly define acceptable and unacceptable State plans so that those operating legitimate plans are not penalized while those States engaged in schemes which Congress never intended and the budget could never sustain are punished. These things are achievable but will take some time, and I believe this 9-month moratorium will secure that necessary time.

I remain less than totally comfortable voting for a bill which designates an emergency for budgeting purposes. Nonetheless, both because I generally place stock in CBO's estimates, which is zero in this case, and because of the additional reasons just outlined, I urge my colleagues to support H.R. 3595.

□ 1700

Mr. MCEWEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Speaker, on behalf of the Republican leadership and myself I testified before the Committee on Rules yesterday and requested that an amendment be made in order with a waiver of a point of order on germaneness. In short, our request was denied by the Committee on Rules. This is really very regrettable because the Republican amendment could have provided the Members of the House with a much needed alternative to the legislation now before us. Our only alternative now, as I see it, is to vote "no" on this rule.

As my colleagues are no doubt aware, the administration strongly opposes

H.R. 3595 in its present form. As my colleagues may also be aware, the National Governors Association and the administration have been in negotiations for the past several weeks to resolve the problem of provider-specific taxes and the so-called voluntary donations in the Medicaid Program, and they had actually reached a tentative agreement last week which was contained in the amendment which I submitted yesterday to the Committee on Rules.

If the Committee on Rules had granted our request, the Members today could have had a very valuable alternative for consideration. As it is, we have absolutely no alternative at all, despite the problems which H.R. 3595 does not address at all.

So, Mr. Speaker, we are at the threshold of yet another veto, which undoubtedly will be sustained as was the veto which we just sustained a few minutes ago. Let me just give my colleagues an example.

One of the Medicaid directors for 1 of our 50 States made a presentation in April of this year on Medicaid to hundreds of people in Washington at a national health policy forum. In his presentation this medical director talked in a very joking manner about his State's program as a "scheme to get Federal money." He presented a detailed diagram which he distributed and told the audience that this was a case study on how to get 100 percent money for the Medicaid Program. He then said, "This is how we tap the Federal Treasury to finance our Medicaid Program without using any money at all."

Now, Mr. Speaker, there are some people in this Chamber who would like to see the day when Medicaid is 100 percent financed by the Federal Government, and I am sure the gentleman from California [Mr. WAXMAN] who just applauded me is one of those people. But, nonetheless, Medicaid is supposed to be roughly a 50-50 sharing program between the Federal Government and the State government.

Now this particular State apparently was having trouble making Medicaid payment to hospitals. It was faced with a Medicaid shortfall of about \$208 million. Under this scheme, which was described in the Financial Times as a "miraculous new Medicaid funding plan," they had the hospitals in this State go out and form a nonprofit corporation. On Monday the corporation went to the hospital and borrowed \$365 million from a bank. On Tuesday, the hospital corporation deposited those moneys to the State. On Wednesday that State applied for matching grants and received \$385 million, Federal money. On Thursday the State turned around and refunded to the hospital corporation the entire \$365 million, which the hospital corporation then used to pay off the bank loan. So, the

net result was that this particular State; it happened to be Pennsylvania, got \$385 million in Federal money without putting up a single cent of its own money.

So, Mr. Speaker, this is the kind of scheme that is being perpetrated in all of the States. Some of the Members who support this legislation have come forward today say, "Well, you know, this is like the friendly cashier down at the local bank. We discovered he was embezzling, and he has a wonderful wife and kids, and he's supporting his family with embezzled money. We ought to let him continue doing it for—let's give him another year to continue to embezzle."

We have inspectors general in the Medicaid system. The purpose of these inspectors general, which we in the Congress created, is to make sure there are no scams on Medicaid. What these inspectors general have pointed out, is that even the legislators at the State levels who enacted these schemes at first admitted they were scams, and then a little bit of time went by, and they called them schemes. Now they are calling them "financing mechanisms," and they are becoming almost respectable, and, as the gentleman from California [Mr. DANNEMEYER] indicated before. Instead of only nine States being in this scam business, we are now up to 30-some States are perpetrating these scams on the Federal Government.

Now we in Congress are supposed to be the trustees of the Federal Treasury, and yet we let this kind of conduct go on. Let me sum up by saying:

H.R. 3595 specifically allows the States to continue to use these fiscal scams to finance their Medicaid programs for another year. As a matter of fact, even if the HCFA people could work out a solution, it embargoes the HCFA people for an entire year from passing any regulation that would put a stop to this sort of scam, and this bill also contains a waiver to allow the busting of the budget agreement, some \$5.5 billion for the coming year.

Mr. Speaker, the administration is going to veto this bill. There is no question about it. We are going to go through with a whole afternoon here of debating this bill. It is going to pass, it is going to be vetoed, and the veto then will be sustained. I say, if we can defeat this rule right at the inception, we can save an awful lot of trouble and perhaps do something much more worthwhile for the people of this country.

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

Mr. LENT. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, I could not agree with the ranking member on my committee more with respect to the scams and with respect to all of the schemes. But let me tell my

colleagues that the State of Alabama has not participated in such scams, but we are caught in the middle, and this is the only vehicle we have to get out of the dilemma that we are in.

Mr. Speaker, I say to the gentleman from New York [Mr. LENT], I'll stand by your side, and I'll pass legislation or vote for legislation that will correct the inequities that are existing in the law that permit this type of activity. But on December 1, we in Alabama, unless there is a corrective measure in place, are going to have to notify people in nursing homes that they're going to have to move out of the nursing homes.

□ 1710

All we are trying to do is pass an interim permissibility of continuation of Medicaid in Alabama without the scams.

Ms. SLAUGHTER of New York. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Speaker, I rise in support of this rule, and I rise in support of H.R. 3595.

I think I am now beginning to see what the President meant by "a thousand points of light." He must have been talking about closing the lights or turning out the lights on over a thousand hospitals across this country. I cannot think of any piece of legislation or any vision the President has given this body that did not make any more sense than this.

Here is a President who comes to us and asks us to vote to eliminate a \$6.8 billion debt to Egypt and who asks us to vote for a capital gains tax, and then on the other hand he is looking at closing hundreds and thousands of hospitals across this country. The gentleman just talked about nursing homes in his State of Alabama. In the State of Mississippi every nursing home will be closed there. In my State of Texas it will cost us over \$1 billion.

We are talking about health care, health care for senior citizens and health care for children. We are talking about drug treatment programs. Today in this country 98 percent of the drug addicts who finally admit that they have a problem and go to seek help are turned away because the facilities are full.

We are talking about programs for the mentally ill or the mentally retarded. Many of us, when we came to work today in this Capitol, saw people sleeping on the streets, and unfortunately a high percentage of those people are people who are mentally ill. We are talking about a program that was designed to help those people, and here is the President and some Members in this Chamber who feel like those programs are not worthy and they should be eliminated.

Mr. Speaker, I encourage my colleagues to strongly support this rule and to strongly support H.R. 3597.

Mr. MCEWEN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, just to reiterate exactly what this bill does, it creates a moratorium on a funding mechanism for States to come up with. What it says is that HCFA, the Health Care Financing Administration, has said that we could help the States by giving them some money for Medicaid, but they will have to put in half and we will put in half.

Well, it took a couple of accountants a short time to realize that if they go out and borrow the money, then they can match them 50-50, and then they will pay the other back and they would have free money. So a couple of States did that. By the beginning of the year, 9 States had done it, by May, 18 States had done it, and now 30 States have done it. Probably by the end of the year all 50 States will have done it.

So it is an effort to say that this really is not the way the system was designed, but we do not want to throw the baby out with the bath water. We do want to do it in a responsible manner, but this is now the third moratorium that takes us up to next August. Some feel it is fair, others think it is unfair. Some of us think we could have done it more rapidly, and others think we could have done it longer, but to say that somehow or another the President of the United States is disingenuous in this relationship is stretching the imagination, in my judgment.

The fault lies in the idea that the States are playing a game, and more power to them. In the State of Ohio we elected a Governor four times because in 1960, when he saw that they needed to come up with a 20-percent match for the Interstate Highway System, he went out, floated a bunch of bonds at 3 percent, put down his 20 percent, and finished the Interstate Highway System before any other State in the Union.

So it is not a new idea. It has been around for a while, but somehow or another we have to make sure we do it in a manner which we can afford and which is fair to all the States and not just have one State doing it and then have the other States feel they are obligated in order to go along.

Mr. Speaker, this is a fair compromise, in my judgment. It does provide the moratorium.

Ms. SLAUGHTER of New York. Mr. Speaker, I reserve the balance of my time.

Mr. MCEWEN. Mr. Speaker, I yield such time as he may consume to the ranking member of the Rules Committee, the gentleman from New York [Mr. SOLOMON].

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

I was over in my office, and I was not going to get involved in the debate on this matter. But we all know that we have a serious problem in this country, and it is called a deficit. We have a \$3.5

trillion deficit. There is a total of \$350 billion which is going to be added to that deficit this year. The debt servicing we have to carry with that kind of a cumulative deficit now runs over \$300 billion annually. That is more than the entire defense budget of this country.

I want the Members to know what they are voting on when they vote for this bill. Reading from the inspector general's report, which we discussed up at the Rules Committee a little while ago, the inspector general reports that \$497 million in matching funds were requested by nine States. That was back in October 1990. That is a little under \$500 million, a half a billion dollars. By May 1991, which is 6 months later, 18 States had requested \$2.5 billion. By July 1991, only 2 months after that, 30 States had requested \$3.8 billion in Federal funds.

I have heard all the stories that Members are worried about what this does to their States. Well, I ask, what are we doing to this country? Do we realize that 1 year from now, after this moratorium goes into effect, we will have increased the deficit by another \$6 billion? We are also declaring an emergency in this bill. We are putting an emergency into effect, thus exempting these costs from the budget agreement.

When are we going to be responsible around here? I have always had great respect for this institution, and for years I opposed all kinds of term limitations. But I am going to say that a couple of months ago, when I saw what has happened around here, I just sort of lost faith in this place. This is no way to do business. We ought to be dealing with this problem right now. If there is a Federal problem, let us finance it and let us take care of it. If we think it is a State problem, we should let them solve it, but we should not do what we are doing here today with this bill.

And as far as term limitations are concerned, I hope the public will seek out the names of Members who keep voting for these budget-busters and throw them out of office. If we cannot be disciplined—if self-discipline doesn't work here in Washington—the voters will have to provide the discipline. If we cannot bite the bullet, the voters should hold us accountable.

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

Mr. SOLOMON. I yield to the gentleman from New York.

Mr. LENT. Mr. Speaker, I want to thank the gentleman for coming down. I know that he did not intend to speak on this rule, and I really want to commend him for taking this forthright position.

I just want to add one thing here. I mentioned the one State that phoned up \$365 million through hospital charitable contributions to the State and then used that as a basis for getting a \$385 million matching grant, and then in turn they refunded the charitable contributions to the various hospitals.

At the time that issue was before the Committee on Energy and Commerce, I asked the counsel, chief counsel for the Energy and Commerce Committee, I said, "Suppose that State, instead of borrowing only \$365 million, had borrowed \$3 billion; could they have gotten the matching grants from the Federal Government?"

He said, "Oh, yes."

Then I said, "Well, suppose he asked for \$30 million and then conjured up \$30 billion; would they have been entitled to matching funds then?"

He said, "Oh, yes, that's true." And the inspector general who, after all, is appointed to watch out and be the guardian of the purse strings in our behalf, acknowledged that that was actually the case.

So there is no limit on how much the Federal Treasury could be ravaged under one of these Ponzi schemes that would make Michael Miliken or Ivan Boesky blush with shame. This is one reason why the public is fed up with Members of Congress, because here is an open and shut case where we are being victimized by a Ponzi scheme and are sitting back and allowing it to continue to happen.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, the worst part of it is that 1 year from now we will be 2 weeks within the end of this moratorium, and then we will be trying to make this whole thing permanent. That is just wrong. What the gentleman says is exactly right. In just 9 months we have gone from 9 States which have figured out this scheme up to 30 States. And now after this debate, the other 20 States are going to find out about it. They are going to come in, and we will be hit with about \$6 billion in deficit spending; that is wrong.

□ 1720

We ought not to enact this measure. We ought to deal with the real problems.

Mr. Speaker, I am not going to ask for Members to vote against the rule. This is an open rule, and that is what we fight for around here, to have a fair fight. We are getting a fair fight.

Mr. Speaker, I support the rule, but I am opposed to the bill. I hope all Members vote against the bill.

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

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

The previous question was ordered. THE SPEAKER pro tempore (Mr. MFUME). The question is on the resolution.

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

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 382, nays 41, not voting 11, as follows:

[Roll No. 404]

YEAS—382

Abercrombie	Dingell	Jacobs
Alexander	Dixon	James
Allen	Donnelly	Jefferson
Anderson	Dooley	Jenkins
Andrews (ME)	Doolittle	Johnson (CT)
Andrews (NJ)	Dornan (CA)	Johnson (SD)
Andrews (TX)	Dorney	Johnson (TX)
Annunzio	Dreier	Johnston
Anthony	Duncan	Jones (GA)
Applegate	Durbin	Jones (NC)
Archer	Dwyer	Jontz
Aspin	Dymally	Kanjorski
Atkins	Early	Kaptur
Bacchus	Eckart	Kasich
Barnard	Edwards (CA)	Kennedy
Barton	Edwards (OK)	Kennedy
Bateman	Edwards (TX)	Kildee
Bellenson	Emerson	Kleczka
Bennett	Engel	Klug
Bentley	English	Kolbe
Bereuter	Erdreich	Kolter
Berman	Espy	Kopetski
Bevill	Evans	Kostmayer
Bilbray	Ewing	Kyl
Billirakis	Fascell	LaFalce
Blackwell	Fawell	Lancaster
Bliley	Feighan	Lantos
Boehlert	Fields	LaRocco
Boehner	Fish	Laughlin
Bonior	Flake	Leach
Borski	Foglietta	Lehman (CA)
Boucher	Ford (MI)	Lehman (FL)
Boxer	Ford (TN)	Levin (MI)
Brewster	Franks (CT)	Lewis (CA)
Brooks	Frost	Lewis (FL)
Broomfield	Gallo	Lewis (GA)
Browder	Gaydos	Lipinski
Brown	Gelderson	Lloyd
Bruce	Gephardt	Long
Bryant	Geren	Lowery (CA)
Bunning	Gibbons	Lowey (NY)
Bustamante	Gilchrest	Luken
Byron	Gillmor	Machtley
Callahan	Gilman	Markey
Camp	Gingrich	Marlenee
Campbell (CA)	Glickman	Martin
Campbell (CO)	Gonzalez	Martinez
Cardin	Goodling	Matsui
Carper	Gordon	Mavroules
Chapman	Goss	Mazzoli
Clay	Gradison	McCandless
Clement	Green	McCloskey
Clinger	Guarini	McCollum
Coble	Gunderson	McCrery
Coleman (MO)	Hall (OH)	McCurdy
Coleman (TX)	Hall (TX)	McDade
Collins (IL)	Hamilton	McDermott
Collins (MI)	Hammerschmidt	McEwen
Combest	Harris	McGrath
Condit	Hastert	McHugh
Conyers	Hayes (IL)	McMillan (NC)
Cooper	Hayes (LA)	McMillen (MD)
Costello	Hefley	McNulty
Coughlin	Hefner	Meyers
Cox (CA)	Henry	Mfume
Cox (IL)	Hertel	Miller (CA)
Coyne	Hoagland	Miller (OH)
Cramer	Hobson	Miller (WA)
Cunningham	Hochbrueckner	Mineta
Darden	Hopkins	Mink
Davis	Horn	Moakley
de la Garza	Horton	Molinar
DeFazio	Houghton	Mollohan
DeLauro	Hoyer	Montgomery
DeLay	Hubbard	Moody
Dellums	Huckaby	Moorhead
Derrick	Hughes	Moran
Dickinson	Hutto	Morella
Dicks	Hyde	Morrison

Murphy	Richardson	Stearns
Murtha	Ridge	Stenholm
Myers	Riggs	Stokes
Nagle	Rinaldo	Studds
Natcher	Ritter	Sundquist
Neal (MA)	Roberts	Sweet
Neal (NC)	Roe	Swift
Nichols	Roemer	Synar
Nowak	Rogers	Tallon
Nussle	Ros-Lehtinen	Tanner
Oakar	Rose	Tauzin
Oberstar	Rostenkowski	Taylor (MS)
Obey	Roukema	Taylor (NC)
Olin	Rowland	Thomas (CA)
Olver	Roybal	Thomas (GA)
Ortiz	Russo	Thornton
Orton	Sabo	Torres
Owens (NY)	Sanders	Torricelli
Owens (UT)	Sangmeister	Towns
Oxley	Santorum	Traffant
Packard	Sarpalium	Traxler
Pallone	Savage	Unsoeld
Panetta	Sawyer	Valentine
Parker	Saxton	Vander Jagt
Pastor	Schroeder	Vento
Patterson	Schulze	Visclosky
Paxon	Schumer	Volkmer
Payne (NJ)	Serrano	Walsh
Payne (VA)	Sharp	Washington
Pease	Shaw	Waters
Pelosi	Shays	Waxman
Perkins	Sikorski	Weiss
Peterson (FL)	Sisisky	Weldon
Peterson (MN)	Skaggs	Wheat
Pickett	Skeen	Whitten
Pickle	Skelton	Williams
Porter	Slattery	Wilson
Poshard	Slaughter	Wise
Price	Smith (FL)	Wolf
Pursell	Smith (NJ)	Wolpe
Quillen	Smith (TX)	Wyden
Rahall	Snowe	Wylie
Ramstad	Solarz	Yates
Rangel	Solomon	Yatron
Ravenel	Spence	Young (FL)
Ray	Spratt	Zeliff
Reed	Staggers	Zimmer
Regula	Stallings	
Rhodes	Stark	

NAYS—41

Allard	Hansen	Schaefer
Arney	Heger	Schiff
Baker	Holloway	Sensenbrenner
Ballenger	Hunter	Shuster
Barrett	Inhofe	Smith (IA)
Burton	Lagomarsino	Smith (OR)
Chandler	Lent	Stump
Crane	Lightfoot	Thomas (WY)
Dannemeyer	Livingston	Upton
Dorgan (ND)	Michel	Vucanovich
Gallegly	Penny	Walker
Gekas	Petri	Weber
Grandy	Rohrabacher	Young (AK)
Hancock	Roth	

NOT VOTING—11

Ackerman	Frank (MA)	Manton
AuCoin	Hatcher	Mrazek
Carr	Ireland	Scheuer
Fazio	Levine (CA)	

□ 1741

Mr. COX of California, Mrs. BENTLEY, Mr. DOOLITTLE, and Mr. MOORHEAD changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1790

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1790.

The SPEAKER pro tempore. (Mr. MFUME). Is there objection to the request of the gentleman from Illinois? There was no objection.

VACATION OF SPECIAL ORDER AND INSTITUTION OF SPECIAL ORDER

Mr. ROEMER. Mr. Speaker, I ask unanimous consent to vacate my special order of Tuesday, November 19, 1991, and that my time be given to the gentleman from New York [Mr. OWENS].

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

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT, FINANCE, TRADE AND MONETARY POLICY OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the Subcommittee on International Development, Trade, Finance and Monetary Policy of the Committee on Banking, Finance and Urban Affairs be permitted to hold its scheduled hearing at 10 tomorrow, November 20, 1991, while the House is in the Committee of the Whole under the 5-minute rule.

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

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, we on the minority side would like to have some information as to what is involved in this request.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, I have checked with the minority and the minority leader of the committee, et cetera. Basically what we want to do is have a hearing on the role of Japanese banks and the rules relative to Japanese banks compared to what American banks have.

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

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

Mr. WYLIE. Mr. Speaker, reserving the right to object, I was not aware of the unanimous-consent request until I just came to the floor. But we are going to have a markup in the full Committee on Banking, Finance and Urban Affairs again starting at 9:30 tomorrow morning. What time is the hearing of the gentlewoman from Ohio?

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. Reserving the right to object, Mr. Speaker, I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, our hearing is at 10 a.m. It is a very, very short hearing and it has been planned for 3 weeks.

Mr. WYLIE. Has this been cleared with our ranking member of the subcommittee?

Ms. OAKAR. Absolutely, yes.

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

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

There was no objection.

#### MEDICAID MORATORIUM AMENDMENTS OF 1991

The SPEAKER pro tempore. Pursuant to House Resolution 283 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3595.

□ 1745

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3595) 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, with Ms. PELOSI in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes and the gentleman from New York [Mr. LENT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Madam Chairman, I yield myself 4 minutes.

Madam Chairman, in just 7 short weeks, State budgets and Medicaid Programs will be thrown into chaos—unless we pass the legislation before us today. As the result of regulations issued by the Secretary of Health and Human Services, many States will have no choice but to cut eligibility, cut benefits, and cut provider reimbursement—in some cases, drastically. This would be disastrous for the elderly and disabled and mothers and children who depend on Medicaid for access to basic health or long-term care.

The Medicaid Moratorium Amendments of 1991 would prohibit the Sec-

retary from implementing these regulations until September 30, 1992. This would protect the States and Medicaid beneficiaries on January 1 and would give the Congress and the administration time to work out a permanent solution.

The bill is cosponsored by Mr. GEPHARDT, Mr. DINGELL, myself and 148 other Members on both sides of the aisle. Due to an administrative error, the following Members who had sought to be added as cosponsors were inadvertently not listed: Mr. JEFFERSON, Mr. BILBRAY, Mr. THOMAS from Georgia, Mr. PETERSON from Florida, Mr. SARPALIUS, Mr. HALL from Ohio, and Mr. ANDREWS from Maine. I apologize for this oversight and want to express my appreciation for their support for this legislation.

It has broad bipartisan support, including 9 out of 16 Republicans on the Committee on Energy and Commerce, which reported the bill by a vote of 36-7.

H.R. 3595 is simple and straightforward. On October 31 the Secretary of Health and Human Services published regulations that will deny States the right to use revenues from voluntary contributions, provider-specific taxes and intergovernmental transfers to help pay for their Medicaid Programs. These regulations are effective this coming January 1. According to the Department, a total of 38 States currently rely on either donations or provider-specific taxes to help fund their share of Medicaid.

This bill would impose a moratorium on any action by the Secretary to implement this regulation in order to protect the States and the beneficiaries while the Congress works out a permanent solution.

The bill has four main elements. First, it would prevent the Secretary from implementing the October 31 regulation by extending from December 31, 1991, to September 30, 1992, the current moratorium on the issuance of any regulation changing the treatment of voluntary contributions or provider-specific taxes. The bill also gives States until December 31, 1992, to transition off of a reliance on voluntary contributions, so long as they do not spend more using voluntary contributions than they did during fiscal year 1991.

Second, the bill would impose a permanent moratorium, effective on enactment, on the issuance of any regulation that changes the treatment of intergovernmental transfers as a source of the State share of Medicaid spending. The bill clarifies that transfers made by counties and other units of Government that also provide health care are to be treated as intergovernmental transfers, not as provider donations or taxes.

Third, the bill would prevent the Health Care Financing Administration

from doing through administrative processes what it would not be allowed to do by regulation. Specifically, HCFA would be prohibited from reducing Federal Medicaid matching payments to the States through either the estimation or disallowance processes on the grounds that the State expenditures for which the matching funds are claimed are attributable to voluntary contributions, intergovernmental transfers, or provider-specific taxes.

Finally, the bill would require the Secretary to submit to the congressional committees of jurisdiction by no later than February 3, 1992—the date that the President's fiscal year 1993 budget is due—a report describing: First, any regulation the Secretary intends to issue limiting the use of provider-specific taxes; second, the types of provider-specific taxes that would be permissible under such a regulation; and third, any legislation that the Secretary believes is appropriate.

H.R. 3595 would not make any change in the current law treatment of provider-specific taxes as reflected in section 4701 or OBRA '90. It does, however, provide an additional 9 months for the courts to strike down the October 31 regulation as not in conformity with this statutory language.

According to the Congressional Budget Office, this legislation would not result in any increase in Federal Medicaid outlays in fiscal years 1992, 1993, 1994, or 1995.

What many of you may have heard is that the administration and the Governors have reached an agreement that resolves this controversy and makes it unnecessary for Congress to impose this moratorium. That is simply incorrect.

What has happened is that the administration and National Governors' Association staff have negotiated a so-called proposed agreement which was then sent to each Governor for review. Of the 33 Governors who responded to the NGA poll, 22 of them voted to reject the administration proposal, including those from Alabama, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Kentucky, Maryland, Mississippi, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Tennessee, Texas, Washington, West Virginia, and Wisconsin.

As of today, there is no agreement. This morning, the NGA testified on this subject before the Senate Finance Committee. The Governors, and I quote, "strongly urge the committee to consider a moratorium on regulations affecting provider-based taxes and donated funds. This would allow negotiations to proceed without throwing Medicaid Programs and State budgets across the country into chaos." This is, of course, precisely what H.R. 3595 would do.

In addition to the Governors, H.R. 3595 also has the support of the Na-

tional Conference of State Legislatures, the National Association of Counties, the U.S. Conference of Mayors, the National Association of Manufacturers, and the U.S. Chamber of Commerce, among others.

Why is this bill before the House today? Because, on October 31, the Secretary of HHS issued a regulation that would deny Federal matching funds to States for Medicaid expenditures that are paid for by revenues from donations, provider-specific taxes, or inter-governmental transfers. The regulation would cost the States at least \$1 to \$1.5 billion in Federal Medicaid matching funds this year alone.

The abrupt loss of such large amounts of Federal funds will leave many States with no practical alternative but to cut back on eligibility, benefits, and reimbursement. For example, the State of Alabama has indicated it will have no choice but to terminate Medicaid eligibility for 10,000 nursing home residents, eliminate all prescription drug coverage, and slash reimbursement to rural disproportionate share hospitals.

The National Governors' Association made the same point in its testimony before the Senate Finance Committee just this morning. I quote:

As States have suffered the effects of economic downturns in the economy, they have turned to nontraditional revenue sources such as provider taxes to avoid undesirable program cuts and to make important expansions. Without the continued ability to draw on such revenue sources, States will have no option but to make severe program cuts.

There is nothing in the Medicaid statute which authorizes—much less requires—the issuance of this regulation. To the contrary, it is flatly illegal. Two lawsuits have already been filed to block the regulations, one by the State of Alabama, the other by Grady Memorial Hospital in Atlanta. I fully expect that the courts will eventually declare this regulation illegal and enjoin it, but I'm concerned that they may not do so before January 1. To prevent the budgetary and programmatic chaos that would otherwise result, we have to intervene.

The Secretary could put an end to this crisis by simply withdrawing the regulation. In a letter to Secretary Sullivan on October 7, Chairman DINGELL, Chairman PANETTA, Chairman BENTSEN, Chairman SASSER, Chairman RIEGLE, and I urged that the administration withdraw this regulation. We told the Secretary that the regulation "violates congressional intent, as expressed in the Omnibus Budget Reconciliation Act [OBRA] of 1990. With one narrow exception, section 4701 of that act gave States the flexibility to use provider-specific taxes toward their share of Medicaid costs."

Despite these and other requests that the regulation be withdrawn, the administration seems determined to move ahead.

This morning, Dr. Gail Wilensky, the head of the Health Care Financing Administration, testified on this subject before the Senate Finance Committee. She admitted that the October 31 regulation is "potentially disruptive." She also conceded that a legislative change is, in her words, "preferable to the rule taking effect." But she did not put forth a legislative proposal. And she gave no indication that the rule would be withdrawn.

This puts the States and 28 million poor people in an untenable position. The administration will not withdraw regulations that it knows will wreak havoc with State budgets and Medicaid Programs, and it will not come forward with a concrete legislative proposal.

This is no way to run a railroad, much less a health care program that buys basic medical services and long-term care for 28 million low-income mothers, children, disabled, and elderly. And it is certainly ironic behavior from an administration that prides itself on its commitment to federalism and a collegial partnership with the States.

I and the other members of the Committee on Energy and Commerce are ready to review any concrete legislative proposal the administration wishes to offer. I will make every effort to get input from all affected parties—including the public hospitals and children's hospitals—and to expedite its consideration by the Subcommittee on Health and the Environment. I am confident that Chairman DINGELL shares my interest in thoughtful but expeditious consideration of this issue by the full committee.

Until we have a concrete proposal, however, the only thing on the table is the October 31 regulation. That has to be stopped, or we will have chaos on January 1.

You're going to hear from opponents of this bill that States that use voluntary contributions of provider-specific taxes are "raiding the Federal Treasury," that they're running "scams," that they're putting together "schemes" that are "wrong and morally corrupt." This rhetoric is powerful, but it misses the point.

Federal Medicaid matching funds are only available when a State spends money to buy a covered, medically necessary service from a qualified provider on behalf of an eligible poor person. Federal Medicaid funds are simply not available—under current law or under this bill—for the construction of highways or the maintenance of bridges or any other purpose unrelated to the purchase of health care for the poor.

Even the administration will concede this point. As Dr. Wilensky testified before the Senate Finance Committee this morning, and I quote, "We recognize that some States have put the additional funding to good use." But instead of protecting the good and pro-

hibiting the bad, their regulation prohibits the use of virtually all voluntary contribution and provider-specific tax arrangements. In a program that covers over 12 million children, this is truly throwing out the baby with the bathwater.

If the administration is unhappy with current law, I am willing to consider their suggestions for statutory change. However, I am not willing to let them legislate by regulation—which is that they're trying to do with their October 31 rule.

A vote for this moratorium is a vote for a workable, permanent statutory policy that is fair to the States and to the Federal Government.

A moratorium will give Congress the time we need to develop a legislative solution that works.

A moratorium will assure that the administration stays at the bargaining table and comes forward with a concrete proposal of its own.

And a moratorium will protect the States—and the poor—in the event that a satisfactory solution cannot be worked out before we adjourn for this year.

I urge the Members to support this bill.

□ 1750

Mr. LENT. Madam Chairman, I yield myself such time as I shall consume.

Mr. LENT. Madam Chairman, the circumstances surrounding this legislation remind me of an incident which occurred in my district. A trusted cashier at a local bank was caught red-handed, embezzling funds to support his wife and children. Should the law give him another year to continue his practices lest we lower his family's standard of living? Better yet, let us blame the bank for not posting guidelines for proper conduct.

Today, in the real world of Medicaid, it is the States that are ripping off the Federal Treasury right under our noses this year to the tune of \$5½ billion, and it is this bill which grants another year's moratorium to permit the scam on our Federal taxpayers to continue.

H.R. 3595 is a deeply flawed bill. Not only does it allow States to use what the inspector general has called fiscal scams to finance their Medicare Program for another year, but in addition it busts the 1990 budget agreement to pay for it.

I strongly oppose the bill, and let me add that the administration has informed me that this bill would be vetoed in its current form.

Now, the bookkeeping devices the States use are called provider taxes and donation programs. They threaten to fundamentally alter the intended funding relationship between Federal and State governments. Without a limit on these evolving State donation and tax programs, we are marching very rapidly toward a fulfillment of a

key plank in the liberal platform, namely, a 100-percent federally financed program for Medicaid. And no one who cares about the Federal budget deficit wants that.

Estimates of Federal funds now routinely being demanded by States to match their phony charitable contributions and phony provider taxes illustrate the rapid growth of these programs, and I would simply ask that you refer to this chart. You will see that in October 1990, the inspector general reported that using these scams, \$497 million in matching funds was requested by only nine States. By May 1991, 18 States had joined the scam and requested \$2.5 billion, or five times the amount requested just over a half year earlier. By July 1991, 30 States using these flimflam schemes had requested \$3.8 billion in Federal funds and today HCFA's best estimates are that States will request at least \$5.5 billion in fiscal year 1992.

This bill that you are going to be voting upon in just a few minutes, H.R. 3595, not only permits this scheme, but waives the Budget Act so that the check kiting cannot be interrupted.

Now, these numbers are truly disturbing, but even worse is the fact that everyone involved, the Federal Government, the States, and the providers, know that these financing schemes are corrupt, they are wrong, and they are morally improper. It is blue smoke and mirrors masquerading as a valid means of financing health care.

Let me just give you a quote from the Inspector General's Office concerning the uneasiness of participants in these programs. Remember the inspector general? He is the watchdog that we here in Congress created to watch out for Medicaid scammers. From the July 1991, I.G. Report, I quote:

At first, legislative leaders employing these phony taxes and charitable donations were calling it a scam. They then began calling it a scheme, and now they are referring to it as a funding mechanism.

And you will hear that word used by some of our colleagues on the other side of the aisle.

Madam Chairman and my colleagues, how dumb can we get, deliberately looking the other way while our Treasury is being looted?

Madam Chairman, we can all agree that the States are facing terrible financial troubles. Many of these troubles are admittedly associated with the astronomical growth of the Federal Medicaid Program that we have foisted upon them; however, fiscal manipulations, leveraging agreements, Ponzi schemes which would make Michael Milken, Ivan Boesky, and the sheiks of BCCI blush with shame, are simply not the answer.

Madam Chairman, I cannot support any bill which allows these schemes to continue, and I urge my colleagues to oppose the bill.

Mr. WAXMAN. Madam Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], the distinguished chairman of the Energy and Commerce Committee.

Mr. DINGELL. Madam Chairman, I rise in strong support of the bill.

The House is considering this legislation today because the administration has created an emergency. That emergency threatens States, health care providers, and the Nation's poor.

The administration created this emergency by promulgating a regulation on October 31, 1991, in contravention of current law. The courts will likely determine that the regulation is illegal; but we do not know when they will act.

The underlying question here is the relative responsibility of different levels of government to finance health care for the poor. But, the immediate issue is whether an ill-conceived—and illegal—regulation should be substituted for a reasoned approach to this complex question. I think it should not.

The virtue of this bill is obvious: It prevents the administration from recklessly implementing regulations that would throw States into chaos. It also permits meaningful negotiations on the underlying question of State financing of health care programs. A long-term solution to this problem is essential—it is as essential as our need to assure that all Americans have access to affordable health care—a matter for which this administration has evidenced sheer apathy.

Most of the crisis that the Congress confronts in health care result from a fragmented and flawed system. This is no exception. In the Committee on Energy and Commerce, which approved this bill by a vote of 36 to 7, critics of this legislation asserted that a better alternative to the bill was to stop requiring States to insure poor children and pregnant women, to stop requiring States to maintain decent standards in nursing homes, and to stop requiring States to pay out of pocket medical costs for elderly poor people. I disagree and I think most Americans would too.

What we need to be debating today, is how this Nation could have sunk so low. How can we seriously be discussing whether a Nation that will soon spend a trillion dollars annually on health care can afford prenatal care or decent treatment for nursing home residents? And how can we tolerate characterizing State efforts to maximize payments for medical and nursing care for the poor as scams or scandals?

Our health care system is ridden with scandal. It is scandalous that 12 million children have no health insurance. It is scandalous that our immunization rates are worse than those in Bulgaria and Brazil and that 60 children died last year from measles in this country. It is scandalous that American babies

die in their first year of life at a greater rate than in at least 16 other countries.

Is it really scandalous when States look for new ways to attack and pay for these problems?

Let us turn our collective outrage in a constructive direction. We can fix the immediate problem that brings us here today with time and serious negotiations. But we cannot stop it from reoccurring unless we address ourselves to fundamental reform of our health care system.

□ 1800

Mr. WAXMAN. Madam Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Madam Chairman, I rise in support of H.R. 3595, the Medicaid Moratorium Amendments of 1991. This bill extends through September 30, 1992 a moratorium banning the Health Care Financing Administration from restricting the ability of States to raise funds for the Federal Medicaid match.

Medicaid is a shared responsibility between States and the Federal Government. Many States now use voluntary contributions and provider-specific assessments to qualify for additional Federal Medicaid funds. These options allow them to meet their obligations in providing health care to the poor, elderly, and disabled.

New State mandates and increasing numbers of eligible beneficiaries have placed a great strain on State Medicaid budgets. Administration regulations to restrict the use of these contributions and assessments would hinder the ability of States to meet their health care obligations. If these regulations go into effect, States may have no choice but to cut vital medical services and eliminate people from the Medicaid rolls.

States must retain the flexibility to raise funds to meet health care needs through the Medicaid program. The ability of Missouri hospitals to meet the needs of the poor, elderly and disabled would be drastically affected by the administration's proposed regulations. I urge my colleagues to support this important legislation.

Mr. LENT. Madam Chairman, I yield 4 minutes to the gentleman from California [Mr. DANNEMEYER], the ranking member of the Subcommittee on Health.

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

Members, I thought I had seen everything in my 13 years here, but this is a first.

You know, I kid, as I suspect some of you would, in town hall forums, that Congress believes it has the ability to repeal the tide, we can command the Sun to stand still; well, what we are doing in this bill today, we are saying that there is no cost to this measure.

I have specific reference to page 11, lines 9 through 14. This is the ultimate in fiction by an act of Congress. Here is a measure that is going to cost about \$5.8 billion in fiscal 1992, but we wipe all of that out. The language in this

bill says there is no cost as a result of the adoption of this measure.

Now, that is about as filled with duplicity as I think you can get, but I guess as wonders never cease, if we can add in this fiscal year \$480 billion to the national debt of this country, I suppose we can pass a law which says that an increased expenditure of \$5.8 billion does not cost anything.

What is the answer how to get out of this mess? I think we should be offering an amendment that is supported by the National Governors' Association. I do not want to say that they have specifically asked me to offer it, but the elements of this amendment that I want to offer today come right out of their recommendations to the Congress.

We should be reducing the Federal mandates on the States, in the way of Medicaid. In other words, we ought to lower the water behind the dam that is causing this flooding around the country, rather than looking for plugs we are going to put in the wall of the dam, which is what this bill does.

Let me tell you how adroit the State of Maryland has become, how fraudulent this program is. They pay physicians in Maryland \$18.50 for a Medicaid visit, but they bill the Feds \$90. Of course the Feds pay half of that, \$45. The State of Maryland gives \$18.50 to the medical practitioner and keeps \$26.60. Every billing of Medicaid in the State of Maryland is producing additional revenue to the State of Maryland by \$26.50.

Now, I suspect the Members from Maryland are probably going to vote for this bill because they will be hearing from their local people to do just that.

Well, that is not the kind of scam that I was sent here to support. I hope that we will vote down this bill.

Let me talk just briefly in the time that I have remaining about the amendment that I would like to offer, which contains the recommendation of the National Governors' Association.

The first one is to delay the implementation of the 1990 round of Medicaid mandates for 2 years. These mandates require States to cover children up to 100 percent of poverty on a phase-in basis and to pay Medicare premiums for certain individuals up to 120 percent of poverty. CBO estimated savings from 1992 to 1996: \$269 million.

Second, protect States against disallowances for good faith compliance with Medicaid provisions where HCFA has not promulgated a regulation. This would not require States to read HCFA's mind on the specifics of how to comply with Medicaid law if HCFA is required to promulgate a regulation, and has not done so. Some States have attempted, in good faith, to anticipate what HCFA will do and have subsequently had certain actions disallowed for failing to comply with a regulation

that was not in existence at the time the State acted. CBO estimated cost from 1992 to 1996: \$150 million.

Third, allow the Secretary to waive certain provisions of the 1987 nursing home reforms. The Secretary would be able to waive the nursing home reforms where a State can demonstrate that its own approach provides the same quality of care to nursing home residents. Many States have complained about these reforms, and have argued that they can provide the same quality of care at much less expense. CBO estimated savings from 1992 to 1996: \$1,575 million.

Fourth, States would be able to provide only those early periodic screening, diagnosis, and treatment services that are currently offered in the State's program. CBO estimated savings from 1992 to 1996: \$330 million.

Total savings from 1992 to 1996: \$2.1 billion.

I have heard Mr. DINGELL and Mr. WAXMAN speak eloquently about the need to watch out for the health of the children and the infants and the elderly in America. Who speaks for the taxpayers of this country who put up the money to provide the wherewithal for some in this Chamber to pass out for the benefit of somebody else?

How about the working men and women who get up every day of their lives and go out to work, fight traffic, whatever, raise their children, pay their taxes, pay their bills, who speaks for them here?

I say somebody has to be speaking for these men and women who make this system go, who produce the wealth this Nation has, as well as have concern about the beneficiaries of this program.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Texas [Mr. FROST].

Mr. FROST. Madam Chairman, I rise in support of H.R. 3595.

Let's be very clear about what the Bush administration is trying to do: they are trying to cut Medicaid spending by regulation. They are trying to do by regulation what they couldn't do by legislation.

If we let them get away with this devious, back-door attempt to cut the Medicaid program, what will the impact be?

In my State, Texas, the most recent estimates indicate the regulations will cost the State \$1.15 billion over the next 2 years. Hospitals throughout the State would bear the loss of these matching funds. In my area alone, in Dallas and Tarrant Counties, we stand to lose over \$70 million as a result of these regulations. This money would be used to help hospitals partially offset large losses incurred from treating an increasing number of indigent patients.

Madam Chairman, the people that would really be hurt by the Bush administration's regulations are the poor

who receive medical services from these hospitals. Most of the people served by Medicaid are either pregnant women, children, or the elderly. These are the people who will bear the brunt of the Bush proposal as States search for ways to make up the loss of Federal funds. The result will almost certainly be deep cuts in eligibility, benefits, and services to the most vulnerable in our society.

Madam Chairman, more than 34 million Americans, including 8 million children, are without health insurance. It's vital that we find ways to improve their access to health care and insure that no American is denied needed health services.

However, the Bush administration is making our task of helping the poor obtain health care more difficult with regulations such as these. I simply do not understand why the Bush administration is going out of its way to severely limit the States' ability to provide health care for these millions of Americans.

I urge my colleagues to put a stop to the administration's bashing of the Medicaid program. Vote "aye" on H.R. 3595.

Mr. LENT. Madam Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Madam Chairman, I rise in support of this bill, to defer implementation of the Health Care Financing Administration's [HCFA's] regulations concerning provider-based taxes, voluntary donations, and intergovernmental transfers. While I have long maintained that our budget deficit is public enemy No. 1, I cannot support this effort by HCFA to balance the budget on the backs of the sick and elderly.

I am advised by the hospital association of my State, that should these regulations move forward, New Jersey could lose more than \$225 million in the next year alone, and more than \$380 million in the years to come. I remind my colleagues that these are the funds that will provide desperately needed health care to low-income pregnant women, and infants; increase local health planning; and expand the hours of operation for community health centers. In short, these are lifeline programs, and for their participants, the only access to health care available. They are not the programs in which we can allow unelected bureaucrats to make radical budget cuts.

I am further opposed to these regulations because I am gravely concerned that these regulations are overreaching, and go far beyond congressional intent. We all recall the budget debacle of last fall—a budget which I did not, and do not support. Indeed, I maintain that the accord reached by Congress and the administration remains fundamentally flawed. Regardless of that assessment, however, that reconcili-

ation represented a commitment on the part of both bodies to certain good-faith agreements—notably in Medicare and Medicaid funding. The agreements were clear—voluntary contributions would be disallowed, but provider-specific taxes would continue to be treated as legitimate funding mechanisms for the State governments. In its recent rulemakings, HCFA has reneged on that deal.

In putting forth regulations to disallow these revenue plans, HCFA has broadly overreached its authority. Indeed, we can likely expect the courts to strike down these regulations—but with the implementation scheduled for January 1, 1992, we cannot afford to wait for the courts to act. We must take legislative action today.

When we consider the dimensions of the present health care crisis facing America—the growing number of indigent, uninsured, and underinsured; the increase in our aging population; the enormous drain on our health care system of the AIDS and drug abuse epidemics; and the ballooning costs of long-term care; the need to oppose measures as draconian as these is painfully clear. I urge my colleagues to join me in supporting this legislation, act decisively to prohibit HCFA from taking a slash and burn approach to Medicaid, and ensure that we make good on our promises to this society's most vulnerable members. And avoid further cost shifting onto insured Americans. Cost-shifting burdens are already out of control.

Mr. WAXMAN. Madam Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Madam Chairman, I rise in support of H.R. 3595, the Medicaid moratorium amendments. This bill would shut down the administration's effort to rewrite legislation enacted by Congress and the President. Bureaucrats are bullying the States on health care policy. The State of Texas may well lose \$800 million in Federal funds—that is one-fifth of the State Medicaid budget—by the end of this year unless Congress enacts this legislation.

Such a loss would have severe consequences. In my home city of Houston, hospitals have found it impossible at times to care for all trauma patients. The receipt of Federal Medicaid funds and a tax increase solved a serious crisis. Losing these funds would mean closing hospital doors to residents or increasing taxes to make up the difference.

Furthermore, Texas Governor Ann Richards would have to call a special session of the Texas Legislature either to cut spending or to raise taxes. The Harris County Hospital District would face a fiscal crisis as bad as the one that just ended. Many more rural hospitals would have to close due to the loss of funding.

Last year, Congress passed legislation last year to protect the kind of plans that the Texas Legislature has enacted. Congress and the administration agreed to permit States to tax providers and use this revenue to meet

Federal requirements for Medicaid funding. Such plans are necessary to correct the inequity facing Texas taxpayers.

This inequity exists because taxpayers in Harris County and other Texas counties pay for indigent health care without receiving a fair share of Medicaid funding. Because Texans pay taxes at the county level, the money does not get funneled through the State budget, which would make it easier to meet Federal requirements. This problem has existed for years, and that's one reason why Congress decided to fix the problem last year.

But the administration has reversed its position and now wants to undermine the law enacted by Congress, arguing that the States scam the Medicaid system. This is partly true. Using accounting gimmicks some States misuse Federal funds to satisfy the States' share for Federal matching funds requirements. No one disagrees that this practice should be banned, but the administration has gone far beyond this problem.

The administration is threatening billions of dollars in funding for critical programs. Without these programs, the recent Harris County Hospital District tax rate increase would have to double. Health care coverage for 200,000 Texans is at risk. Pregnant women and infants could lose preventive care that saves expensive health care later in life.

The zealotry of a few bureaucrats has led the administration down the path of extremism. For example, the new regulations would prevent Texas officials from collecting fees from hospitals to pay for health and safety inspections. It is ironic that the administration which claims to favor reducing Federal interference, would intervene so deeply in local affairs.

Just when our country needs a reform of the health care system, the administration would take us one giant step backward. If we want to improve access to health care and hold down costs, the Federal Government cannot undermine its partnership with the States and shirk its fiscal responsibilities. I urge passage of this important legislation.

□ 1810

Mr. WAXMAN. Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Madam Chairman, I am pleased to support H.R. 3595, the Medicaid Moratorium Amendments of 1991.

This bill would assure that States continue for at least a year to receive essential matching payments for Medicaid costs funded with revenues from voluntary contributions and provider-specific taxes. It would permanently prohibit changes in the current policy regarding intergovernmental transfers.

On September 12, 1991, the Health Care Financing Administration published interim final regulations that would severely restrict Federal matching payments to States.

This regulation would create financial chaos for many State Medicaid programs. It is clearly contrary to the letter and spirit of the Medicaid provisions of the 1990 Budget Reconciliation Act.

If implemented, this regulation would be devastating for the Medicaid beneficiaries and health care providers in many States. Many Illinois hospitals which are already vulnerable would be unable to survive.

Because the regulation would take effect in the middle of most States' 1992 fiscal year, Illinois and many other States would have no choice but to cut payments for disproportionate share providers, eliminate important benefits, or restrict eligibility. Numerous hospitals which are on the threshold of insolvency could be forced to close, leaving the State's health care system in a fragile condition.

The State of Illinois acted responsibly in relying on Federal law when it enacted the Provider Assessment Program, and the State, its hospitals, and its economy should not be thrown into disarray because of unwarranted and arbitrary Federal agency decisions.

This is a complicated issue. There should and will be regulations in this area. But the last thing we need is a quick fix.

Both we in the Congress and the States need time to understand what the effect of the proposed changes will be.

That is just what H.R. 3595 would do. This moratorium would allow Congress, working with the administration and the States, to develop a legislative solution that is both feasible and fair.

I urge all of my colleagues to join me in supporting this bill.

Mr. LENT. Madam Chairman, I yield such time as he may consume to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Madam Chairman and my colleagues, the Medicaid shell games and scams that many States, including my own, have undertaken as a means to come up with additional Federal dollars are wrong and should be rectified.

Now some people have defended these programs as being permitted by last year's budget agreement, but I have a hard time believing that anybody here really intended to open the door to the types of things that have taken place.

The gentleman from New York [Mr. LENT] earlier, under consideration of the rule, outlined the case in Pennsylvania where the director there just laughed at what he was able to do by stealing from the Congress for all practical purposes. A provider tax across the board that goes into a general fund designed to help finance the State's share of Medicaid is one thing. But a provider tax that is collected only to obtain a Federal matching payment and then is rebated back to the provider is something entirely different and cannot be condoned.

Madam Chairman, Congress, it seems to me, has a responsibility to clarify the law in this regard. We have a proposal basically worked out in discus-

sion between the administration and the Governors of the 50 States which would provide such clarification and in a reasonable fashion. Our own Governor, Jim Edgar in Illinois, has supported it. Unfortunately, as we outlined earlier, the Committee on Rules chose not to allow us to offer it because it would have required waiving a point of order on the grounds of germaneness. Madam Chairman, this bill before us simply provides a moratorium on the implementation of the administration's regulations. It does not clarify the law. It does not tell the States what was intended. As a matter of fact, it actually permits the States to expand their scam practices. It is a one-sided moratorium for all practical purposes. It prevents the administration from restricting these practices, but does not prevent the States from expanding them.

So, Madam Chairman, we are going to be without a correction here. We are going to be taken to the cleaner's over and over again.

Now I agree with those Members from States, even my own, who have counted on the funds as part of their budgets. It is a tough thing to vote against. This thing is going to pass overwhelmingly, no question about it. I am just up here raising the argument that what we permit to happen, because we have not got the guts to say no and to clean it up, is going to take us right to the cleaner's time and time again, and to the tune of substantial dollars, not chicken feed. My colleagues know what it is: \$5½ billion or more in this one alone. And what are we telling the States to do? Not a dog-gone thing, and, if we do not tell them to make some changes, believe me they are not going to do it. They will just say, "Hey, just keep it coming, folks. Just keep it coming."

Madam Chairman, some may argue we can address this thing next year. Well, we have to remember that State legislatures meet early in the year. Many finish their business in 60 days. They will have already acted on their budgets before we act on anything around here. So, even if we enacted something, we are going to get requests for another moratorium in order to give the States a chance to enact changes in their 1993 legislative sessions.

Madam Chairman, we are simply delaying the day of reckoning.

Fortunately we have an opportunity to rectify the situation through the motion to recommit that I understand will be offered by the distinguished gentleman from New York [Mr. LENT]. That motion will instruct the committee to develop provisions that clarify the law and report back prior to our adjourning. I urge support of the motion as the only way we can both provide a moratorium and outline for the States exactly what they must do to end these abuses.

Mr. WAXMAN. Madam Chairman, I yield 2½ minutes to the gentleman from Alabama [Mr. HARRIS], a key leader in moving this bill forward.

Mr. HARRIS. Madam Chairman, I thank the gentleman from California [Mr. WAXMAN] for yielding this time to me.

Madam Chairman, this legislation is as crucial as it is necessary. We are here today solely due to the uncaring, uncompromising attitude of the administration when it comes to States rights and medical care for our most vulnerable citizens. Because of the high stakes for those who depend on Medicaid, this legislation is crucial.

Madam Chairman, this whole issue could have been resolved by good-faith negotiations, but good faith has not been shown, and this legislation has become necessary.

Congress never intended to forbid States making their own judgments about how to fund State Medicaid programs. Indeed the choice of how to raise and allocate revenues is the most basic prerogative of any State.

Yet, Madam Chairman, this is exactly what the Darmanian number crunchers at OMB and HCFA are trying to do. They are dictating what type of taxes a State may use to fund these programs. Is this contrary to the intent of Congress? I say to my colleagues, "You bet it is." Is this running roughshod over our sovereign States? I say to my colleagues, "You bet it is." Will it put people out of nursing homes, deny them medicine or a doctor's care? I say to my colleagues, "You bet it will."

Madam Chairman, these people just do not care. For them human suffering does not show up on the bottom line.

Without this legislation my own State will lose 49 percent of its Medicaid funding. We are a poor State suffering from this recession, and the loss of \$795 million is simply something we cannot absorb. Thirty-eight other States share this problem. It is clearly national in scope and requires a national response.

Madam Chairman, I urge my colleagues to support this measure which imposes a 1-year moratorium and gives all parties a chance to resolve their differences.

Mr. LENT. Madam Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS], a member of the Committee on Energy and Commerce.

Mr. FIELDS. Madam Chairman, I am not particularly pleased with all aspects of this legislation, but I am going to support this bill. I think the debate today is diligence, due diligence, which means working within the rules, within the context of congressional intent.

□ 1820

Texas began its Medicaid program in 1988. We passed our Medicaid funding in three parts, three separate bills, and in

each of those bills Texas consulted with HCFA, and then Texas made changes suggested by HCFA. Then HCFA signed off on the Texas legislation. You can imagine the shock when Texas learned that its Medicaid programs would be eliminated and there would be a \$1.6 billion loss to our people over a 2-year cycle.

After meeting with health care providers from Texas several months ago, I arranged a meeting with Dr. Wilensky, the Administrator of HCFA, in Senator GRAMM's office to talk about the problems in Texas and elsewhere, the problems caused by HCFA when HCFA changed the rules. At that meeting Senator GRAMM and I encouraged discussion, agreement, and compromise, to no avail.

At a subsequent Health Care Subcommittee meeting, again I urged discussion, agreement, and compromise, to no avail. So I think it is important for HCFA to be reminded of congressional intent, what the rules were, and what the rules should be, and today, with my vote, I am again encouraging discussion, agreement, and compromise.

Madam Chairman, this issue is too important to do otherwise.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Madam Chairman, I rise today in support of Mr. WAXMAN's bill, H.R. 3595, the Medicaid moratorium amendments. H.R. 3595 will impose a freeze on the implementation of dangerous HCFA regulations scheduled to go into effect on January 1, 1992. These regulations will deny Federal matching funds for contributions and provider taxes.

If implemented, these regulations will have a grave impact on my constituents in south Florida. Programs that provide essential Medicaid services to those living between 133 and 185 percent of the poverty level face serious cutbacks. In Florida, 15,000 low-income people may be left without health care coverage if these hazardous regulations go into effect.

Furthermore, programs providing crucial services to at risk pregnant women and their newborns are at stake. These pregnant women could lose some important outreach services such as parental education, nutrition counseling, birthing classes, and home visits. Studies have found time and time again that these critical preventive services can actually save money. Funds are much better spent teaching women about preventive care than struggling to take care of sick infants born to high-risk women.

Madam Chairman, low-income people depend on these Medicaid services. I urge all Members to vote for H.R. 3595 and provide States and the administration time to work out regulations which do not deprive the needy of the programs they so desperately rely on.

Mr. LENT. Madam Chairman, I yield 4 minutes to the gentleman from Florida [Mr. BILIRAKIS], a member of the Committee on Energy and Commerce.

Mr. BILIRAKIS. Madam Chairman, the easy vote today is to support the bill before us. Most members of Congress support the Medicaid Program and want to preserve it. We all know Medicaid is necessary and desperately needed in this country by those who cannot afford to pay for basic health services. In my opinion, government does have a responsibility to take care of individuals who cannot pay for health care.

However, today, it disturbs me to be put in the position. This is not a vote either for or against Medicaid.

Let me set the record straight—I support and will continue to support health programs for the poor. The gentleman from California, Mr. WAXMAN, knows how strongly I have supported medical programs for the poor. However, I do not support questionable activities by States that cost the Federal Government billions of dollars each year and will continue to cost even more money unless these activities are stopped.

As a member of the Health and Environment Subcommittee, I heard HCFA Administrator Gail Wilensky testify about certain States taking advantage of the Medicaid Program. In the past, these States have engaged in unscrupulous activities involving provider specific taxes and voluntary contributions programs regarding State Medicaid programs.

For the past 3 years, HCFA has issued fair warnings to States that these practices were not going to be tolerated. States have known HCFA regulations were coming and in my opinion, they should have been more adequately prepared for the HCFA regulations. Because some States didn't prepare for these changes, they now could face severe budgetary problems.

It can be argued that here it is November and States have not had adequate time to prepare for these budget changes. Mr. Speaker, HCFA Administrator Gail Wilensky has promised members of the Health and Environment Subcommittee on numerous occasions—HCFA is willing to meet with State officials and will extend the deadlines for States that need additional time to plan their State budgets.

Many hold the mistaken idea that the legislation we are considering is going to be a cure-all and will solve States' fiscal problems. Before we vote, I think my colleagues need to ask themselves—why are these States in jeopardy?

I submit to you, they are in jeopardy to a large degree because we in the Congress impose requirements on State Medicaid programs without any consideration for how these programs will be financed. Last year, Congress approved

legislation, which was later signed into law, that will eliminate voluntary contributions by the end of this year. I repeat, Congress approved this last year in the Budget Reconciliation Act. Did Members of the House vote for that Act? If they did, they voted to eliminate voluntary contributions as a portion of a State's share.

Madam Chairman, some members of this body may resent the terms "scam" or "scheme." I don't care what term is used—the fact of the matter is, I fear this legislation is going to encourage more and more States to engage in questionable activities. Is that what we really want? I believe all of us have the same intent—to preserve the Medicaid Program and to strengthen it. We want to retain the good of the program; it has provided health care to many who couldn't afford it otherwise, but we do not want to put States in the position where they are doing something that is contrary to the law as we designed it.

Madam Chairman, I did not support last fall's budget act however, those who supported the pay-as-you-go rules of that legislation did so with good reason, and now we are placed in a position where we are supposed to cast a vote contrary to views supported by many Members of both bodies of Congress.

If we want to truly retain and improve Medicaid, let us work together—do not make low-income people pawns in the political process, and quite frankly, I think this is what has been happening since the bill was introduced earlier this fall.

I will oppose this legislation, principally because we created the problem in the first place. We are the architects and now we think we can wave a magic wand and the problem will go away—it won't.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I rise in very strong support of H.R. 3595, and I congratulate the gentleman from California [Mr. WAXMAN] on his stalwart devotion to duty in bringing this bill forward.

I believe this does not solve the underlying problems of Medicaid or of our health care system but it does provide a moratorium until next September 30, for us to get to that problem. I would like to thank the gentleman from California for the hospitality he showed the Governor of Kentucky, Governor Wilkinson, at the September 30 meeting, in which the Governor suggested how very devastating the loss of this program would be to the State of Kentucky.

Madam Chairman, I include in the RECORD a November 17, 1991 letter from Governor Wilkinson to his fellow Gov-

ernors in which he says that this deal or this so-called agreement is not a deal and it is not an agreement that is favorable enough to be supported.

Madam Chairman, the text of the letter is as follows:

FRANKFORT, KY, 40601

November 14, 1991.

DEAR GOVERNOR: I am writing to bring you up-to-date on events which have occurred since my September 30 testimony before the House Subcommittee on Health and the Environment on the impact of Medicaid reimbursement rule changes proposed by the Health Care Financing Administration.

HCFA has issued a clarification of its proposed provider tax and donation regulation which the Commonwealth of Kentucky and other sovereign states contend is *patently without legal authority* granted to that agency by the Congress.

In that clarification notice, HCFA announced further plans to toughen the conditions under which state Medicaid programs operate by removing virtually all state decision making with regard to the designation of "disproportionate share" hospitals, i.e., hospitals whose patients include a high ratio of Medicaid-eligible clients.

In Kentucky alone, this would reduce reimbursements to an estimated 60 percent of all hospitals which provide care to the State's 450,000-plus Medicaid-eligible population. Such action would further reduce a state's ability to ensure even the most basic inpatient hospital care for indigent citizens.

On November 1, HCFA's Medicaid Bureau, notified all states of the agency's decision to allow states that believe the regulation will have a negative impact to *apply* for a deferred implementation date of no later than July 1, 1992. Applications must be filed by January 2, 1992.

However, the offer carries no assurance that such a deferral will be granted nor any guarantee that HCFA will not simply wait until July and then sanction states retroactively for its own interpretation of non-compliance.

You should also be aware that the letter goes on to ask states intending to apply for a deferral to notify HCFA of such plans by November 15.

I *firmly* believe this request for a November 15 notification of intent to seek a deferral is nothing less than a continuing campaign by HCFA to short circuit the legislative effort being made.

It is my belief that HCFA hopes to be able to demonstrate to the Congress, prior to any vote on legislation blocking the regulation, that such legislation is unnecessary, claiming that a majority of states have come around to HCFA's way of thinking on the provider taxes and donations issues, and have so indicated their decisions to alter their state plans via the filed deferral notifications.

Please be assured that the Commonwealth of Kentucky remains firm on the legal contention that HCFA has no authority to dictate to a sovereign state government how it may raise state revenues to be used in meeting Medicaid matching funds requirements. This state, and I believe many others of like mind, maintains that this illegal regulation must be stopped by legislation.

Staff of the National Governors Association, HCFA and the Office of Management and Budget have prepared a compromise and have asked all states to express their position by close of business today. It is Kentucky's position that any legislation or regu-

lation which imposes a cap on Medicaid Federal funding or dictates how states can raise revenue for state matching purposes must be opposed.

Congressman Waxman's bill, H.R. 3595 would extend the moratorium on HCFA's proposed regulations until September 30, 1992, and I urge you to contact your Congressional delegation to support this legislation.

Sincerely,

WALLACE G. WILKINSON.

Governor.

Madam Chairman, we must move this bill forward, and the quicker the better, in order to save Medicaid, not just for Kentucky but across the Nation.

Mr. WAXMAN. Madam Chairman, I yield 1½ minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. Madam Chairman, I rise today in support of H.R. 3595, the Medicaid Moratorium Amendments of 1992.

On October 10, 1991, I met with Gail Wilensky, administrator for the Health Care Financing Administration to affirm my opposition to the new regulations that would prohibit States from using taxes from hospitals, nursing homes and their health care providers to generate Federal Medicaid matching funds. In the meeting, I urged Ms. Wilensky to withdraw the ruling, stressing that thousands of my constituents in the Ninth Congressional District, as well as the United States would be affected.

If implemented, the regulations would cut \$1.1 billion from Tennessee's \$2.3 billion Medicaid budget. The extra money gained from using health provider taxes has allowed Tennessee to raise Medicaid payments enough to get more doctors and hospitals to accept Medicaid patients, thus providing health care to more of the States most needy.

America's health care system is in a crisis. Virtually everyone who has even remote contact with the health care system will agree that it is in need of serious reform. Financing Medicaid through health provider taxes provides just one solution to the growing crises in the health care system. Prohibiting States from using Health provider taxes to generate Federal matching funds would affect 600,000 Tennesseans and add to the problems of providing adequate health care.

The affects would be catastrophic in my home district of Memphis, TN, where a large percentage of the poor depend on the Memphis Regional Medical Center for health care service. If Tennessee were forced to abandon health provider taxes, the Regional Medical Center would lose more than \$20 million causing hundreds of indigent individuals to lose health care.

In this drastic stroke, HCFA seeks to deny the use of a legitimate source of revenues and to bring immediate chaos to the Medicaid program and to the lives of countless low income individuals and their families. These regula-

tions will ultimately affect the infants, children, pregnant women, the elderly, and the disabled who rely on Medicaid for their health needs.

During the past few months, HCFA has tried to appease the States by releasing a series of regulations and proposals that would set forth a clearer understanding created by portions of the rules. The first of these, delayed the effective date to July 1992, contingent on the fact that States followed a list of criteria that would assure States the 6-month delay.

On November 12, 1991, the Bush administration and the Nation's Governors Association proposed a compromise that would sharply limit the amount of taxes that States can levy on hospitals and other health care providers to fund the States' share of Medicaid. In Tennessee, about 70 percent of the \$2.3 billion spent on Medicaid is paid by the Federal Government and the other 30 percent is paid by the State.

The proposed deal would have allowed States to collect up to only 22 percent of their States share from provider taxes, penalizing some States like Tennessee which rely on these taxes for more than half their States Medicaid budget.

These proposals are not enough. They look good when you see them. But upon further inspection, it is clear that it would still leave thousands of poor individuals out in the cold. This loss of a source of matching funds would shut down the Medicaid Program in Tennessee.

The real health care dilemma confronting Federal and State governments is the lack of a comprehensive solution to health access, long-term care, and health cost containment. It is this dilemma that needs expeditious resolution. The proposed regulation in no way addresses our Nation's real needs. Instead, they selectively thwart what few mechanisms States have available to ensure against the deprivation of health care. The Nation's legislators cannot support regulations that make such mockery of the basic principles of federalism.

I strongly object to the new regulations and ask my colleagues to join me in supporting this piece of legislation.

□ 1830

Mr. WAXMAN. Madam Chairman, I am pleased to yield 1 minute to the gentleman from Tennessee [Mr. COOPER].

Mr. COOPER. Madam Chairman, I would like to congratulate the distinguished gentleman from California [Mr. WAXMAN], the chairman of the Subcommittee on Health and the Environment, for his outstanding leadership on these and other issues.

Madam Chairman, in just 43 days, 43 days from now, on January 1, 1992, one of the cruelest blows that could ever be

delivered to the poor of this Nation will be delivered unless we pass the Waxman bill. It is a moratorium. People do not like moratoriums, but we need that breathing space to work out a sensible and fashionable and fair solution to this awesomely complex problem.

Tennessee alone stands to lose \$1 billion as a result of this precipitant OMB action. I would agree with many Members on the other side of the aisle: we need to take a fiscally responsible approach. But I would suggest these unclear, illegal OMB regulations are not the way to answer this important public policy question.

Madam Chairman, I would urge Members in an overwhelming vote to support Chairman WAXMAN and send this administration a message.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Madam Chairman, in my State of Texas alone, although Texas pays its hospitals only 71 percent of Medicaid, our Medicaid Program has doubled in size twice since 1983, and will double again by 1994. Virtually all of this growth is due to rising case-loads, increased intensity of services, and the uninsured program.

Madam Chairman, my State is being terribly hurt. These States have expected to receive this money, and it has been agreed to. My State alone would lose approximately \$1 billion.

Today my Governor, Ann Richards, testified before the Senate Finance Committee. I received messages also from Gov. Bob Bullock and our speaker, Gib Lewis, telling us what a terrible disaster this will be for our State. We had this agreement with the administration.

For HCFA to come in now and reverse its course in the middle of these negotiations, it deprives States of money they have counted on, depended on, and must have. So we must reverse this trend by passing the Waxman bill today.

I rise in strong support of this legislation to help restore to States some budgetary certainty over their Medicaid spending. Some people may see this issue as a budget issue alone, and of course it's impossible to separate out medical care issues from spending. But this particular issue is also about equity for States, and ultimately about the availability of health care for people.

In my State, although Texas pays its hospitals only 71 percent of cost in Medicaid, our Medicaid Program has doubled in size twice since 1983, and will double again by 1994. Virtually all of this growth is due to rising case-loads, increased intensity of services, and growth in the uninsured population.

Despite the efforts of my State—and I know other States have made similar

efforts—the administration's proposed rule would cost Texas hospitals that participate in disproportionate share programs more than \$1 billion that they rightly expected to receive over the next 2 years for indigent charity health care services. Our distinguished Governor, Ann Richards, today testified before the Senate Finance Committee on the terrible effect this rule would have on Texas—not only the \$1 billion in lost funds for the State, but the cutback in services at 110 urban and rural hospitals in our State. Governor Richards, Texas Lt. Gov. Bob Bullock, and Texas House Speaker Gib Lewis are united on the devastating effect this rule would have on our State's health care system.

The Congress has spoken out on this issue repeatedly in the past. Just last year we reached an agreement with the administration during budget negotiations. However, despite this agreement the administration issued interim regulations which would deny Federal matching funds for revenues from voluntary contributions and provider-specific taxes under all circumstances.

The administration did this after States had already completed their regular or special legislative sessions setting budgets to provide funding for their Medicaid Programs. States based their legislative programs on the agreement reached between the Congress and the President. For the administration to change the rules at this point in time is not fair to any State, and is in fact an attempt to balance the deficit on the backs of the indigent and poor and uninsured. It is unfair. We must pass this bill to reverse this action by the administration.

Madam Chairman, I will include for the RECORD an article about Governor Richards.

[From the American Statesman, Nov. 19, 1991]

**RICHARDS TO TESTIFY ON MEDICAID FUNDING**  
(By Bruce Hight)

Gov. Ann Richards will testify before a congressional panel today about proposed changes in Medicaid funding that would cost Texas more than \$1 billion over the next two years.

The loss of money would reduce medical care to the poor and could force some hospitals to close, state officials said.

At issue are three "disproportionate share" programs that aid hospitals with unusually large numbers of Medicaid and other indigent patients. The hospitals receive the additional federal funds to defray the cost of treating patients without private health insurance.

If approved, the rule changes would cost Texas hospitals \$1.1 billion, and the Texas Department of Human Services \$250 million, over the next biennium, state officials said.

The changes would affect about 110 hospitals in Texas, including Brackenridge Hospital in Austin, Central Texas Medical Center in San Marcos, Edgar Davis Memorial Hospital in Luling, Lee Memorial Hospital in Giddings, Smithville Hospital in Smithville, Hillcrest Baptist Medical Center in Waco and Scott & White Hospital in Temple.

Loss of the federal money "would have a very significant impact on these hospitals" and could shut some of them down, said DeAnn Friedholm, who advises Lt. Gov. Bob Bullock on health care issues.

"These dollars that we're talking about are dollars to the hospitals that are in many cases the only place where people can go to get health care if they don't have health insurance," Friedholm said.

"These are not just hospitals that serve Medicaid, and these are not dollars that are tied to people who get Medicaid. These are dollars that go to these hospitals that provide a lot of Medicaid, but they (also) provide a lot of charity care, or uncompensated care. And Texas has the largest uncompensated care load of any state in the country."

Texas and other states have found a way to get the most federal funds out of the programs—to the point that the Bush administration has sought to change the rules. The U.S. Office of Management and Budget has proposed regulations that would alter the way states can raise their matching share of the programs.

Today, the U.S. House of Representatives is scheduled to consider legislation that would block the regulations.

Also, Richards will go to Washington to testify before the Senate Finance Committee, which is holding a hearing on the problem. The committee is chaired by U.S. Sen. Lloyd Bentsen, D-Texas.

Federal lawmakers thought last week they had devised a compromise. But Rafe Greenlee, press secretary to Lt. Gov. Bob Bullock, said the agreement "is wasn't what the states wanted."

On Monday, Friedholm briefed the Legislative Budget Board, led by Bullock and House Speaker Gib Lewis, on the problem.

She said officials with the Office of Management and Budget and the U.S. Department of Health and Human Services were negotiating, but "these negotiations have not resulted in an agreement that adequately protects the Texas programs."

Texas and other states plan to file suit over the regulations on grounds that the Bush administration exceeded its authority in issuing them, Friedholm said.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Madam Chairman, I regularly receive letters from my constituents expressing their concern for the inadequacies of the Medicaid Program and their inability to receive quality care. Due to the number of seniors and retirees in Florida, you can imagine how great a burden Medicaid is on the State. However, Florida, like other States, is facing tremendous budgetary shortfalls. Clearly, one of the greatest causes of the budget problem is the amount of pressure from the Federal Government on the States to expand Medicaid services. At the same time the Federal Government is saying provide more, they are going to offer the States less.

Today, I, along with other members of the Florida delegation received a letter from Governor Chiles asking our support for H.R. 3595. He explained the economic situation in Florida and stressed that severe cuts in services were going to be necessary to comply with Florida's balanced budget con-

stitutional requirements. In fact, the Governor was forced to call a special session of the legislature to address this serious budgetary issue.

Already, 30 percent of the budget cuts the Governor has recommended will likely come from health and human services of which Florida's Medicaid Program will bear 70 percent of those reductions. In light of the Health Care Financing Administration's proposal, the Florida Medicaid Program will potentially lose \$250 million in Federal matching funds. Clearly, a cost the State of Florida, particularly older and disabled Floridians, cannot pay at this time.

I agree that serious changes need to be made to improve the effectiveness of the Medicaid Program. In addition, I support viable means of reducing our Nation's spiraling health care costs. However, the administration's recommendation will not adequately address the problem and has come at a time when making qualified changes is not possible. Therefore, I will support H.R. 3595 and I urge my colleagues to do so as well.

Mr. LENT. Madam Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I rise today as a cosponsor of H.R. 3595 to urge my colleagues to support this urgently needed legislation.

Madam Chairman, under current law, the Federal Government and the States have an agreement to share the costs of the Medicaid Program which covers health care for the poor, elderly, and disabled. Many States and health care providers count on the Federal Government to keep its part of the bargain when it comes to Medicaid reimbursement.

In September, however, HCFA decided to change the rules in the middle of the game by issuing regulations to eliminate Federal matching funds for provider-specific taxes and voluntary contributions. Since implementation of these regulations is scheduled to take effect on January 1, HCFA gave Congress, the States, and health care providers only 4 months to come up with a workable solution to this problem.

These groups have been working with HCFA to solve this problem, but time is running out. If these regulations go into effect, providers across the country will lose millions of dollars in Federal matching funds and, as a result, will be forced to compromise on the quality of health care they provide for the poor.

A number of my colleagues have pointed out examples of States abusing the Medicaid reimbursement system. My own State of Minnesota is not one of them. Yet, these regulations punish our providers for the actions of others. I believe that a solution can be worked out, but we need more time.

For these reasons, I urge my colleagues to support this bill and give health care providers a fighting chance to reform the Medicaid system.

Mr. LENT. Madam Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. CALLAHAN], a member of the Committee on Energy and Commerce.

Mr. CALLAHAN. Madam Chairman, I rise today to express my support for H.R. 3595, the Medicaid Moratorium Amendments of 1991, which is being offered by my colleague on the Energy and Commerce Committee, Mr. WAXMAN.

It is not often that I find myself allied with the chairman of the Health and Environment Subcommittee, but I believe this legislation is necessary to stop the Health Care Financing Administration from going ahead with its September 12 interim-final regulations, and its recently promulgated revised proposal that would limit State's use of provider-specific taxes to help finance its share of the Medicaid Program.

Let me first say, that I am not here today to speak on behalf of provider-specific taxes. While some States, like Alabama, have used this financing mechanism to increase and expand Medicaid services to their poor and needy, other States have devised schemes using these taxes that are nothing more than fraudulent manipulations of the law that rob the Federal Treasury. This must be stopped, and I commend HCFA for taking the initiative to curb these practices.

However, I strongly object to this rulemaking and the manner in which it has been put forth.

First, I find it very objectionable that an agency of the Federal Government would try to tell States what taxes they can and cannot legislate.

Second, the time limitation this regulation gives States for compliance is impossible to meet as most State legislatures are no longer in session. For that reason, I believe we must pass H.R. 3595. This bill would give State legislatures until September 30, 1992, to reform their tax structure and find other ways to finance their portions of the Medicaid Program.

Third, and most importantly, Madam Chairman, I object to this regulation because of the devastating impact it will have on the elderly, the pregnant women, and children in the State of Alabama.

Currently, Alabama, like many other States, uses revenues from provider-specific taxes to finance a part of its Medicaid Program. By utilizing these taxes, Alabama has made great strides in improving health care for our most vulnerable citizens. In fact, because of expanded and enhanced maternal and child health care programs, Alabama's infant mortality rate has in 1 year declined from 12.1 deaths per 1,000 births to 10.9.

If HCFA's rule goes into effect and provider-specific taxes are prohibited, Alabama will be required to cut its \$1.6 billion Medicaid budget by \$795 mil-

lion—a 49-percent reduction. With almost half of its budget eliminated, the State will have to consider whether or not it is able to afford a Medicaid Program at all.

Madam Chairman, just last year this body included a provision in the Omnibus Budget Reconciliation Act which prohibited HCFA from denying Federal matching payments to States for Medicaid spending financed by provider-specific taxes. I ask then, where does HCFA get its authority to promulgate this regulation? This was certainly not the intent of Congress.

Madam Chairman, I urge my colleagues to join me in supporting H.R. 3595 and protecting our States' Medicaid Programs.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Madam Chairman, I rise in strong support of H.R. 3595, the Medicaid moratorium amendments implementing a moratorium through September 1992 of any regulations issued by the Health Care Financing Administration changing the ability of States to use revenues received from voluntary contributions and provider-specific taxes as part of the State share of Medicaid costs for Federal matching payments.

I am seriously concerned about the implications of HCFA's interim rule on the Medicaid Program in my own State of New Mexico. New Mexico does not currently use provider-specific taxes to help finance its Medicaid Program, but the rule does call into question several practices used now in New Mexico.

New Mexico is a poor State that relies heavily on oil and gas revenues to finance its general fund. The importing of cheap oil from the Middle East and elsewhere in the late seventies and early eighties has had the obvious effect of reducing oil and gas revenues that would otherwise have been generated.

Thus while New Mexico may not be immediately impacted by HCFA's rule, we have considered implementing provider-specific taxes as one mechanism to help finance the State's growing Medicaid Program. Over the last decade and with the effects of the extended recession and the resulting expanded welfare rolls, New Mexico's percentage of single-mother teen births has increased 71 percent compared to a nationwide increase of only 10 percent. New Mexico now ranks 47th among States and the District of Columbia in this category. And while New Mexico reduced its infant mortality rate by 15 percent in the 1980's, we are still ranked 49th in the Nation in infant mortality and child deaths.

The situation has become even more critical as New Mexico is expecting a \$5 million shortfall in State Medicaid revenues in this fiscal year. Obviously, the language of OBRA 1990, negotiated and

agreed to by HCFA, and allowing the limited use of provider-specific taxes has encouraged not only New Mexico but other States to look at this particular area to meet Medicaid needs. Many States have already enacted provider-specific taxes.

Finally, and more importantly for New Mexico, the interim rule calls into question New Mexico's practice of matching Federal funds with the State's gross receipts tax as well as the transfer of intergovernmental funds from local governments to the State.

Mr. LENT. Madam Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Madam Chairman, I rise today to voice my reluctant support for H.R. 3595.

Madam Chairman, I rise today to voice my reluctant support of H.R. 3595—reluctant because I have difficulty supporting a bill I know will end up costing the Federal Government an additional \$5.5 billion in the next year.

On the other hand, I can empathize with the States who have used this loophole to increase their Medicaid budgets so they could provide much-needed services to the poor and elderly. To cut the States off in midstream isn't fair, especially when their Medicaid budgets are already in place for next year and they have no way of making up the Federal dollars they were already counting on.

Therefore, today I will vote for H.R. 3595. However, I want to send a message to the 1992 Kentucky General Assembly and the other States—they will have to come up with a way to round out their Medicaid budgets. They can no longer use gimmicks to increase their Federal match without actually increasing their own contributions. The Federal Government can no longer tolerate or afford this type of interpretation of HCFA rules. The ball is not in their court.

Mr. LENT. Madam Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Madam Chairman, I want to share with my colleagues my support for H.R. 3595.

Established in 1989 with Federal approval, Ohio's provider tax program has helped ensure access to health care services to 1.2 million uninsured Ohioans.

For the past 2 weeks, the National Governors Association has been negotiating with HCFA and OMB to establish new rules that would eliminate abuses in certain programs while protecting the effective ones.

It appears the negotiators have not been able to reach an agreement that would allow for the continuation of these valuable programs. Ohio's program provides vital health care to the working poor, which we cannot afford to lose. These failing negotiations have forced the hand of Congress and left the approval of this legislation as our only alternative.

This legislation is not the final answer to abuses in the Medicaid provider

tax program. It is clear that some programs abuse the use of Federal dollars and have expanded beyond the intentions of HCFA.

However, the current rule cuts off funds to States in the middle of their budget cycles. If the Federal Government is going to continue to mandate that States provide access to health care services for the uninsured, then it must also give them the flexibility to establish effective programs.

With current budget constraints in mind, I agree with the need to control Medicaid costs, and I was hopeful that a negotiated resolution would have been possible. This legislation will simply postpone enactment of the rule, giving Congress, the States and HCFA additional time to work out a compromise that allows the continuation of responsible programs.

Considering the many health care programs that do not work, we cannot afford to abolish programs that do work.

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Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Madam Chairman, I rise to speak in enthusiastic support for H.R. 3595.

It was my privilege to testify before the House Subcommittee on Health and the Environment a few weeks ago in support of H.R. 3595.

In just 7 weeks, 38 State budgets and Medicaid programs will be thrown into chaos—unless we pass this legislation.

As a result of regulations issued by the Secretary of Health and Human Services, many States, including Kentucky, will have no choice but to cut Medicaid eligibility, cut benefits, and cut provider reimbursement. This would be very harmful to millions of Americans who depend on Medicaid for access to basic health or long-term care.

The four States most adversely affected by this administrative regulation, according to the American Public Welfare Association, are Alabama, Illinois, Tennessee, and Kentucky.

This legislation—the Medicaid Moratorium Amendments of 1991—would prohibit the Secretary from implementing these regulations until September 30, 1992.

If implemented, this regulation would be devastating for Kentucky's Medicaid Program and the health care needs of an estimated 675,000 Kentuckians.

I urge my colleagues to vote "yes" on H.R. 3595.

Mr. LENT. Madam Chairman, I yield 1 minute to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Madam Chairman, I want to commend the committee for bringing the legislation to the floor. This is another example of how we are

so badly managing our budget that we must tell HCFA that they have to shave here and there in order to get the money to make our numbers come out right, and then we dishonestly force upon the States budgetary problems that are of our creation and not theirs.

In OBRA 1990, we explicitly told the States that they could proceed for another fiscal year with the same provider assessment programs that they had previously. We wrote that into the law. But here is HCFA ignoring the law, publishing a regulation that prohibits the kind of assessments that we had specifically approved of in our Budget Reconciliation Act.

This HCFA regulation which will take effect if this legislation fails, would cost Illinois \$320 million in the first 6 months of the year and, very frankly, would devastate our Illinois budget.

The States are entitled to complete this fiscal year with the provider assessment programs we authorized in OBRA 1990. After next June, however, they must adopt new funding mechanisms. For now we must live up to the promises we made last fall, however painful. It would be unfair and wrong to do otherwise.

I urge the Members to support this legislation.

Mr. LENT. Madam Chairman, I yield the balance of my time to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Madam Chairman, I rise in opposition to this bill, which will allow States to continue to raid the U.S. Treasury to expand their Medicaid programs.

No one likes to vote against Medicaid—including me. But that is how we got into this mess in the first place.

In recent years, Congress has refused to exercise discipline. Instead, we have imposed numerous mandates on the States, expanding Medicaid eligibility to cover thousands of new people. We are well on the road to federalizing the Medicaid Program entirely.

This has been done primarily at the urging of the chairman of the Health Subcommittee, the gentleman from California, who now is trying to be the knight in shining armor and ride to the rescue of the States.

This bill is a budget buster. During the next year, there is no incentive for the States not to spend more and more Federal taxpayer dollars. The gentleman from New York, the ranking member of the full committee, has already shown how much Federal spending has already increased, and how much more it will go up if H.R. 3595 is passed—\$5.8 billion in fiscal year 1992. It also busts last year's budget agreement.

Madam Chairman, we cannot have it both ways. It is time that we realize that if we keep mandating to States and we do not sometime stop, they are

going to have to go to the people and increase taxes or we are going to have to cut benefits. We cannot have it both ways. We cannot be everything to everyone in this Nation unless we are going to be willing to pay for it. We have got a \$400 billion deficit, and here we are going to increase it by another \$5.8 billion.

The President has promised to veto this bill. There is no use to continue offering false hopes to States.

It is time that we say that we are going to have to get our House in order. This body faces a choice. We are either going to raise taxes or we are going to quit requiring States to offer more and more and more.

We give no incentives to get off programs. We give no incentives for people to get out of poverty; we merely continue to provide 100-percent benefits.

It is time that we realize the taxpayers of this Nation are fed up. They are fed up with us continuing to dictate to both businesses and States.

I rise in opposition to this bill. As a House we have to discipline ourselves and say, "Enough is enough." We have given extensions time and again. We continue to grow.

State after State that abuses this. It is time that they realize that the Federal Government has got to stop, has got to change its ways.

I hope that the Members of this House will see the need to vote against this bill.

Mr. WAXMAN. Madam Chairman, to close the debate, I yield such time as he may consume to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader of the House.

Mr. GEPHARDT. Madam Chairman, I thank the gentleman for yielding time to me.

Today the House has both an opportunity and an obligation: To stop the administration from acting illegally, throwing dozens of State budgets into disarray, and threatening the health care of millions of our country's most vulnerable people—28 million poor and disabled citizens, half of whom are children.

This rule represents the Bush administration at its worst. An administration that espouses a commitment to federalism writes a rule that would deprive States of their authority to levy taxes and fulfill their obligations under Medicaid law. An administration that boasts that 49 States function under balanced-budget laws writes a rule that would throw all States budgets into chaos.

An administration that gives lip service to health care for children writes a rule that would deny health care to the children most in need of it. Now it is time for Congress to right a wrong: for this is a case study of the gap between promise and performance that has characterized the Bush admin-

istration from the moment George Bush pledged to us a kinder, gentler nation.

The legislation we are considering today is simply a moratorium on the implementation of this disastrous rule. It enables the States to continue providing health care under Medicaid as they can today until September 30, 1992, to give Congress, the administration, and the States adequate time to develop a permanent legislative solution. And more time is needed.

This rule has been the subject of much confusion and consternation; it has been modified several times. In recent weeks, the administration has attempted to negotiate a permanent solution with the National Governors Association. Their attempt has failed.

The problems with certain State Medicaid financing mechanisms alleged by HCFA and OMB deserve the attention of Congress. But the problems created by the administration's rule require the attention of Congress—immediately.

If Congress does not stop this rule, the impact will be especially harsh in the midst of the current recession. States—most in perilous financial condition—are attempting to maintain the safety net for the unemployed, whose health care benefits were lost along with their jobs. Now the same people who brought them the recession threaten them with the loss of the health care that Medicaid provides.

My own State of Missouri, like many other States, faces a tremendous challenge. In Missouri, Medicaid covers 25 percent more people now than it did just 4 years ago, and health care costs continue to skyrocket. As a result, State Medicaid costs are rising dramatically, in Missouri and all across the Nation.

On top of this escalating burden, this rule will cost the States billions of dollars in Federal Medicaid matching funds this year alone, denying Federal matching funds for Medicaid expenditures that are paid for by revenues from donations, provider-specific taxes, or intergovernmental transfers.

More important than State budgets, however, are the ultimate victims of this rule. Thousands of pregnant women, children, and disabled individuals will be denied care when the programs they depend on face deep cuts or even cease to exist.

A rule that would have such harmful consequences must be stopped. We must protect the States' ability—and their legal obligation—to finance the delivery of health care to our Nation's most vulnerable citizens against an onslaught by an administration that seems more interested in controlling the actions of the States than in improving the health of the American people.

Mr. STOKES. I rise today in strong support of H.R. 3595, the Medicaid Moratorium

Amendments Act of 1991. This bill is the last hope for millions of needy Americans—women, children, the elderly—dependent upon Medicaid for health care.

I commend the leadership of our colleague, HENRY WAXMAN, whose immediate action on this issue gives us an opportunity to prevent an impending crisis. He has worked steadily to negotiate with the administration on the issue of revenue-raising practices to match Federal Medicaid expenditures and, in the absence of a firm resolution, moved to protect our States and those individuals served by Medicaid.

Madam Chairman, there are an estimated 37 million Americans who lack health care insurance, and millions more who are underinsured. Medicaid has served as the Federal-State program to assist poor families who otherwise would also go without care. This program is now the fastest growing portion of State budgets. If the administration's regulations on Medicaid funding rules go into effect, States across the Nation would be faced with greater numbers of individuals to provide uncompensated care.

I am outraged, Madam Chairman, that there is such a lack of sensitivity to our citizens when, as the polls indicate, lack of quality and affordable health care is the one issue with which they are personally concerned. This issue has captured the hue and cry of the American public. It has moved legislators, corporations, labor unions, among others, to demand national health care reform. Yet, despite this crisis, the administration has issued regulations that would further this plight and throw millions more into the ranks of those without health coverage.

Madam Chairman, my own State of Ohio could be severely impacted under the administration's plan. Last year alone, Ohio's hospitals provided more than \$600 million in care to persons unable or willing to pay their bills. While it is unclear as to the impact of the negotiated proposal by the administration on the care assurance program, Ohio's program for the uninsured, an approved expansion of this program, scheduled to take effect January 1, 1992, would be eliminated.

At a time when we are faced with a depressed economy, with increasing unemployment, with greater hardships confronting the American public, we need to ensure that we do everything we can to help States meet their commitment to our poor. Thus, I urge my colleagues to support H.R. 3595 and protect our Nation's poor.

Ms. LONG. Madam Chairman, I rise to express my concerns about H.R. 3595, the Medicaid Moratorium Amendments Act.

Like many of my colleagues, I want to ensure that the needs of those least fortunate among us are met—and this legislation could be of assistance in this regard. However, I am concerned about the possibility of a sequestration or an increase in the budget deficit which this legislation may cause.

Madam Chairman, I did not support the Budget Reconciliation Act last year, but I do believe that one of the positive items contained in that measure was a provision which requires an emergency declaration in order to increase spending beyond what was approved as part of the budget agreement. It should not be an easy thing to abrogate the budget deal.

While I understand that passage of this legislation will respond to many important—and some would say emergency-related needs, I am increasingly concerned about the continued use of emergency declarations as a means of bypassing tough choices which could decrease our budget deficit.

Ms. HORN. Madam Chairman, I will vote today in favor of H.R. 3595, the Medicaid Moratorium Amendments of 1991. I urge my colleagues to do the same. I would like to thank Mr. WAXMAN and Majority Leader GEPHARDT for their work on this bill, as well as to commend the leadership of Chairman DINGELL for bringing this important legislation to the floor so quickly.

Action is needed because the Health Care Financing Administration [HCFA] issued a regulation that is completely contrary to both the law and congressional intent. If permitted to go into effect, these rules would have a drastic impact on State budgets in the middle of a fiscal year. These changes could mean a loss of up to \$300 million to Missouri in fiscal year 1992. I know continuation of this funding mechanism is vital to Medicaid Programs in many other States as well.

Although HCFA has tried to clarify the issued interim rules, it remains unclear what practices will be permitted to continue. Under these conditions, States do not know how to plan their budgets for the future. All of this hurts the Medicaid Program and many of our most vulnerable citizens.

If implemented, H.R. 3595 would delay changes in the present program. The moratorium would extend to September 30, 1992, for provider-specific taxes and include a transitional period to enable States to phase out voluntary contributions by December 31, 1992. The moratorium for intergovernmental transfers would be permanent. This bill would also require the Secretary of HHS to report to Congress, no later than February 3, 1992, on proposed changes. Most importantly, H.R. 3595 would give more time to develop a fair rule, consistent with OBRA 1990, and protect areas of Medicaid that Congress considers to be basic to the program.

Medicaid is already severely underfunded and lowering States' abilities to raise money for a Federal match will only make it worse. Medicaid serves our most vulnerable citizens. Forcing States to cut costs will deny access to health care for many of them. We need more access to adequate health care, primary and preventive care for the uninsured to reduce the serious or chronic illnesses that require lengthy, high-cost treatment or hospitalization.

Madam Chairman, the question is do we want policies that will hurt millions of children and seniors? I know the answer to that is no. Instead, we should take the time to work with the States and hospitals to develop a fair and balanced way of dealing with this situation.

Mr. MATSUI. Madam Chairman, the delivery of health care in the United States is in dire straits. This proposed rule by the administration will only serve to further limit the care available to low-income Americans.

In California, there are some 6 million people without insurance. The 26 county safety-net hospitals cared for an average of 73 percent of all MediCal and poor, uninsured patients in 1989. Between 1987 and 1991, State

general fund expenditures for the MediCal program in California grew from \$2.8 to \$4.7 billion.

Today, I will vote for the Medicaid Moratorium Amendments of 1991, because I believe the administration bargained in bad faith during last year's budget negotiations. The agreement that was reached was specific in enunciating the manner in which the administration could limit State revenues for Medicaid purposes. The rule issued by the President this fall is in clear violation of this agreement.

This attempt by the administration to limit the types of voluntary contributions and provider-specific taxes as a source of State funds for Medicaid reimbursement purposes is another example of the administration trying to shift onto the States a burden they are not willing to shoulder. What is most disturbing about this rule is the effect it will have on the ability of low-income citizens to obtain health care services. These are people whose access already is limited. In further cutback funds for health care services to low-income women, children, and senior citizens is an affront to this population.

This legislation would stop the implementation of these regulations, the very minimum required at this point in time. This would give Congress an opportunity to reexamine this issue closely and it would delay until next year the implementation of the administration's proposed rules.

I strongly urge my colleagues to vote for this bill. We owe it to our constituents, and to any individual who seeks hospital care, to turn back the administration's attempt to limit the types of revenues a State may use to make up their Medicaid share.

Mr. COSTELLO. Madam Chairman, as we know, the Health Care Financing Administration [HCFA] issued regulations which will curtail States' use of provider taxes to fund Medicaid, effective January 1, 1992. This will have a disastrous effect on many States, including my home State of Illinois.

Each day we hear from constituents who are dissatisfied and frustrated with our Nation's health care system. Frankly, Madam Chairman, I share these feelings. It is unconscionable that, when the United States ranks near the bottom of industrialized nations in adequate health care, the administration demands further cuts in the area of health care. The recent election in Pennsylvania further proves that the American people demand a change. These regulations are a step backward from the positive initiatives the American people want and deserve.

Since the inception of the Medicaid Program, States have had authority to use receipts from provider taxes to fund a portion of their share of the Medicaid partnership. This authority was reaffirmed under last year's budget agreement. A provider tax program is an integral component of many States' Medicaid system. Under existing law, provider tax programs are clearly a legally valid mechanism to maximize the Federal matching funds available.

When the Illinois General Assembly approved its program this year, the legislature took action which was consistent with all Federal laws and regulations. Now, under the administration's direction, HCFA seeks to go

back on Federal regulations and deny Illinois' and other States' use of a legitimate source of revenue.

In my own area of southwestern Illinois, these regulations threaten the welfare of an entire community. Currently, there is only one hospital in East St. Louis. St. Mary's Hospital is a small, 100-bed hospital. More than 90 percent of its patients receive public aid: Medicaid, public assistance, or no-pay patients. Under HCFA's regulations, losses to St. Mary's Hospital would be over \$2 million annually.

Additionally, HCFA's rules will take effect in the middle of the fiscal year. Such a midyear change would cause fiscal chaos in the States. Under Illinois' constitutional requirement for a balanced budget, Illinois would be in an immediate budget crisis.

States will lose access to vital Federal funding which was the cornerstone of their fiscal year 1992 budget, and hospitals will be forced into receiving even more inadequate payment for services. Since many hospitals, such as St. Mary's which serve significant numbers of Medicaid patients, already face a grim financial future, the worsening of underpayment will force them to discontinue certain needed services or to cease operations altogether. The harshest result, and quite simply the reality, is that accessibility to quality health care for hundreds of thousands of Illinoisans will be in jeopardy.

I would like to commend my colleague, Mr. WAXMAN, for offering H.R. 3595, a bill to delay the administration's restrictive rules until September 30, 1992. I strongly support this legislation. This bill would ensure that Illinois' and other at-risk States' current fiscal year expenditures remain intact.

Madam Chairman, this cannot be a partisan vote. This issue is too important for political favoritism and allegiance to an administration which lacks commitment to health care to take precedence over the welfare of the 27 million low-income Americans who rely on Medicaid.

It has been estimated that six hospitals in Illinois may close in 1992 if additional Medicaid funding is not available. It is more than likely that St. Mary's would be one of those hospitals. Should St. Mary's Hospital be forced to close its doors on the people of East St. Louis, an entire community will be without accessible health care. I urge my colleagues to support H.R. 3595.

Mrs. LLOYD. Madam Chairman, I rise in strong support of H.R. 3595, the Medicaid Moratorium Amendments of 1991. Medicaid as a combined federally and State-financed health program for the Nation's most vulnerable population is in jeopardy. My own State of Tennessee would be particularly hard hit by the proposed regulations. In past years, Tennessee has made some important improvements in Medicaid, especially for pregnant women, children, and senior citizens. Over 800,000 Tennesseans receive their health care through the Medicaid Program. If this program is cut because of the new regulations proposed by the administration, thousands of Tennesseans who depend on Medicaid for their health care needs, many of them cancer patients, will suffer. According to a study conducted by the Southern Governors' Association and the Southern Regional Project on In-

fant Mortality, not only Tennessee but seven other States in the region stand to lose all or most of their nonmandated Medicaid services. Tennessee alone stands to lose over \$1 billion. A cut of this magnitude would be catastrophic to Tennessee's Medicaid Program. I am equally concerned that the many smaller hospitals in Tennessee which depend on Medicaid will be lost without the protection of this bill. Madam Chairman, in my office alone I have received over 1,000 letters from hospital employees in my congressional district expressing concern that if HCFA's regulations are allowed to go into effect, the cure will surely be fatal. This makes the passage of H.R. 3595 essential. Like many States across the Nation, escalating health care costs have forced the State of Tennessee to look for new ways to pay for Medicaid. Some hospitals are already teetering on the edge. Let's not weaken States' ability to administer the Medicaid Program and force many rural hospitals to close. I find it unconscionable that the administration would even consider denying access to health care to the medically indigent of our States. The collapse of the matching funds will impose dire consequences. I urge my colleagues to support this bill and protect States' use of this practice to supplement Medicaid. The health and well-being of thousands are dependent on it. And please remember, the costs will be higher in the long run.

Mr. MINETA. Madam Chairman, I rise today in strong support of the Medicaid Moratorium Amendments of 1991.

This important legislation blocks implementation of a new Health Care Financing Administration regulation that would deny Federal reimbursements for State Medicaid costs paid for with revenues from voluntary contributions, most provider-specific taxes, and from intergovernmental taxes.

Madam Chairman, if this regulation was allowed to go into effect, it would destroy the Medicaid budgets for many States.

Under ordinary circumstances, States simply cannot do without this Federal funding. But to impose such a drastic cutoff of Federal money during a recession is to invite increased hardship among Medicaid recipients.

States that lose these funds will have no practical choice but to enact cutbacks in eligibility, cutbacks in benefits, and cutbacks in reimbursement. For many States, including my home State of California, these cutbacks will have tragic results.

Women and infants will lose coverage for pre- and post-natal care. Nursing home residents will lose their Medicaid eligibility. Many private and public hospitals that serve a disproportionately high number of Medicaid patients will either cut needed programs or shut their doors altogether, leaving for-profit institutions with the burden of caring for the medically underserved.

Madam Chairman, the Medicaid moratorium amendments do not propose to fix our health care system, although it needs fixing badly. This legislation merely maintains the status quo until further changes can be made through the legislative process.

Preserving health care services for our most needy citizens is of vital importance to all Americans, and that is why I urge my colleagues to support this legislation.

Mr. DICKINSON. Madam Chairman, a new rule issued by the Health Care Financing Administration will restrict the use of State taxes on Medicaid providers, such as hospitals and nursing homes, to increase a State's share of Federal Medicaid matching funds. The new rule will take effect January 1, 1992, eliminating Federal matching funds for State revenues raised by voluntary donations from Medicaid providers.

The HCFA rule would eliminate nearly half of Alabama's \$1.6 billion Medicaid budget—about \$795 million a year in health care funding for the poor and disabled. Without the money, some 9,000 nursing home patients will be turned out of their facilities, rural health services will be cut back substantially, and children's health care programs will be curtailed.

The rule could literally wipe out Alabama's Medicaid Program if Congress does not rescind the many mandates put upon the States or delay the HCFA rule. States need some breathing room to find alternative methods of funding or they will have no choice but to cut Medicaid services.

Alabama is struggling to meet rising Medicaid costs, but Congress continues to burden the effort with additional mandates. Alabama has put its money to good use and expanded eligibility, covered additional services, and implemented prevention programs that, over time, will save money.

The people of Alabama cannot afford such a drastic change in fundamental policy. The HCFA rule should be delayed until Congress repeals unnecessary mandates or provides alternative revenue sources for the States.

Mr. WEBER. Madam Chairman, I rise in support of H.R. 3595, legislation placing a moratorium on the rule issued by the Health Care Financing Administration prohibiting matching payments for State Medicaid funds generated by taxes on providers.

I recognize that some States have been abusive in designing provider tax and voluntary contribution plans to draw down additional Federal matching dollars. I hoped that a negotiated settlement which included the States and the health care provider community could have been reached to allow responsible State plans to continue while excising abusive plans. In voting for this legislation, I am signaling my hope that negotiations will continue and that this issue can be resolved in a reasonable and timely manner.

Congress has put Minnesota and many states and health care providers in a very difficult position. Since 1984, we have imposed mandates increasing the number of individuals States must cover under their Medicaid Programs. We have also imposed a number of costly regulatory reforms, such as the nursing home reform provisions of the Omnibus Budget Reconciliation Act of 1987. Medicaid expenditures are now swallowing State budgets.

States with balanced budget requirements, such as Minnesota, are forced in response to either reduce funding for other necessary services, raise taxes, and/or hold Medicaid reimbursement rates well below the actual cost of providing care. Low Medicaid rates, in turn, undermine access to care and quality of care for Medicaid beneficiaries.

Minnesota enacted a provider tax to draw in more Federal dollars to improve reimburse-

ment rates and better ensure that Medicaid beneficiaries have access to care and receive quality care. Eliminating the Federal match for the provider tax revenues would cost our State \$52 million over the next 18 months.

While all health care providers will be negatively affected by the elimination of the Federal match for funds generated through provider taxes, Minnesota's nursing homes and their residents will be especially hard-hit. Minnesota law prohibits nursing homes from charging private pay patients any more than Medicaid reimbursement rates. This has had the effect of improving access to care and quality of care for nursing home residents covered by Medicaid and means that repealing the match for the enhanced payments the provider tax makes possible will have consequences for all Minnesota nursing home residents, not only those covered by Medicaid.

I recognize that the provider tax is a questionable alternative for addressing the very real problems that States are having in funding their Medicaid Programs. I would note, however, that many of us in Congress were under the impression that while voluntary contributions as a means of drawing down Federal matching dollars would probably be prohibited, provider taxes of modest scope would be allowed to continue. The interim final rule on this issue thus came as a shock to the States and to many of us in Congress.

My commitment to access to high-quality care for Minnesota's Medicaid beneficiaries compels me to vote for H.R. 3595.

Mrs. COLLINS of Illinois. Madam Chairman, I rise in strong support of H.R. 3595.

As much as it pains me to say this, Illinois has had a dismal record in the Medicaid Program. It offers notoriously low reimbursement rates and is phenomenally slow to send providers what meager reimbursement it does provide. However, to the credit of the State house and the Governor, when the window of opportunity was opened and a way was shown how to increase the State's Medicaid funds, they seized upon it on good faith. A law was enacted to assess medical providers with a tax, based on their Medicaid revenues, with the proceeds from this special tax going to the State's Medicaid Program.

Then, lo and behold, HCFA changed its mind and decided that these provider assessments would no longer be viable options for a State to use to supplement its Medicaid Program. Not only was the provider assessment deemed inappropriate by HCFA, but to pull the rug completely out from under the States, the ban on provider assessments is set to go into effect right smack in the middle of the State's fiscal year. H.R. 3595 is a balanced and necessary measure that will provide a relief for the States that are caught in HCFA's bait and switch trap.

Now is not the time to ambush States that are trying desperately to deal with an increased load of Medicaid eligible persons and an extremely high demand for services. In Illinois, the money raised via the provider assessments will be used to reach all of the Medicaid eligibles and to increase the abysmally low reimbursement rate. Our Medicaid system is overburdened and the State is trying to find ways to provide services to the millions who are in need of assistance. The effect of

the ruling disallowing this program would be devastating to Illinois hospitals which serve disproportionately high volumes of Medicaid clients. In my district, three such hospitals have recently closed and others will be at serious risk if this rule is implemented.

The provider specific tax program is a legitimate way to represent the true costs of health care throughout the State, bring reimbursement rates in line with actual hospital costs and enable the State to balance its budget throughout the fiscal year.

The measure before us is vitally necessary to prevent financial disaster and chaos in Illinois and other States that have taken advantage of this program. It provides for a moratorium on the implementation of rules affecting the provider-specific taxes until September 30, 1992. In addition, the HHS Secretary would be required to submit to Congress a report describing the rules the agency intends to implement on voluntary contributions and provider assessments.

Recently, we have heard about an agreement between HCFA and the National Governors Association that would render this bill unnecessary. Let me emphatically state that some States may possibly benefit from such an agreement, Illinois would not. The terms of the agreement are vague and would require virtually impossible actions by the State. In the final analysis, HCFA could still declare the State's new program to be in noncompliance and disallow Medicaid reimbursement payments made to the State. The agreement does not address the problems encountered by Illinois and many other States. For this and other reasons, I urge my colleagues to support H.R. 3595.

Mr. BORSKI. Madam Chairman, I rise today in strong support of H.R. 3595, the Medicaid Moratorium Amendments of 1991. As a cosponsor of this legislation, I would like to commend Chairman WAXMAN of the Energy and Commerce Subcommittee on Health and the Environment for bringing this urgent matter to the floor of the House in a timely fashion.

On September 12, the Bush administration issued regulations that threaten disaster for the elderly, disabled, women and children who depend on Medicaid for basic health and long-term care. These regulations would deny Federal matching funds for revenues from voluntary contributions and provider-specific taxes used to finance the State share of Medicaid. These regulations will take effect on January 1, 1992, unless Congress acts now to delay them.

The September 12 regulations violate the agreement between Congress and the President that was included in the Omnibus Budget Reconciliation Act of 1990. This agreement allows the administration to ban, beginning January 1, 1992, Federal matching payments for revenues from voluntary contributions. However, it specifically prohibits the administration from doing the same for revenue generated from provider-specific taxes.

Madam Chairman, if these regulations go into effect as planned, they will result in over \$300 million in lost Federal Medicaid funds for Pennsylvania. Every hospital and nursing home in my district and in Pennsylvania will be adversely affected. These regulations threaten to diminish or eliminate services for

Pennsylvania's 1.4 million Medicaid recipients and the hundreds of thousands of uninsured who rely on financially sound health care facilities to meet their needs.

Pennsylvania simply cannot assume this additional burden on its own without having to resort to cutting Medicaid services or tightening eligibility. Since January 1990, the number of Pennsylvania eligible for Medicaid has increased by 13 percent. Skyrocketing Medicaid costs, combined with the impact of the recession, have put a severe strain on the Commonwealth's budget and its ability to maintain vital health services.

H.R. 3595 would give Congress and the administration more time to reach a workable solution on this contentious issue. The bill would delay the implementation of the September 12 regulations until September 30, 1992, and would require the administration to report to Congress by February 3, 1992, any legislative recommendations regarding voluntary contributions and provider-specific taxes. This would give Congress, the administration, and health care providers a reasonable opportunity to consider any appropriate changes to current Medicaid financing arrangements.

H.R. 3595 would also give a State until December 31, 1992, to phase out voluntary contribution programs, as long as a State does not spend more from contributions raised in fiscal year 1993 than it does in fiscal year 1991. Furthermore, intergovernmental transfers would be permanently protected from regulatory intrusions.

Madam Chairman, I support H.R. 3595 because it will give States the time they need to adjust to regulatory changes in the Medicaid Program. The bill will keep the Bush administration at the bargaining table and force it to give this issue the attention it deserves. A vote for H.R. 3595 is a vote to avert a catastrophe that our health care providers cannot afford to endure.

Again, I would like to thank Chairman WAXMAN for his fine work on this legislation. As a cosponsor, I urge my colleagues to vote on behalf of our hospitals, nursing homes, and Medicaid patients and to support this much-needed moratorium.

Ms. SNOWE. Madam Chairman, I rise to express my strong support for H.R. 3595, which would place a moratorium on the implementation of the Health Care Financing Administration's [HCFA's] attempt to disrupt the ability of the States to run their Medicaid programs.

We here in Congress are more than willing to tell States how to run their programs, who should be covered and what benefits they should get, but we aren't willing to provide the necessary funds to carry them out. We leave that issue up to the States. Therefore, 21 States now use voluntary contributions and 27 States use provider-specific taxes to ensure they have sufficient funds to meet Federal Medicaid mandates.

In my State of Maine, Medicaid costs have doubled since 1986 and there has been an 18-percent increase in the number of people eligible for the program. Due to this increase the State, in order to ensure adequate funding for Medicaid, adopted a provider-specific tax in its recent biannual budget after close consultation with HCFA.

Today, 30 States, Maine included, are facing tough budget decisions because of the recession. If we allow HCFA's rule to take effect on January 1, State legislatures will have to reconvene to decide where to cut bare boned budgets to cover the loss of Medicaid funds. These difficult decisions will be made because, unlike the Federal Government, most States—39 in fact—have balanced budget clauses that require them to spend only the money they have.

The individual State's ability to stay afloat is perilous enough in these tough economic times; we cannot let HCFA weigh down the ship of State any further by changing the rules in the middle of the stream. I urge my colleagues to join me, therefore, in passing H.R. 3595.

Mr. ATKINS. Madam Chairman, last summer, Massachusetts' Gov. William Weld announced a \$489 million increase in Medicaid reimbursements for uncompensated care from the Health Care Financing Administration [HCFA]. These funds were found through a Federal law passed in November 1990 which made it possible to increase Federal matching funds through provider taxes and voluntary contributions from hospitals throughout the State.

Madam Chairman, although the process of using provider taxes for revenue is by no means ideal, these voluntary contributions and provider taxes have enabled the State to retain many programs which would have otherwise been cut as a result of the recession.

The President's advisors have called these efforts to raise more Medicaid funds a scam, and have penned new regulations that would disallow matching Federal funds for voluntary contributions and provider taxes. H.R. 3595 bars the administration from doing so until October 1992.

Frankly, Madam Chairman, these are times of great economic uncertainty throughout New England. Our overburdened hospitals, even with this program which helps us to meet our existing Medicaid commitments, are still underfunded by HCFA. I will support any efforts to help meet our Medicaid obligations so that our citizens can provide for their medical needs in these hard times. H.R. 3595 is one such effort. Madam Chairman, I thank my colleagues from Massachusetts, Representative GERRY STUDDS and Representative BARNEY FRANK, for their leadership on this issue; and I urge all of my colleagues in the House to join me in passing this important piece of legislation.

Mr. COX of Illinois. Madam Chairman, I would like to express my strong support for H.R. 3595, the Medicaid Moratorium Amendments of 1991. I am a cosponsor of this bill, which is critical for the continuation and development of health care services to Medicaid patients across the country. This bill is the lifeline to Illinois' extensive Medicaid Program that serves so many citizens who depend on their continued access to providers.

This past summer, my home State of Illinois enacted a provider assessment program to give hospitals, nursing homes, long-term care facilities and community mental health centers rate increases. This program also gives special payments to hospitals that serve high numbers Medicaid patients. Without Federal

matching funds for the new Illinois program, the State would face the prospect of significant reductions in its Medicaid budget.

The removal of this provider assessment program could result in severe reductions for Illinois' Medicaid budget. Without Federal matching funds for the new Illinois program, the State could face a loss of \$320 million this fiscal year. Further, if the State attempts to continue its extensive services, the program could face a 5-percent across-the-board cut.

In order for Illinois to maintain its broad-based Medicaid Program, it must be given the ability to decide how to raise the revenue for this program. The Health Care Financing Administration's September 12, 1991, regulation would deny States the flexibility to finance their own Medicaid programs which provide critical health care to so many citizens in need.

H.R. 3595 secures the right of States to establish a tax base for financing their own programs. This bill also provides the key to ensuring that vital health care services continue to reach the many Americans who depend on the Medicaid Program. It is for these reasons that I stand in support of H.R. 3595.

Mr. POSHARD. Madam Chairman, I rise in strong support of H.R. 3595, the Medicaid Moratorium Amendments of 1991.

Passing this measure will delay issuance of administration regulations that significantly change the treatment of voluntary contributions and provider-specific taxes by States as a source of their expenditures for which Federal financial participation is available under the Medicaid program.

My southern Illinois district is a rural area already pressured by limited health care access. Without this legislation, our hospitals and health care facilities will be especially hard hit. Implementation of the Department of Health and Human Services September 12 ruling would result in drastic reductions of medical care for a substantial part of our population. It would have specifically defeating impact on those with low incomes, the aged and disabled, pregnant women, children, and all who depend on primary-care clinics, the very people who lack for proper medical attention.

At a time when State Medicaid budgets are stretched to the limits, with Federal mandates to cover new populations and services, and thousands of families falling below the poverty level every year, every legitimate means of revenue enhancement for this Federal/State health care program is needed. To illustrate this need, Illinois Medicaid providers are today waiting over 100 days for reimbursement of over \$700 million worth of backlogged Medicaid claims. If the HHS rule is enforced as proposed in January 1992, this crisis will only increase, with little hope of resolution in the future.

The HHS rule prohibiting Federal matching funds for voluntary donations and provider-specific taxes can only be viewed as another step by the administration to avoid recognition of the tremendous problems facing millions of American families. They are attempting to cope with a failing economy, and our failure to act today will result in further disenfranchisement of our poorest citizens, who most often through no fault of their own must depend on the Government to receive medical care they rightly deserve as Americans.

Madam Chairman, I cannot urge strongly enough passage of H.R. 3595, so that at least there will be an opportunity to develop a reasonable and long-term resolution to the distressing dilemma of Medicaid reimbursement.

Mr. ENGEL. Mr. Speaker, I rise today in support of the override of the President's veto of H.R. 2707. I find it appalling that we even have to debate this issue once more. The administration is trying to simplify this bill into one, lone issue—whether or not federally funded family planning clinics may provide information about abortions to women who inquire about all their legal options.

Every person has a right to full medical knowledge whether or not they are able to afford a private doctor, or must use a public family planning clinic. It is very difficult for a woman to be faced with such a difficult choice, but she must be allowed to make an educated decision about all of her legal options. The Congress, the Supreme Court, and the President do not have the right to interfere with the relationship between a doctor and his/her patient.

This legislation is about more than abortion, a woman's constitutional right to choose, and a doctor's right to free speech. It's about more than an individual's right to privacy and a poor woman's access to affordable, legal medical care. These issues should not even have to be debated. They are basic rights of every American citizen.

But we must not allow one emotional issue to cloud the whole picture. This legislation is about job training programs, AIDS research, health care for the homeless, Medicaid and Medicare, student financial aid, school improvement programs, cancer research, and child care. It is about \$204.9 billion worth of vital social and scientific programs.

I urge my colleagues to override the President's veto. We cannot allow one man to deny women their basic reproductive rights. We cannot allow one man to deny the American people their constitutional right to fundamental Government programs.

□ 1850

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 3595 is as follows:

H.R. 3595

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Medicaid Moratorium Amendments of 1991".

**SEC. 2. FINDINGS; PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) In the Omnibus Budget Reconciliation Act of 1990, Congress extended until December 31, 1991, a moratorium that prohibits the Secretary of Health and Human Services from changing the treatment of voluntary contributions and provider specific taxes by States as a source of a State's share of Federal financial participation under the Medicaid program. Congress expressed no intention to change the treatment of intergovernmental transfers as such a source.

(2) In OBRA '90, Congress amended title XIX of the Social Security Act to permit the

Secretary (upon the expiration of such moratorium) to deny or limit payments under the Medicaid program to States for expenditures attributable to taxes imposed with respect to the provision of items and services under the program only if, in the case of certain facilities reimbursed on a cost basis, such expenditures were for costs attributable to taxes imposed solely with respect to such facilities.

(3) On September 12, 1991, the Secretary published an interim final regulation purporting to implement the provisions in OBRA '90. Such interim final regulation—

(A) proposes restrictions on the use of State revenues attributable to provider-specific taxes that go far beyond the limited exception to the Secretary's authority to impose restrictions on the use of such revenues amendments made by OBRA '90;

(B) may have the effect of denying Federal matching payments for expenditures under the program that are attributable to intergovernmental transfers, an outcome that was never intended by Congress when it enacted OBRA '90; and

(C) does not provide adequate guidance to the States with respect to which specific types of provider-specific taxes may be used as a source of a State's expenditures for which Federal financial participation is available.

(4) The Secretary intends to republish this interim final regulation as a final regulation on or about January 1, 1992, effective as of the date of republication. States enacted budgets for State fiscal years which began before the date of publication of the interim final regulation, in anticipation of an appropriate interpretation of the provisions of OBRA '90.

(5) Because of the unanticipated financial impact of such a regulation in the middle of State fiscal years, many States will be required to enact emergency legislation or to take other emergency measures, including reductions in eligibility, benefits, or reimbursement under their Medicaid plans, in order to continue to assure that previously enacted State budgets remain balanced.

(6) The Federal Government should not take unilateral administrative actions that have the practical effect of prohibiting States from using State and local taxes to pay for covered services on behalf of eligible individuals under the Medicaid program.

(b) PURPOSES.—The purposes of this Act are—

(1) to delay the issuance of regulations changing the treatment under the Medicaid program of voluntary contributions and provider-specific taxes in order (A) to avoid disruptions in State budgets during the middle of State fiscal years and (B) to provide the Secretary of Health and Human Services with additional time to issue regulations that conform to OBRA '90;

(2) to maintain current regulations that permit Federal financial participation under the Medicaid program or intergovernmental transfers; and

(3) to provide Congress with information in order to enact legislation to maintain Federal financial participation under the Medicaid program for State revenues generated by legitimate voluntary contributions.

**SEC. 3. USE OF VOLUNTARY CONTRIBUTIONS, PROVIDER-SPECIFIC TAXES, AND INTERGOVERNMENTAL TRANSFERS BY STATES TO RECEIVE FEDERAL MATCHING FUNDS UNDER MEDICAID.**

(A) DELAY IN CHANGES IN REGULATIONS CONCERNING VOLUNTARY CONTRIBUTIONS AND PROVIDER-SPECIFIC TAXES.—Section 8431 of

the Technical and Miscellaneous Revenue Act of 1988 is amended.

(1) in the heading by striking "FINAL"; and

(2) by striking "any final regulation prior to December 31, 1991" and inserting "any regulation prior to September 30".

(b) MAINTAINING TREATMENT OF INTERGOVERNMENTAL TRANSFERS.—Such section is further amended—

(1) by inserting "(a) IN GENERAL.—" before

"The Secretary", and

(2) by adding at the end the following new subsection:

"(b) MAINTAINING TREATMENT OF INTERGOVERNMENTAL TRANSFERS.—Secretary shall not issue any regulation that changes the treatment (specified in section 433.45(a) of title 42, Code of Federal Regulations) of public funds as a source of State share of financial participation under title XIX of the Social Security Act.

(c) TRANSITION FOR VOLUNTARY CONTRIBUTIONS.—Such section is further amended by adding at the end the following new subsections:

"(c) TRANSACTION.—Any regulation that changes the treatment of voluntary contributions utilized by States to receive Federal matchings funds under title XIX of the Social Security Act shall not apply to voluntary contributions made before January 1, 1993, except that, with respect to a State, the amount of Federal financial participation during fiscal year 1993 that results from the State's use of voluntary contributions under such title may not exceed the amount of Federal financial participation during fiscal year 1991 that resulted from the State's use of voluntary contributions."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 4. REPORT.**

By not later than February 3, 1992, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report describing—

(1) any regulation the Secretary intends to issue to limit the use of voluntary contributions and provider-specific taxes to obtain Federal financial participation (including any regulation to implement section 1903(i)(10) of the Social Security Act);

(2) the specific types of voluntary contributions and provider-specific taxes that may be used under the regulation as sources of a State's expenditures for which Federal financial participation is available; and

(3) any legislation that the Secretary believes is appropriate.

**SEC. 5. BUDGET COMPLIANCE PROVISIONS.**

(A) COST ESTIMATE.—The applicable cost estimate of this Act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows: For each of fiscal years 1991 through 1995, the increase in outlays is 0 and the increase in receipts is 0.

(b) TREATMENT UNDER PAY-AS-YOU-GO PROCEDURES.—Notwithstanding subsection (a)—

(1) the provisions of (and amendments made by) this Act shall be treated as provisions designated as emergency requirements by the President and Congress under section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985, and

(2) any amount of new budget authority or outlays resulting from the provisions (and amendments made by) this Act shall not be considered for any purposes under the Balanced Budget and Emergency Deficit Control Act of 1985.

The CHAIRMAN. Consideration of all amendments to the bill shall not exceed 3 hours.

#### COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. WAXMAN. Madam Chairman, I ask unanimous consent that the committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 3, beginning line 7, strike "and provide-specific taxes".

Page 3, strike line 13 through line 22, and insert the following:

(2) In OBRA '90, Congress amended title XIX of the Social Security Act to prohibit the Secretary from denying or limiting Federal financial participation under the medicare program to States for expenditures attributable to provider-specific taxes, except that the Secretary is permitted to deny or limit Federal financial participation if, in the case of certain facilities reimbursed on a cost basis, such expenditures are for costs attributable to taxes imposed solely with respect to such facilities.

Page 4, line 8, insert before "an interim" the following: "(and on October 31, 1991, withdrew, canceled, and republished)".

Page 4, beginning line 13, strike "the limited" and all that follows through "such revenues" and insert the following: "the Secretary's authority to impose such restrictions".

Page 7, line 3, strike "September 30" and insert "October 1".

Page 7, line 15, strike "Act." and insert the following: "Act, including the treatment of such funds as a source of State share of financial participation under such title regardless of whether the public agency contributing the funds provides services under the State plan under such title."

Page 7, line 23, strike "TRANSACTION" and insert "TRANSITION".

Page 8, strike lines 10 through 12 and insert the following:

(d) MORATORIUM ON REVISIONS OF ESTIMATED AMOUNTS.—Such section is further amended by adding at the end the following new subsection:

"(d) MORATORIUM ON REVISIONS OF ESTIMATED AMOUNTS.—

(1) IN GENERAL.—In estimating the amount to which a State will be entitled for a quarter under subsections (a) and (b) of section 1903 of the Social Security Act under section 1903(d)(1) of such Act, the Secretary may not withhold any amounts estimated to be expanded during the quarter (or reduce any amount so estimated pursuant to section 1903(d)(2)(A) of such Act) solely because the amounts are attributable to voluntary contributions, intergovernmental transfers, or provider-taxes.

(2) PERIOD OF APPLICABILITY.—Paragraph (1) shall apply—

(A) in the case of amounts attributable to intergovernmental transfers or provider-paid taxes, with respect to quarters beginning on or after January 1, 1992, and ending on or before September 30, 1992; and

(B) in the case of amounts attributable to voluntary contributions, with respect to quarters beginning on or after January 1,

1992, and ending on or before December 31, 1992."

(e) MORATORIUM ON PENALTIES AND OTHER REGULATORY ACTIONS.—Such section is further amended by adding at the end the following new subsection:

"(e) MORATORIUM ON PENALTIES AND OTHER REGULATORY ACTIONS.—

"(a) IN GENERAL.—The Secretary may not assess a penalty or take any compliance, disallowance, or other regulatory action against a State under or pursuant to title XIX of the Social Security Act on the basis of the State's use of voluntary contributions, intergovernmental transfers, or taxes (whether or not of general applicability) paid by, assessed against, or received from an individual or entity providing medical assistance under the State plan under such title to receive Federal matching funds under such title.

"(2) PERIOD OF APPLICABILITY.—Paragraph (1) shall apply with respect to actions taken by the Secretary—

"(A) on the basis of a State's use of intergovernmental transfers or taxes during the period beginning on or after January 1, 1992, and ending on or before September 30, 1992; and

"(B) on the basis of a State's use of voluntary contributions during the period beginning on or after January 1, 1992, and ending on or before December 31, 1992."

Mr. WAXMAN (during the reading). Madam Chairman, I ask unanimous consent that the committee amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. DANNEMEYER. Madam Chairman, reserving the right to object, would the gentleman explain what he means by committee amendments?

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

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

Mr. WAXMAN. Madam Chairman, these are amendments adopted by the committee which must be adopted by this Committee on the Whole. The amendments that would be considered en bloc would be to put the bill before us as it was reported from the Committee on Energy and Commerce.

Mr. DANNEMEYER. Further reserving the right to object, would the adoption of these amendments have an effect upon the amendment that I seek to offer relating to reducing the Federal mandates on the States by Medicaid?

Mr. WAXMAN. The gentleman would not be affected by this action. He may be affected by the rules of the House.

Mr. DANNEMEYER. That is an interesting response.

Madam Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Madam Chairman, I offer an amendment.

Mr. WAXMAN. Madam Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from California reserves a point of order on the amendment.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER:  
SEC. 6. 2-YEAR DELAY IN CERTAIN STATE MEDICAID MANDATES.

(a) PHASED-IN EXTENSION OF MEDICAID PAYMENTS FOR MEDICARE PREMIUMS FOR CERTAIN INDIVIDUALS WITH INCOME BELOW 120 PERCENT OF THE OFFICIAL POVERTY LINE.—Section 1902(a)(10)(E)(iii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iii)), as added by section 4501(b)(3) of the Omnibus Budget Reconciliation Act of 1990, is amended by striking "1993 and 1994" and "1995" and inserting "1995 and 1996 (and, at a State's option, in 1993, in 1994, or in both)" and "1997 (and, at a State's option, in 1995, in 1996, or in both)", respectively.

(b) PHASED-IN MANDATORY COVERAGE OF CHILDREN UP TO 100 PERCENT OF POVERTY LEVEL.—Section 4601(b) of the Omnibus Budget Reconciliation Act of 1990 is amended—

(1) in paragraph (1), by striking "July 1, 1991" and inserting "July 1, 1993", and

(2) by amending paragraph (2) to read as follows:

"(2) A State plan for medical assistance under title XIX of the Social Security Act may provide for implementation of the amendments made by this section for any calendar quarter beginning before July 1, 1993, but not before July 1, 1991."

(c) MANDATORY USE OF OUTREACH LOCATIONS OTHER THAN WELFARE OFFICES.—Section 4602(b) of the Omnibus Budget Reconciliation Act of 1990 is amended by striking "July 1, 1991" and inserting "July 1, 1993".

(d) ADJUSTMENT IN PAYMENT FOR HOSPITAL SERVICES FURNISHED TO LOW-INCOME CHILDREN UNDER THE AGE OF 6 YEARS.—Section 4604(d)(1) of the Omnibus budget Reconciliation Act of 1990 is amended by striking "July 1, 1991" and inserting "July 1, 1993".

SEC. 7. PROTECTION AGAINST DISALLOWANCES FOR GOOD FAITH COMPLIANCE WITH REQUIREMENTS.

(a) IN GENERAL.—Section 1904 of the Social Security Act (42 U.S.C. 1396c) is amended—

(1) by inserting "(a)" after "1904.", and

(2) by adding at the end the following new subsection:

"(b)(1) The Secretary may not take any action against a State under subsection (a) or under section 1116 with respect to a State's failure to comply with a requirement of this title, for actions or inactions occurring before the date a final regulation to carry out such requirement has been promulgated, if—

"(A) the State has complied in good faith with such requirement, or

"(B) the State has not complied with such requirement and a regulation is required in order for the State to implement properly the requirement. Subparagraph (B) shall be applied without regard to whether or not a provision of law states the requirement takes effect without regard to the timely promulgation of regulations.

"(2) Within 60 days of the date of the enactment of any Act which has the effect of changing any requirements for States under

this title, the Secretary shall provide, by notice in the Federal Register, a statement as to whether or not, with respect to each such requirement, a regulation is needed in order for States to implement properly such requirement."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to disallowances taken on or after such date, regardless of whether or not the action (or inaction) giving rise to the disallowance occurred before, on, or after such date.

**SEC. 8. AUTHORIZING WAIVER OF NURSING HOME REFORM REQUIREMENTS.**

The Secretary of Health and Human Services may waive specified requirements of subsections (b) through (e) of section 1919 of the Social Security Act with respect to nursing facilities located in a State if the State provides assurances satisfactory to the Secretary (including, if appropriate, the implementation of an alternative State program) that the waiver of such requirements will not adversely affect the quality of life of the residents in such facilities.

**SEC. 9. MODIFICATION OF REQUIREMENTS RELATING TO PROVISIONS OF EPSDT SERVICES.**

(a) **FLEXIBILITY IN THE USE OF PROVIDERS.**—Section 1905(r) of the Social Security Act (42 U.S.C. 1396d(r)) is amended, in the sentence following paragraph (5)—

(1) by striking "as limiting" and inserting "as preventing a State from limiting", and

(2) by striking "or as preventing a provider" and all that follows up to the period at the end of the sentence.

(b) **LIMITING REQUIRED FOLLOW-UP TREATMENT SERVICES.**—Section 1905(r)(5) of such Act is amended by striking "whether or not such services are covered under the State plan" and inserting "if such services are otherwise covered under the State or (at the option of the State) whether or not such services are so covered".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 1990.

Mr. WAXMAN (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

**POINT OF ORDER**

Mr. WAXMAN. Madam Chairman, I do make a point of order on this amendment.

The CHAIRMAN. Does the gentleman reserve a point of order?

Mr. WAXMAN. No, Madam Chairman, I assert a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WAXMAN. Madam Chairman, the amendment is not germane to the bill that is before us. It is broader in scope than the bill that is before the House. The bill simply prevents the Secretary from issuing regulations. The amendment delays substantive Medicaid provisions, including coverage for children who are in poverty, payments for Medicare premiums for the poor, elderly, and nursing home reform.

The amendment affects two laws that are not under consideration in the bill

before us, and I make that point of order.

The CHAIRMAN. Does the gentleman from California [Mr. DANNEMEYER] wish to be heard on the point of order?

Mr. DANNEMEYER. Madam Chairman, yes, I do.

Madam Chairman, my point of order essentially is that we are dealing with a piece of legislation, the net effect of which will raise Medicaid spending, at the Federal level, \$5.8 billion over the next year. My amendment seeks to reduce the Federal mandates on the States by reducing over the next 5 years some \$2.1 billion of mandates.

I think the logic of my position is essentially this: If the bill before us raises Medicaid spending at the Federal level, how could it possibly be that my amendment to reduce the Federal mandate on the State would not be in order? I do not understand that. That is the point.

Another point of order I would make, or I guess as a part of my point of order I would like to ask a parliamentary inquiry, if I may.

The CHAIRMAN. The gentleman is arguing the point of order now.

Mr. DANNEMEYER. Madam Chairman, a parliamentary inquiry. May I ask as a part of a point of order a parliamentary inquiry?

The CHAIRMAN. The gentleman may ask a parliamentary inquiry.

The DANNEMEYER. Here is the parliamentary inquiry. This legislation on page 6, lines 23 and 24, seeks to use as a linchpin for being here today the Technical and Miscellaneous Revenue Act of 1988. My parliamentary inquiry is this: If this legislation would reference title XIX of the Medicaid law, would my amendment be in order?

The CHAIRMAN. The Chair will not make a ruling on a hypothetical inquiry, but the Chair is prepared to make a decision on the point of order.

Mr. DANNEMEYER. With all due respect, I do not believe that is a hypothetical. It is fairly front and center. If this bill was predicated upon title XIX of the Medicaid law would my amendment be in order?

The CHAIRMAN. The Chair is not called upon to rule on that inquiry. The Chair is called upon to rule on the point of order. The Chair is prepared to rule on the point of order.

Mr. DANNEMEYER. I thank the Chair.

The CHAIRMAN (Ms. PELOSI). The gentleman from California makes a point of order that the amendment offered by the gentleman from California is not germane to the bill. H.R. 3595 would delay until September 30, 1992, the issuance of certain regulations issued by the Department of Health and Human Services concerning the treatment by the States of revenues from voluntary contributions, provider-specific taxes, and intergovernmental transfers to finance their share of the

Medicaid Program. Thus the fundamental purpose of H.R. 3595 is focused narrowly on what funds many States use to pay their share of Medicaid Program expenditures and receive Federal matching funds and only for a temporary period of time—until September 30, 1992. The bill makes no direct changes of either a temporary or permanent nature in the Medicaid law, title XIX of the Social Security Act. The amendment, on the other hand, makes permanent changes in the Medicaid law, including modifications in who may provide certain diagnostic treatment benefits. To a bill proposing a temporary change in law, an amendment making permanent changes in that law is not germane—Deschler's Procedure, chapter 28, section 19.1. The Chair sustains the point of order.

□ 1900

**AMENDMENT OFFERED BY MR. PANETTA**

Mr. PANETTA. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PANETTA: Page 11, strike lines 17 through 22.

Mr. PANETTA. Madam Chairman, the purpose of the amendment that I have offered here would strike the emergency designation contained in the bill, because I do not believe it is needed to protect against what the CBO says are no costs that are involved with this moratorium.

Second, because I am concerned that it does not meet the tests we have established for an emergency designation pursuant to the budget agreement.

First of all, let me make some general comments about the situation with regard to the issues that are confronted in this legislation. This is obviously a very complicated area in which both the committees and the administration have struggled to try to see if there was a way to develop regulations to control these areas.

As a matter of fact, in the reconciliation bill last year, we included guidelines to indicate very clearly that, first of all, we would put off regulations again for a year in a moratorium, but second, there were some clear guidelines about how the regulations should be adopted. Unfortunately, HCFA and the administration basically ignored the guidelines that were provided in reconciliation and went ahead to propose these regulations.

The problem is, even though I think everyone acknowledges that there are potential abuses and abuses that are taking place now that are of concern and that have to be dealt with, the way to deal with this is in negotiations between the committee, the Governors, and the Administration, trying to come up with regulations to confront what everyone admits is a very difficult issue; but you cannot just slam dunk regulations the way HCFA is trying to do and expect that you can

control the situation. All you wind up doing is creating chaos.

So this issue does need to be put on hold and that is why I support the general thrust of the legislation that is before the Congress.

Let me also refer to the scorekeeping issue, which is the budget issue. Are there costs involved here? The Congressional Budget Office says there are zero costs involved with this proposal. The reasons are basically two: First, it is the scorekeeping precedent that has always been used when you are dealing with proposed regulations. We have never, when it comes to scorekeeping, assumed that proposed regulations or savings that flow from proposed regulations are automatically part of the base line.

Neither the CBO nor OMB, for that matter, for 10 years has ever used that kind of approach in scorekeeping. What CBO basically is saying is that these are proposed regulations, they assume a certain amount of savings, that you ought not to assume that they are part of the baseline; for that reason if you put a moratorium on these regulations, it does not involve any costs.

The second reason is because under the pay-go requirement in the budget agreement, the requirement for pay-go is where you increase benefits, where you liberalize benefits, they are to be paid for.

These regulations do not involve liberalizing benefits. They do involve potential savings, but again it is not incorporated within the pay-go definition that was included in the budget agreement.

So I think the Congressional Budget Office is absolutely correct here in terms of scoring this zero, because it does not meet the precedent on scorekeeping for proposed regulations, and second, because it does not fit the pay-go requirement under the budget agreement.

If you allow HCFA or the administration to be able to use regulations to implement their legislative strategy, then you really are depriving this institution of what is legitimately the role of the Congress, which is to legislate on issues. You cannot do it through proposed regulations.

Mr. HUCKABY. Madam Chairman, will the gentleman yield?

Mr. PANETTA. I am happy to yield to the gentleman from Louisiana.

Mr. HUCKABY. Madam Chairman, I thank the gentleman for yielding to me.

Is it my understanding, and I want to commend the chairman of the Budget Committee for being what I consider to be an extremely good watch dog as far as making sure that we stay within the bounds of the budget agreement, and what the gentleman is suggesting to our colleagues is that these changes in regulations do not impact the budget in an adverse way at all; is that correct?

Mr. PANETTA. The Congressional Budget Office has said that if we adopt this moratorium, the cost would be zero.

Now, the OMB has at least indicated there might be some cost. I have to be frank with the gentleman. I have yet to get from the Office of Management and Budget what the costs would be that are involved here. HCFA has suggested that the costs might be \$80 million. We have heard numbers of \$5.8 billion. We have not received from the Office of Management and Budget a specific cost number with regard to this proposal.

We do know from the Congressional Budget Office that they believe it is zero because these are proposed regulations that have not been implemented.

The CHAIRMAN. The time of the gentleman from California has expired. (By unanimous consent, Mr. PANETTA was allowed to proceed for 2 additional minutes.)

Mr. HUCKABY. Madam Chairman, if the gentleman will yield further, then of course it is our Congressional Budget Office that is the nonpartisan bookkeeper for the Congress.

Mr. PANETTA. That is the view of this gentleman.

Mr. HUCKABY. Madam Chairman, I thank the gentleman.

Mr. PANETTA. Madam Chairman, with regard to the specific amendment that is before the House, it deals with the emergency designation. Because the CBO scores this as zero, I do not believe that the emergency designation is warranted here.

Beyond that, we had established certain tests for what is an emergency that we have done in conjunction with the Office of Management and Budget, that an emergency response to something that is sudden, unforeseeable, and a temporary crisis.

Very frankly here it is not sudden because we knew very well that we had been trying to deal with this issue for 3 years.

It was certainly not unforeseeable, because we knew clearly it was coming, and third, it was not a temporary crisis, because I am afraid we are going to have to confront the problem of Medicaid and Medicaid funding for a long time to come.

So it is for those reasons that I think the use of the emergency designation is not well placed in the context of this legislation, and therefore I would move to strike it.

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

Mr. PANETTA. I am pleased to yield to the gentleman from California.

Mr. WAXMAN. Madam Chairman, I support the gentleman's amendment.

The purpose of section 5(b)(1) of the bill, which the gentleman's amendment would strike, is to avoid the sequestration of nonexempt entitlement programs, especially Medicare.

This same purpose is accomplished by sections 5(a) and 5(b)(2) of the bill, which the gentleman's amendment would not disturb.

Thus, under the bill as amended by the gentleman's amendment, there would be no sequestration, regardless of whether the Office of Management and Budget chose to disregard the estimate of the Congressional Budget Office.

Under section 5(a), the CBO estimates would control; since they are zero cost, this bill would not trigger a sequester.

Under what is now section 5(b)(2), any budget authority or outlays that OMB might attribute to this bill would be disregarded for purposes of enforcing pay-as-you-go rules and deficit targets under the Budget Act. Thus, there could be no offsetting sequestration as a result of this legislation.

Mr. DANNEMEYER. Madam Chairman, I move to strike the last word.

Madam Chairman, previously this Member from California offered an amendment that was ruled not germane. Had I been offered the opportunity of having the House consider that amendment, it would have permitted the House to get to what really the struggle is.

Over the last 5 years we have seen a horrendous increase in Medicaid mandates on the States of the Union that have caused 49 Governors of this Union to say to the Congress in writing, "Stop expanding Medicaid mandates. We are going broke."

Well, my amendment would address this issue. The House would have an opportunity of debating whether or not we want to reduce some of the mandates that Congress has adopted over the last 5 years by a modest amount. It is \$2.1 billion over 5 years in the total Medicaid stream. It is a lot of money, but it is not the whole program.

I think the House should have the opportunity of really putting its finger on what is going on here. On the one hand, Congress as an institution has forced the States to increase their spending for Medicaid. The States have struggled to find a way to finance it, and have come up with these schemes and these scams in order to comply with the requirement that the Federal Government has mandated on them. So this legislation comes along and says, "We're going to open up the door of the Treasury even more."

I say the way to proceed with this is to address the issue of reducing the mandates, not increasing the spending.

I would like to draw the attention of the gentleman from California [Mr. PANETTA], the chairman of the Budget Committee for a moment here. I have often admired the way the gentleman adroitly works his way through the legislative process, but I am puzzled as to the gentleman's logic in wanting to strike this provision, because really,

you know, this legislation is very creative today. By an act of Congress, we are saying that this measure that is going to cost \$5.8 billion in 1 year does not cost anything.

Now, since we are doing that by law, this is the provision on page 11, lines 9 through 14, we are saying it does not cost anything. We are incorporating the analyses of CBO, and since it does not cost any money how can the gentleman possibly have concern that we are going to have a consideration where we have to have an emergency to justify additional spending?

I suspect in the gentleman's own mind he may doubt whether or not the CBO has come up with an accurate recommendation of cost impact. Is that what motivates the gentleman?

Mr. PANETTA. Madam Chairman, if the gentleman will yield, I feel the Congressional Budget Office is absolutely on the mark, because it is following basically precedent on scorekeeping which we established for 10 years on proposed regulations.

□ 1910

What I am saying is the emergency designation does not belong here and it is not needed.

Mr. DANNEMEYER. Well, if that is an example of the work of the Congressional Budget Office that is on target and is fairly assessed, I guess I can begin to understand why in this fiscal year we are scheduled to add \$480 billion to the national debt.

Maybe one day we will find a Congressional Budget Office which can accurately reflect what is going on in the spending stream.

Madam Chairman, I thank the gentleman for his observation.

Mr. GINGRICH. Madam Chairman, I move to strike the requisite number of words, and let me say first of all that I am going to vote for the bill.

I think the bill is the only reasonable step at a point which I wish we were not at, in which frankly I think the Office of Management and Budget has not done its job and has not been responsive.

I hope the bill will be amended in the other body and will be improved and come back as a moratorium on both the States and on the Federal regulations and give us a year without dramatic increase in cost.

But I think if anybody wants to understand why term limitation is leading the land and why people are angry at politicians, this debate is a perfect example because everybody here has been technically correct in gobbledegook. The truth is there has been a huge increase in Medicaid costs, largely driven by Federal mandates, largely driven by the gentleman from California, that has now led the States to find a loophole.

The loophole cost \$200 million; it now costs \$5.8 billion. Given this bill, if it

were to pass the Senate and final passage and be signed into law in its current form, I believe by the end of next year it will cost \$35 billion and real citizens in the real world will know that, because the Treasury would go to the market and borrow \$35 billion.

If you want to have any example of how intellectually bankrupt the congressional system is, look at the CBO, the Congressional Budget Office, scoring of "no cost." It is absolutely correct, as my good friend, the chairman of the Budget Committee, said, under the procedures we follow in this House, which are a disaster, we once again systematically misinform the people of the United States. We once again stand up and say voting for this will not increase any costs.

The truth is, in the real world of real money and real borrowing which affects real interest rates, this is going to raise the cost. And again I do not have any, not an inch, of give on this issue for my good friends down at the Office of Management and Budget. They have totally mishandled this issue. They deserve to have a massive vote against them today.

I am urging every Republican to vote for this package. I am then saying I hope it will be improved in the Senate, I hope it will become a double moratorium on both the States and the Feds, but I also had to rise because I heard this debate. And it is no wonder that average, everyday, commonsense citizens who write checks that are not allowed to bounce, who have credit cards they actually have to pay, listen to this malarkey, listen to us say, "Oh, once again Santa Claus has arrived, there will be no additional cost."

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

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

Mr. WAXMAN. I thank the gentleman for yielding.

And I thank the gentleman for his intended support for our legislation. I think it is important to have a moratorium in place so we can figure out what to do with this Medicaid Program. And beyond that, enact major reform in health care in this Nation.

The Medicaid Program has increased dramatically in costs, and the reason is because health care has gone up so dramatically in terms of the costs.

When Medicaid does not provide care for less than half the people who are below the poverty line, those others who do get care have the costs shifted onto those who do have insurance. Every American who is watching this debate who has insurance knows the high costs they are paying year after year.

So let us not be fooled by what is happening. Health care costs are increasing because we do not have leadership from the White House for major reform in this area. This is not an an-

swer to the problem, but it allows us to address the real underlying problems.

Mr. GINGRICH. May I say to the subcommittee chairman, since he rose, and I appreciate his comments, as a co-chairman of the House Republican Task Force on Health, I frankly hope we are going to have some very major building blocks toward a better system on a bipartisan basis.

Could I say, though, is it not a fact technically true that as a result of the moratorium the Treasury will in the end borrow more money, even through CBO does not score it that way?

Mr. WAXMAN. If the gentleman will continue to yield to me, the only thing I can tell you is that the Congressional Budget Office says that there will not be a cost if we have a moratorium in place. That is not to say, however, if we have a moratorium in place that we do not have work to do to deal with this problem.

Mr. GINGRICH. Again, I ask the gentleman, in the spirit of bipartisanship, is it not true that in terms of dollars going through the U.S. Treasury, more dollars will in fact be expended because of the enactment of this legislation than would be spent without it?

Mr. WAXMAN. That is, I do not believe that is an accurate statement, and I have to—

Mr. GINGRICH. Then why are we passing the moratorium?

Mr. WAXMAN. The Congressional Budget Office—

Mr. GINGRICH. Wait a second. I say to my friend, why pass the moratorium if in fact it does not mean more dollars going to the States?

Mr. WAXMAN. What the moratorium is to prevent is rulemaking that would throw the whole issue into chaos and the States would be tremendously disturbed in their budget plans.

Mr. GINGRICH. Right. But is it not true—

The CHAIRMAN. The time of the gentleman from Georgia [Mr. GINGRICH] has expired.

(By unanimous consent, Mr. GINGRICH was allowed to proceed for 2 additional minutes.)

Mr. GINGRICH. I say to the chairman, is it not true, because in fact without the moratorium the States would get less money?

I yield to the gentleman.

Mr. WAXMAN. If the States do not have a moratorium and the regulations that are being proposed go into effect, there would be less money going to the States to help them pay for their Medicare costs.

Mr. GINGRICH. So, despite the CBO scoring, the fact is less money would go out from the Federal Government in the absence of this bill.

Again, I am going to vote for it. I think this is where we find ourselves. I think it is a correct vote. But I do think it would be nice if the Congressional Budget Office could stop living in a fantasyland.

Mr. LENT. Madam Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Madam Chairman, I am a little confused here because I do not pretend to be a budget expert, but I do know that under this program the inspector general said that in 1990 we spent \$497 million in matching funds to 9 States that by May of 1991, 18 States had requested \$2.5 billion, or 5 times the amount requested over just a half-year earlier, and by July 1991 now, 30 States had requested \$3.8 billion in Federal funds. HCFA currently estimates that this moratorium will cost the Federal Government \$5.5 billion.

Now, I do not know how the chairman of the Committee on the Budget can say that it is not going to cost anything, because there is a chart over there which we used during the debate which shows that the costs is just skyrocketing. I think we are being intellectually bankrupt if we are willing to swallow a Congressional Budget Office estimate that says it is not going to cost anything, because it is obviously going to cost millions of dollars. Maybe the gentleman's amendment is designed to avoid the need to cut spending or sequester, or perhaps raise taxes. Maybe that is what the gentleman is desiring to do.

Mr. WAXMAN. Madam Chairman, I move to strike the requisite number of words, and I yield to the chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA] in order to respond.

Mr. PANETTA. I thank the gentleman for yielding.

First of all, we are dealing with what is exactly the cost of this based on proposed regulations. We have never had a situation where proposed regulations suddenly involve a cost as being somehow being assumed as taking effect. We just have never done that. OMB has never done that, CBO has never done that. And it is easy for all of us to pull numbers out of our pockets. All of us can do that.

Is Medicaid an expensive program? Yes, it is. Is it costing money? Yes, it is. But do proposed regulations that HCFA has suddenly thrown out there automatically mean a certain savings? We don't know. And the Congressional Budget Office says "no." Now, those are the individuals that we turn to as our primary scorekeepers in the House of Representatives and in the Congress. Now, if the gentleman knows something magic beyond what they do, I would like to hear it. But I have yet to see from the Office of Management and Budget—if the gentleman has a letter describing what the costs are, I would like to see that too, but I have yet to see from the Office of Management and Budget a specific cost on this issue.

Mr. GRADISON. Madam Chairman, will the gentleman yield?

Mr. WAXMAN. Madam Chairman, reclaiming my time, the reason that the CBO claims there is no additional cost is because they claim that this is a moratorium that would keep the present law in place and would not allow proposed regulations to go into effect.

Madam Chairman, I do want to yield to the gentleman from Ohio [Mr. GRADISON] if he wishes me to yield to him.

Mr. LENT. Madam Chairman, the gentleman from Ohio [Mr. GRADISON] is involved. Would the gentleman from California [Mr. WAXMAN] yield to me in the meanwhile?

Mr. WAXMAN. Madam Chairman, I yield to the gentleman from New York [Mr. LENT].

Mr. LENT. I thank the gentleman for yielding.

Madam Chairman, we have the inspector general who says it is going to cost \$5.5 billion if this bill passes, we have HCFA actuaries saying it is going to cost \$5.5 billion if the bill passes, and we have OMB that says it is going to cost \$5.5 billion if the bill passes. Now, somehow out of all that, CBO says it is going to cost nothing and, therefore, we can pass this thing willy-nilly.

□ 1920

Madam Chairman, I really think anyone who can look at that chart and who knows what the history of this practice has been; and this is the third moratorium we have granted to the States, by the way, can tell very quickly that this bill has an enormous price tag, and we have no idea what it is going to be down the road.

Mr. WAXMAN. Madam Chairman, I want to thank the gentleman from New York [Mr. LENT] for his comments. All I can point out is we go by the CBO estimates, and we cannot say what, and we have not heard from OMB, what they claim this might cost if their proposal does not become law because under the Budget Act OMB is not required to give Congress an estimate until 5 days after enactment. We need to rely on the CBO, and that is why I would support the amendment of the gentleman from California [Mr. PANETTA].

Mr. GRADISON. Madam Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Ohio.

Mr. GRADISON. Madam Chairman, I think the gentleman from California [Mr. WAXMAN] might have an argument that the cost is very small if this were a true moratorium. In my view a true moratorium would freeze everyone in place, but this does not do that. This permits States which have small programs using this loophole to expand them and those States which have not

used them in the past to add to them, and it is that opportunity that leads to a great deal of uncertainty about the costs, but certainly an expectation that they will be much larger. Were the gentleman to offer a moratorium which says, "No new laws, folks; we're going to freeze this in place while we negotiate," I think he would be in a stronger position to argue with regard to the financing.

I have one other point with regard to—

Mr. WAXMAN. Reclaiming my time, Madam Chairman, if the gentleman would permit, on that point, we expressed to the administration our willingness to discuss that issue because I do think the gentleman raises a valid point in terms of what the costs may be down the road. But the Congressional Budget Office in scoring this looks at present law. If we want to get them to change their minds on the cost estimates, we would probably want to raise that with them directly.

Mr. GRADISON. Madam Chairman, the gentleman brought this bill forward. If he wanted a true moratorium, he could have done so. He chose not to do so, and, therefore, there is a great deal of opportunity for fun and games in expanding this program at the State and local level, and then come back and say, "Well, we took the Congress at its word."

Mr. WAXMAN. Reclaiming my time, Madam Chairman, fun and games and all that we are doing under existing law, letting States do whatever is permitted, and the existing law, by the way, which everyone finds so troublesome, was what the Reagan administration put in place by way of regulation in 1985.

Madam Chairman, I agree there needs to be a change, and we, in fact, agreed to a change in the last budget reconciliation bill which the administration walked away from.

Mr. GRADISON. Madam Chairman, I move to strike the requisite number of words.

I do this, my colleagues, simply to make a point about what my understanding is of why there is a disagreement between the Congressional Budget Office and the Office of Management and Budget, or very likely a disagreement, about cost. Under the old law, until it was changed last year, only final regulations were taken into account in measuring the baseline against which these costs would be figured. We repealed that, and, therefore, my understanding of it is that it is not inappropriate. My colleagues may not like it, but it is not inappropriate for the Office of Management and Budget to assign costs, not just to final regulations, but to proposed regulations, and that is where we are, and I just think it is useful to recognize that we are in this situation because of an action which the Congress took a year ago in

repealing the former base on which the baseline was calculated.

I know that is an arcane point, but the notion that the CBO are the good guys and the OMB are the bad guys is really not a fair representation of why there is a difference. There is a legitimate technical difference of opinion, and, as I will explain when I get into my amendment after the amendment of the gentleman from California is acted upon, there is still a need to perfect this bill if we are going to avoid a major risk of a sequester of other programs, including health programs.

Ms. OAKAR. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I want to compliment the distinguished chairman of this Health Subcommittee, the gentleman from California [Mr. WAXMAN]. He is a real national leader with respect to health care, and I am honored to support his proposal, and I am also supportive of the amendment of the chairman of the Committee on the Budget which just tells the truth.

Madam Chairman, CBO; believe me, I know, having dealt with them on issues like scoring, mammography coverage and so on, is very, very conservative. They would not say that this is not a cost factor if it were not true, believe me, because they always tend to be on the more liberal side with respect to figures.

But I want to just say this: For those who would oppose the gentleman from California [Mr. WAXMAN] bill, what they would say basically is, "Let the States take care of the indigent, the poor, alone."

As my colleagues know, by the way, we have a lot of middle-class people who become poorer when they are older, for example. They cannot afford a nursing home because it costs \$25,000 a year. The only place they can go is to Medicaid to get some kind of coverage for some type of nursing care. We say, "Let the States worry about health care," or we say, "Let the hospitals worry about serving those in need who don't have health insurance or who have this limited program."

Madam Chairman, I think that is an immoral, wrongful philosophy. I have got to tell my colleagues that. I think when we see that, for example, in my city, in Greater Cleveland, northeast Ohio, our hospitals spend \$150 million annually for serving the poor, for charity cases, people show up, and they do not have health insurance. They still serve them because they have pulled together statewide on how to address the needs of the poor, and this was done in conjunction with the law as formed by the State legislature and in conjunction with the Federal Government.

Now HCFA is notorious for putting up roadblocks and regulations that do not permit this type of cooperation. I

recall the regulation when we passed a bill that would permit the care of people who were dying of cancer, hospice care. In fact the gentleman from California [Mr. PANETTA] was very instrumental in making sure that hospice care was covered. I recall when we passed mammography legislation late in the wee hours last session, they put all kinds of roadblocks so that people could not even take advantage of that bill.

So, the fact is there are artificial and antiquated regulations, and we ought to just throw in the towel and say, "We are for health care for our people once and for all." This is a small gesture to take care of a segment of the population that needs Medicaid, and the States have cooperated with the hospital associations in dealing with this issue.

So, I want to compliment the gentleman from California, and I hope we pass this, and acknowledge the CBO is right and get on with the bigger question, and that is: How do we address the needs of the 77 million people who have no or little health insurance and the 8 million people who need long-term care?

Mr. VOLKMER. Madam Chairman, will the gentlewoman yield?

Ms. OAKAR. I yield to the gentleman from Missouri.

Mr. VOLKMER. Madam Chairman, I wish to commend the gentlewoman from Ohio [Ms. OAKAR] for her remarks, and I wish to join with her in those remarks.

Madam Chairman, I wish to rise in support of H.R. 3595 and in support of the amendment of the gentleman from California [Mr. PANETTA] and in opposition to the possible amendment of the gentleman from Ohio [Mr. GRADISON], and again I wish to commend the gentlewoman from Ohio [Ms. OAKAR] for her observations on the legislation.

Ms. OAKAR. Madam Chairman, I thank the gentleman from Missouri [Mr. VOLKMER], and I want to again compliment the chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. PANETTA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GRADISON

Mr. GRADISON. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRADISON: Strike Section 5 of the bill.

Mr. GRADISON. Madam Chairman, I rise to offer this amendment to strike section 5. The amendment of the gentleman from California [Mr. PANETTA] has already eliminated the emergency designation part of title 5. My amendment would eliminate the two remaining objectionable budget enforcement provisions in the bill which interfere with our abiding by the terms of the bipartisan budget agreement passed just a year ago.

□ 1930

Those two provisions are the following: first, directed scoring. These provisions would have the Medicaid moratorium scored at zero even though the actual cost should be measured in the hundreds of millions, if not billions of dollars.

The President has stated in writing that he would veto any legislation that contained directed scorekeeping.

The second point or the second item that would be eliminated by this amendment is the exemption from the Deficit Control Act. This provision exempts the bill from all requirements of the Deficit Control Act, including pay-as-you-go requirements and Gramm-Rudman maximum deficit sequesters.

How much would the moratorium on H.R. 3595 cost? We have talked about that already. In the October 31, 1991, interim final rule, HCFA estimated that provider-tax programs and provider-donation or other voluntary payment programs would generate an estimated \$3 billion in Federal matching funds in fiscal year 1991 and at least \$5.5 billion in the current fiscal year. We must remember that this is on top of the projected doubling of the Federal Medicaid outlays over the next 5 years.

On that point, Madam Chairman, I want to address myself to some comments which were made earlier in the debate that might give the uninformed the impression that the Government, the Congress, and the White House, together or separately, are somehow being chintzy in their attitude toward Medicaid spending. The fact is that over the 1991 through 1996 period—and these are CBO numbers—a period during which Medicaid outlays are expected to double, Medicare outlays are expected to increase 70 percent and national health expenditures as a whole, 59 percent. In other words, Medicaid is coming along quite well actually, as compared with overall health care costs, and our flagship program, the Medicare Program.

The Budget Enforcement Act of 1990 established a paygo sequester system to control mandatory spending and revenues. A paygo sequester can be triggered if mandatory spending rises or revenues fall because of legislation enacted by the Congress. The Director of the Office of Management and Budget maintains a running total of enacted bills changing mandatory spending and revenues to assure that the net effect of all such changes does not increase the paygo baseline.

If the net effect of such changes were to increase the baseline, then an end-of-session sequester cutting mandatory programs would occur 15 days after the Congress adjourns for the session.

Madam Chairman, the irony of this discussion is that the heaviest hit under the sequester which this legislation could trigger would be health care programs, specifically Medicare. OMB,

as we have already been told, does not score this legislation. They do not score any of this legislation, paygo legislation, until after enactment. That is not their policy. It is not limited to this bill.

In contrast, CBO, as we have already been told would score the moratorium as zero, because CBO, scores legislation on the basis of change from current law, and current law, to be sure, allows States to use provider tax and donation programs.

Official scorekeeping aside—and I think this is an important point—CBO currently estimates that disallowing the prohibition of such practices after January 1, 1992, would in reality increase Federal outlays by an estimated \$750 million in the current fiscal year. In other words, while they say they are not required to score it because of their interpretation of the budget agreement, they are also telling us that really it is three-quarters of a billion dollars of additional cost.

In conclusion, Madam Chairman, let us debate the moratorium of its merits, but also let us make sure that whatever decision we make, we pay for it instead of simply increasing the deficit again. I urge the Members to strike the remainder of title V.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. GRADISON] has expired.

(By unanimous consent, Mr. GRADISON was allowed to proceed for 2 additional minutes.)

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. GRADISON. I yield to my colleague on the Budget Committee, the gentleman from Ohio.

Mr. KASICH. Madam Chairman, I would like to rise in support of the Gradison amendment. Unfortunately, the discussion we are involved in now is basically arcane. Unfortunately, the implications of what we did at the very beginning of this congressional term, which was to say that we would not abide by the original budget agreement and stay with OMB, has profound consequences and implications to so many of the things that we have done.

We have heard many people sing the praises of the budget deal, but let us just remember that directing CBO to score rather than OMB and to estimate the cost of this program at zero underscores why so many of us are so frustrated at the budget deal that was approved.

What the gentleman from Ohio [Mr. GRADISON] was trying to say is that we ought to pay for what we have. I give credit to the gentleman who is the chairman of the Budget Committee for striking the emergency clause, but at the same time he strikes the emergency clause, we find there are additional problems when it comes to adhering to the budget agreement in this bill.

It is just unfortunate that in January we changed the rules of the budget deal, although I did not think the budget deal was very good from the beginning, and then we watered it down even more. What the gentleman is trying to do—and he has done this on several other occasions—is to try to say that we ought to have an accurate estimate of the cost of this program. Unfortunately, this bill does not do it.

Mr. Chairman, I urge all Members to support the Gradison amendment. I think it makes great sense for fiscal sanity.

Mr. GRADISON. Madam Chairman, I thank the gentleman for his comments.

Mr. WAXMAN. Madam Chairman, I rise in opposition to the Gradison amendment.

Madam Chairman, I want to point out to the Members that the Gradison amendment has been offered in the House on a number of other issues. It is fundamentally a challenge to clause 8 of House Rule XXI.

The House has already rejected similar challenges, not just in adopting the rule but in considering legislation earlier this year.

The Gradison amendment would challenge the ability of the Congressional Budget Office to make its estimates and have that binding. I appreciate the fact that we have a difference with the gentleman from Ohio, but nevertheless I must respectfully urge that we defeat this amendment.

Mr. GRADISON. Madam Chairman, will the gentleman yield briefly?

Mr. WAXMAN. I yield to the gentleman from Ohio.

Mr. GRADISON. Madam Chairman, I would just like to point out that while it is certainly true that we have had directed scorekeeping as the democratically approved rules require, not a single bill to my knowledge has gone to the President with directed scorekeeping. In other words, we pass it, it gets knocked out in conference, and we go on our way.

I do not intend to belabor this point because it is one we have debated many times in the past, but if this session is going to end within a week and we really want this bill to become law, it would speed us on our way to recognize that sending it downtown with directed scorekeeping is a sure invitation for a veto.

Madam Chairman, I thank the gentleman for yielding.

Mr. WAXMAN. Madam Chairman, I appreciate the gentleman's statement.

Mr. DANNEMEYER. Madam Chairman, I move to strike the last word.

Madam Chairman, now we are getting to what this struggle is all about, in the sense that the budget agreement last November was considered by Mr. Darman, head of OMB, who negotiated on behalf of the Bush administration elements of a victory, in that when a dispute arises as to how something is

going to be scored on the funding side, the deciding issue reposes in the hands of the administration, the OMB.

What this legislation does is change that budget agreement. This is why the gentleman from California [Mr. PARNETTA] is here on the floor striking out the emergency language, out of sensitivity for his having blessed that aberration which passed the Congress last November.

□ 1940

Now this section 5, we passed laws repealing the tide that I alluded to earlier. Now we are going to undo the budget agreement of last November by saying if this measure is adopted, that the scoring is going to take place by CBO. CBO works for Congress, works for the Democrats. They run this place. With this magnificent work product of these mathematicians with their computers, they have come up with an estimate in this legislation, this amendment, where an increased cost of \$5.8 billion is scored as no additional cost.

Now, that is total nonsense. It is just an abomination and a nuisance.

Madam Chairman, I wish members would adopt this amendment offered by the gentleman from Ohio [Mr. GRADISON]. I commend the gentleman from bringing it to the floor. I do not think the gentleman is aware of it, but I intend to ask for a rollcall vote on this amendment because I want to give Members an opportunity of voting up or down on whether or not they want to breach that budget agreement that was adopted last November, which says to all of us that the scoring is going to take place by OMB, not CBO.

Madam Chairman, if Members want to bust the budget agreement here today, this will give them an opportunity to do that. I did not vote for that aberration to begin with. I thought it was something the Nation did not need. It raised taxes by \$165 billion over five years. This will give us an opportunity of voting whether or not we want to break that agreement, and I ask for an aye vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GRADISON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 262, not voting 16, as follows:

[Roll No. 405]

AYES—156

Allard	Barrett	Boehner
Allen	Bateman	Broomfield
Archer	Bentley	Bunning
Army	Bereuter	Burton
Baker	Billfrakis	Camp
Ballenger	Billiey	Campbell (CA)

Chandler	James	Ramstad	Markey	Pease	Snowe
Coble	Johnson (CT)	Ravenel	Marlenee	Pelosi	Solarz
Coleman (MO)	Johnson (SD)	Regula	Martinez	Perkins	Spratt
Combest	Johnson (TX)	Rhodes	Matsui	Peterson (FL)	Staggers
Coughlin	Kasich	Ridge	Mavroules	Peterson (MN)	Stallings
Cox (CA)	Klug	Biggs	Mazzoli	Pickett	Stenholm
Crane	Kolbe	Ritter	McCloskey	Pickle	Stokes
Cunningham	Kyl	Roberts	McCurdy	Poehard	Studds
Dannemeyer	Lagomarsino	Rogers	McDermott	Price	Sundquist
DeLay	Leach	Rohrabacher	McHugh	Quillen	Swett
Dickinson	Lent	Ros-Lehtinen	McMillen (MD)	Rahall	Swift
Doolittle	Lewis (CA)	Roth	McNulty	Rangel	Synar
Dorgan (ND)	Lewis (FL)	Roukema	Mfume	Ray	Tallon
Dorman (CA)	Lightfoot	Santorum	Miller (CA)	Reed	Tanner
Dreier	Livingston	Saxton	Mineta	Richardson	Tauzin
Duncan	Lowery (CA)	Schaefer	Mink	Rinaldo	Taylor (MS)
Edwards (OK)	Machtley	Schiff	Moakley	Roe	Thomas (GA)
Ewing	Martin	Schulze	Mollohan	Roemer	Thornton
Fawell	McCandless	Sensenbrenner	Montgomery	Rose	Torres
Franks (CT)	McCollum	Shaw	Moody	Rostenkowski	Torricelli
Galleghy	McCrery	Shays	Moran	Rowland	Towns
Gallo	McDade	Shuster	Murphy	Roybal	Trafigant
Gilchrist	McEwen	Skeen	Murtha	Russo	Unsoeld
Gillmor	McGrath	Smith (NJ)	Nagle	Sabo	Valentine
Goodling	McMillan (NC)	Smith (OR)	Natcher	Sanders	Vento
Goss	Meyers	Smith (TX)	Neal (MA)	Sangmeister	Volkmer
Gradison	Michel	Solomon	Neal (NC)	Sarpallus	Washington
Grandy	Miller (OH)	Spence	Nowak	Savage	Waters
Green	Miller (WA)	Stearns	Oakar	Sawyer	Waxman
Gunderson	Mollinari	Stump	Oberstar	Schroeder	Weiss
Hamilton	Moorhead	Taylor (NC)	Obey	Schumer	Whitten
Hammerschmidt	Morella	Thomas (CA)	Olver	Serrano	Whitten
Hancock	Morrison	Thomas (WY)	Ortiz	Sharp	Williams
Hansen	Myers	Upton	Owens (NY)	Sikorski	Wilson
Hastert	Nichols	Vander Jagt	Owens (UT)	Sisisky	Wise
Hefley	Nussle	Visclosky	Panetta	Skaggs	Wolpe
Henry	Olin	Vucanovich	Parker	Skelton	Wyden
Herger	Orton	Walker	Pastor	Slatery	Yates
Hobson	Oxley	Walsh	Patterson	Slaughter	Yatron
Holloway	Packard	Weber	Payne (NJ)	Smith (FL)	
Hopkins	Pallone	Weldon	Payne (VA)	Smith (IA)	
Houghton	Paxon	Wolf			
Hunter	Penny	Wylie			
Hyde	Petri	Young (FL)			
Inhofe	Porter	Zeliff			
Ireland	Pursell	Zimmer			

## NOES—262

Abercrombie	Cooper	Gordon
Alexander	Costello	Guarini
Anderson	Cox (IL)	Hall (OH)
Andrews (ME)	Coyne	Hall (TX)
Andrews (NJ)	Cramer	Harris
Andrews (TX)	Darden	Hayes (IL)
Annunzio	Davis	Hefner
Anthony	de la Garza	Hertel
Applegate	DeFazio	Hoagland
Aspin	DeLauro	Hochbrueckner
Atkins	Dellums	Horn
Bacchus	Derrick	Horton
Barnard	Dicks	Hoyer
Barton	Dingell	Hubbard
Bellenson	Dixon	Huckaby
Bennett	Donnelly	Hughes
Berman	Dooley	Hutto
Bevill	Downey	Jacobs
Billbray	Durbin	Jefferson
Blackwell	Dwyer	Jenkins
Boehlert	Dymally	Johnston
Bonior	Early	Jones (GA)
Borski	Eckart	Jones (NC)
Boucher	Edwards (CA)	Jontz
Boxer	Edwards (TX)	Kanjorski
Brewster	Emerson	Kaptur
Brooks	Engel	Kennedy
Browder	English	Kennedy
Brown	Erdreich	Kildee
Bruce	Espy	Kleczka
Bryant	Evans	Kolter
Bustamante	Fascell	Kopetski
Byron	Feighan	Kostmayer
Callahan	Fields	LaFalce
Campbell (CO)	FogHetta	Lancaster
Cardin	Ford (MI)	Lantos
Carper	Ford (TN)	LaRocco
Carr	Frost	Laughlin
Chapman	Gaydos	Lehman (CA)
Clay	Gedjenson	Lehman (FL)
Clement	Gekas	Levin (MI)
Clinger	Gephardt	Lewis (GA)
Coleman (TX)	Geran	Lipinski
Collins (IL)	Gibbons	Lloyd
Collins (MI)	Gilman	Long
Condit	Glickman	Lowey (NY)
Conyers	Gonzalez	Luken

## NOT VOTING—16

Ackerman	Gingrich	Scheuer
AuCoin	Hatcher	Stark
Fazio	Hayes (IA)	Traxler
Fish	Levine (CA)	Young (AK)
Flake	Manton	
Frank (MA)	Mrazek	

## □ 2001

Messrs. JEFFERSON, RICHARDSON, and BERMAN changed their vote from "aye" to "no."

Mr. JOHNSON of Texas and Mr. PALLONE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any other amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BONIOR) having assumed the chair, Ms. PELOSI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3595) 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, pursuant to H.R. 283, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LENT

Mr. LENT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LENT. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LENT moves to recommit the bill H.R. 3595 to the Committee on Energy and Commerce with instructions that the Committee report the bill back to the House—

(1) with appropriate provisions to eliminate fraudulent and abusive State tax and voluntary contribution schemes, to restore the integrity of the financial relationship between the States and the Federal Government, and to take into account the needs of all parties affected by the medicaid program, including States, hospitals and other providers of services, beneficiaries, and taxpayers; and

(2) at a time sufficient to ensure that the bill may be sent to the President before Congress adjourns sine die.

Mr. LENT (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. LENT] is recognized for 5 minutes in support of his motion to recommit.

Mr. LENT. Mr. Speaker, we have had a long day, and we have had a very extensive debate on this bill, so I will be brief.

This motion instructs the Committee on Energy and Commerce to report back to the House a bill, before adjournment, that eliminates the fraudulent and abusive State tax and voluntary contribution schemes, and restores the integrity of the financial relationship between the States and the Federal Government and takes into account the needs of all those affected by the Medicaid Program, including hospitals, beneficiaries, States and taxpayers.

Mr. WAXMAN. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, this is a thinly disguised effort to defeat the moratorium—a moratorium which will protect the States and program beneficiaries

from the administration's illegal regulations. It is far too late in the day to go back to committee. Since the administration first issued that regulation on September 12, my subcommittee has held two hearings and one markup. The full Energy and Commerce Committee has held one markup. At no time did the administration come forward with a concrete legislative proposal. Even as we debate this bill today, we still have no proposal from the administration. All that the administration has on the table is the October 31 regulation.

We all recognize that this is a complicated issue. If the administration has not come forth with a proposal over the last 3 months, it will not do so over the next 8 days, and we certainly will not have time to work this out. We need to move this bill forward.

I urge we defeat this motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. LENT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 117, noes 302, not voting 15, as follows:

[Roll No. 406]

AYES—117

Allard	Gilchrest	Livingston
Allen	Gingrich	Lowery (CA)
Archer	Goodling	Machtley
Armey	Goss	Marlenee
Baker	Gradison	McCandless
Balenger	Grandy	McCollum
Barrett	Gunderson	McCreery
Bateman	Hammerschmidt	McMillan (NC)
Bereuter	Hancock	Meyers
Billrakis	Hansen	Michel
Bliley	Hastert	Miller (OH)
Boehner	Herger	Miller (WA)
Bunning	Holloway	Moorhead
Burton	Hopkins	Morrison
Campbell (CA)	Houghton	Myers
Chandler	Hunter	Nichols
Clinger	Hyde	Nussle
Coble	Inhofe	Packard
Coughlin	Ireland	Paxon
Cox (CA)	James	Penny
Crane	Johnson (CT)	Petri
Dannemeyer	Johnson (SD)	Porter
DeLay	Johnson (TX)	Rhodes
Doollittle	Kasich	Riggs
Dorgan (ND)	Kolbe	Ritter
Dorman (CA)	Kyl	Roberts
Dreier	Lagomarsino	Rohrabacher
Duncan	Leach	Ros-Lehtinen
Ewing	Lent	Roth
Fawell	Lewis (CA)	Santorum
Franks (CT)	Lewis (FL)	Schaefer
Gallely	Lightfoot	Schiff

Schulze	Smith (OR)
Sensenbrenner	Solomon
Shaw	Stearns
Shays	Stump
Shuster	Taylor (NC)
Skeen	Thomas (CA)
Smith (IA)	Thomas (WY)

NOES—302

Abercrombie	Feighan
Alexander	Fields
Anderson	Foglietta
Andrews (ME)	Ford (MI)
Andrews (NJ)	Ford (TN)
Andrews (TX)	Frost
Annunzio	Gallo
Anthony	Gaydos
Applegate	Gejdenson
Aspin	Gekas
Atkins	Gephardt
Bacchus	Geren
Barnard	Gibbons
Barton	Gillmor
Bellenson	Gilman
Bennett	Glickman
Bentley	Gonzalez
Berman	Gordon
Bevill	Green
Bilbray	Guarini
Blackwell	Hall (OH)
Boehlert	Hall (TX)
Bonior	Hamilton
Borski	Harris
Boucher	Hayes (IL)
Boxer	Hefley
Brewster	Hefner
Brooks	Henry
Broomfield	Hertel
Browder	Hoagland
Brown	Hobson
Bruce	Hochrueckner
Bryant	Horn
Bustamante	Horton
Byron	Hoyer
Callahan	Hubbard
Camp	Huckaby
Campbell (CO)	Hughes
Cardin	Hutto
Carper	Jacobs
Carr	Jefferson
Chapman	Jenkins
Clay	Johnston
Clement	Jones (GA)
Coleman (MO)	Jones (NC)
Coleman (TX)	Jontz
Collins (IL)	Kanjorski
Collins (MI)	Kaptur
Combest	Kennedy
Condit	Kennelly
Conyers	Kildee
Cooper	Kleczka
Costello	Klug
Cox (IL)	Kolter
Coyne	Kopetski
Cramer	Kostmayer
Cunningham	LaFalce
Darden	Lancaster
Davis	Lantos
de la Garza	LaRocco
DeFazio	Laughlin
DeLauro	Lehman (CA)
Dellums	Lehman (FL)
Derrick	Levin (MI)
Dickinson	Lewis (GA)
Dicks	Lipinski
Dingell	Lloyd
Dixon	Long
Donnelly	Lowey (NY)
Dooley	Luken
Downey	Markey
Durbin	Martin
Dwyer	Martinez
Dymally	Matsui
Early	Mavroules
Eckart	Mazzoli
Edwards (CA)	McCloskey
Edwards (OK)	McCurdy
Edwards (TX)	McDade
Emerson	McDermott
Engel	McEwen
English	McGrath
Erdreich	McHugh
Espy	McMillen (MD)
Evans	McNulty
Fascell	Mfume

Walker
Walsh
Williams
Wylie
Young (FL)
Zeliff
Zimmer

Spence
Spratt
Staggers
Stallings
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)

Thomas (GA)
Thornton
Torres
Torricelli
Towns
Trafcant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Viscosky
Volkmer
Vucanovich
Washington

Waters
Waxman
Weber
Weiss
Weidon
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron

NOT VOTING—15

Ackerman
AuCoin
Fazio
Fish
Flake

Frank (MA)
Hatcher
Hayes (LA)
Levine (CA)
Manton

Mrazek
Scheuer
Stark
Traxler
Young (AK)

□ 2025

Mr. JONTZ changed his vote from "aye" to "no."

Mr. RITTER and Mr. JOHNSON of South Dakota changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BONIOR). The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 348, nays 71, not voting 15, as follows:

[Roll No. 407]

YEAS—348

Abercrombie	Carper	Eckart
Alexander	Carr	Edwards (CA)
Anderson	Chandler	Edwards (OK)
Andrews (ME)	Chapman	Edwards (TX)
Andrews (NJ)	Clay	Emerson
Andrews (TX)	Clement	Engel
Annunzio	Clinger	English
Anthony	Coleman (MO)	Erdreich
Applegate	Coleman (TX)	Espy
Archer	Collins (IL)	Evans
Aspin	Collins (MI)	Ewing
Atkins	Combest	Fascell
Bacchus	Condit	Feighan
Barnard	Conyers	Fields
Barton	Cooper	Foglietta
Bennett	Costello	Ford (MI)
Bentley	Coughlin	Ford (TN)
Berman	Cox (IL)	Franks (CT)
Bevill	Coyne	Frost
Bilbray	Cramer	Gallely
Blackwell	Cunningham	Gallo
Boehlert	Darden	Gaydos
Boehner	Davis	Gejdenson
Bonior	de la Garza	Gekas
Borski	DeFazio	Gephardt
Boucher	DeLauro	Geren
Boxer	DeLay	Gibbons
Brewster	Dellums	Gilchrest
Brooks	Derrick	Gillmor
Broomfield	Dickinson	Gilman
Browder	Dicks	Gingrich
Brown	Dingell	Glickman
Bruce	Dixon	Gonzalez
Bryant	Donnelly	Goodling
Bunning	Dooley	Gordon
Bustamante	Downey	Green
Byron	Duncan	Guarini
Callahan	Durbin	Hall (OH)
Camp	Dwyer	Hall (TX)
Campbell (CO)	Dymally	Hammerschmidt
Cardin	Early	Hansen

Harris	McMillen (MD)	Sabo
Hastert	McNulty	Sanders
Hayes (IL)	Mfume	Sangmeister
Hefley	Miller (CA)	Santorum
Hefner	Miller (OH)	Sarpalius
Henry	Mineta	Savage
Hertel	Mink	Sawyer
Hoagland	Moakley	Saxton
Hobson	Mollinari	Schaefer
Hochbrueckner	Mollohan	Schiff
Hopkins	Montgomery	Schroeder
Horn	Moody	Schumer
Horton	Moran	Serrano
Houghton	Morella	Sharp
Hoyer	Morrison	Sikorski
Hubbard	Murphy	Sisisky
Huckaby	Murtha	Skaggs
Hughes	Myers	Sken
Hunter	Nagle	Skelton
Hutto	Natcher	Slattery
Hyde	Neal (MA)	Slaughter
Inhofe	Neal (NC)	Smith (FL)
Ireland	Nowak	Smith (NJ)
Jacobs	Oakar	Smith (TX)
James	Oberstar	Snowe
Jefferson	Obey	Solarz
Jenkins	Olver	Spence
Johnson (SD)	Ortiz	Spratt
Johnson (TX)	Orton	Staggers
Johnson	Owens (NY)	Stallings
Jones (GA)	Owens (UT)	Stark
Jones (NC)	Oxley	Stearns
Jontz	Pallone	Stenholm
Kanjorski	Panetta	Stokes
Kaptur	Parker	Studds
Kennedy	Pastor	Sundquist
Kennelly	Patterson	Swett
Kildee	Paxon	Swift
Kleczka	Payne (NJ)	Synar
Kolbe	Payne (VA)	Tallon
Kolter	Pelosi	Tanner
Kopetski	Perkins	Tauzin
Kostmayer	Peterson (FL)	Taylor (MS)
LaFalce	Peterson (MN)	Thomas (CA)
Lagomarsino	Pickett	Thomas (GA)
Lancaster	Pickle	Thornton
Lantos	Porter	Torres
LaRocco	Poshard	Torricelli
Laughlin	Price	Towns
Lehman (CA)	Pursell	Trafficant
Lehman (FL)	Quillen	Upton
Levin (MI)	Rahall	Valentine
Lewis (GA)	Ramstad	Vander Jagt
Lewis (GA)	Rangel	Vento
Lipinski	Ravenel	Visclosky
Lloyd	Ray	Volkmer
Long	Reed	Vucanovich
Lowery (CA)	Regula	Walsh
Lowey (NY)	Rhodes	Washington
Luken	Richardson	Waters
Machtley	Ridge	Waxman
Markey	Riggs	Weber
Martin	Rinaldo	Weiss
Martinez	Ritter	Weldon
Matsui	Roe	Wheat
Mavroules	Roemer	Whitten
Mazzoli	Rogers	Wilson
McCandless	Ros-Lehtinen	Wise
McCloskey	Rose	Wolf
McCurdy	Rostenkowski	Wolpe
McDade	Roth	Wyden
McDermott	Roukema	Wyllie
McEwen	Rowland	Yates
McGrath	Roybal	Yatron
McHugh	Russo	Young (FL)

## NAYS—71

Allard	Dorgan (ND)	Lewis (FL)
Allen	Dornan (CA)	Lightfoot
Armey	Dreier	Livingston
Baker	Fawell	Marlenee
Ballenger	Goss	McCollum
Barrett	Gradison	McCreery
Bateman	Grandy	McMillan (NC)
Bellenson	Gunderson	Meyers
Bereuter	Hamilton	Michel
Billfrakis	Hancock	Miller (WA)
Billey	Herger	Moorhead
Burton	Holloway	Nichols
Campbell (CA)	Johnson (CT)	Nussle
Coble	Kasich	Olin
Cox (CA)	Klug	Packard
Crane	Kyl	Pease
Dannemeyer	Leach	Penny
Doolittle	Lent	Petri

Roberts	Shuster	Thomas (WY)
Rohrabacher	Smith (IA)	Walker
Schulze	Smith (OR)	Williams
Sensenbrenner	Solomon	Zeliff
Shaw	Stump	Zimmer
Shays	Taylor (NC)	

## NOT VOTING—15

Ackerman	Frank (MA)	Mrazek
AuCoin	Hatcher	Scheuer
Fazio	Hayes (LA)	Traxler
Fish	Levine (CA)	Unsoeld
Flake	Manton	Young (AK)

## □ 2033

So the bill was passed.  
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 3595, MEDIC-AID MORATORIUM AMENDMENTS OF 1991

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 3595, the Clerk be authorized to correct section numbers, cross-references, punctuation, and indentation, and to make other technical and conforming changes necessary to reflect the actions of the House.

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

There was no objection.

## GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 3595, the bill just passed.

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

There was no objection.

#### REQUEST FOR APPOINTMENT OF CONFEREES ON H.R. 355, RECLAMATION STATES EMERGENCY DROUGHT RELIEF ACT OF 1991

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 355) to provide emergency drought relief to the reclamation States, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The Clerk read the title of the bill.

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

Mr. HUBBARD. Mr. Speaker, reserving the right to object, the gentleman from California [Mr. MILLER] knows the House and the Senate have each

passed drought bills and it seems to me that the chairman of the Interior Committee, Mr. MILLER, should work with his counterparts in the other body to iron out the differences rather than call on the House twice in 2 days—yesterday and again today—to pass this legislation.

Mr. MILLER probably will tell us this is emergency legislation. He should have thought of that yesterday before putting the legislation at risk by promoting controversial amendments which caused the bill to die.

I object to the unanimous-consent request of the Congressman from California.

The SPEAKER pro tempore. Objection is heard.

#### REPORT ON RESOLUTION CREATING A TASK FORCE OF MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS TO INVESTIGATE CERTAIN ALLEGATIONS CONCERNING THE HOLDING OF AMERICANS AS HOSTAGES BY IRAN IN 1980

Mr. ROSE, from the Committee on House Administration, submitted a privileged report (Rept. No. 102-296 Part 2 on the resolution (H. Res. 258) creating a task force of members of the Foreign Affairs Committee to investigate certain allegations concerning the holding of Americans as hostages by Iran in 1980, which was referred to the House Calendar and ordered to be printed.

#### PERMISSION FOR SUBCOMMITTEE ON HUMAN RESOURCES AND INTERGOVERNMENTAL RELATIONS OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT DURING 5-MINUTE RULE ON TOMORROW, WEDNESDAY, NOVEMBER 20, ON THURSDAY, NOVEMBER 21, AND ON FRIDAY, NOVEMBER 22, 1991

Mr. WEISS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Human Resources and Intergovernmental Relations of the Committee on Government Operations be permitted to sit on tomorrow, Wednesday, November 20, 1991, on Thursday, November 21, 1991, and on Friday, November 22, 1991, during the 5-minute rule in the House.

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

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on

which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, November 20, 1991.

### JUDICIAL IMPROVEMENTS ACT TECHNICAL CORRECTION

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1284) to make certain technical corrections in the Judicial Improvements Act of 1990, as amended.

The Clerk read as follows:

S. 1284

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

#### SECTION 1. JUDICIAL COUNCILS OF CIRCUITS.

Section 332(a)(1) of title 28, United States Code, as amended by section 323 of the Judicial Improvements Act of 1990, is amended by—

- (1) striking "such member" and inserting "such number"; and
- (2) striking "services" and inserting "service".

#### SEC. 2. CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Chapter 23 of title 28, United States Code, as added by section 103 of the Judicial Improvements Act of 1990, is amended—

- (1) in section 471 by striking "this title" and inserting "this chapter"; and
- (2) in section 474(a)—
  - (A) in paragraph (1)—
    - (i) by striking "chief judges" and inserting "chief judge"; and
    - (ii) by striking "court of appeals for such"; and
  - (B) in paragraph (2)—
    - (i) by striking "a court of appeals" and inserting "a circuit may designate another judge of the court of appeals of that circuit"; and
    - (ii) by striking "court to perform the chief" and inserting "court, to perform that chief".

#### SEC. 3. VENUE.

Section 1391(b) of title 28, United States Code, as amended by section 311 of the Judicial Improvements Act of 1990, is amended by striking "if (1)" and inserting "in (1)".

#### SEC. 4. REMOVAL OF SEPARATE AND INDEPENDENT CLAIMS.

Section 1441(c) of title 28, United States Code, as amended by section 312 of the Judicial Improvements Act of 1990, is amended by—

- (1) striking the comma after "title" and
- (2) striking "may may" and inserting "may".

#### SEC. 5. APPEAL OF ABSTENTION DETERMINATIONS UNDER TITLE 11 OF THE UNITED STATES CODE.

Section 305(c) of title 11, United States Code, as amended by section 309 of the Judicial Improvements Act of 1990, is amended by striking "this title" both places it appears and inserting "title 28".

#### SEC. 6. OUTSIDE EARNED INCOME LIMITATIONS.

Section 502(b) of the Ethics in Government Act of 1978 (5 U.S.C. App. 7 502(b)), as amended by section 601(a) of the Ethics Reform Act of 1989 and section 319 of the Judicial Improvements Act of 1990, is amended to read as follows:

"(b) TEACHING COMPENSATION OF JUSTICES AND JUDGES RETIRED FROM REGULAR ACTIVE

SERVICE.—For purposes of the limitation under section 501(a), any compensation for teaching approved under subsection (a)(5) of this section shall not be treated as outside earned income—

"(1) when received by a justice of the United States retired from regular active service under section 371(b) of title 28, United States Code;

"(2) when received by a judge of the United States retired from regular active service under section 371(b) of title 28, United States Code, for teaching performed during any calendar year for which such judge has met the requirements of subsection (f) of section 371 of title 28, United States Code, as certified in accordance with such subsection; or

"(3) when received by a justice or judge of the United States retired from regular active service under section 372(a) of title 28, United States Code."

#### SEC. 7. RETIREMENT SYSTEM FOR CLAIMS COURT JUDGES.

(a) RETIREMENT OF JUDGES OF THE CLAIMS COURT.—Section 178 of title 28, United States Code, as added by section 306(a) of the Judicial Improvements Act of 1990, is amended—

(1) in subsection (f)(2)(A) by inserting "(except for subchapters III and VII)" after "chapter 84"; and

(2) in subsection (j)—
 

- (A) in paragraph (1)—
  - (i) by striking "(2)" and inserting "(4)"; and
  - (ii) by striking "so practices law" and inserting "engages in any such activity";
- (B) in paragraph (2) by striking "If" and inserting "Subject to paragraph (4), if"; and
- (C) in paragraph (3) by inserting "for" after "(other than)".

(b) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8339(n) of title 5, United States Code, as amended by section 306(c)(4) of the Judicial Improvements Act of 1990, is amended by inserting a comma after "United States commissioner".

(c) THRIFT SAVINGS PLAN.—(1) The section 8440b of title 5, United States Code, entitled "Claims Court Judges", as added by section 306(d) of the Judicial Improvements Act of 1990, is amended—

(A) by redesignating such section as section 8440c; and

(B) in subsection (b)—
 

- (i) in paragraph (4)(A) by striking "subsection (d)" and inserting "subsection (c)";
- (ii) by striking paragraph (7) and redesignating paragraph (8) as (7); and
- (iii) by adding at the end the following:

"(8) Notwithstanding paragraph (4)(B), if any Claims Court judge who elects to make contributions to the Thrift Savings Fund under subsection (a) retires before becoming entitled to an annuity under section 178 of title 28, and such judge's nonforfeitable account balance is \$3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the judge elects, at such time and otherwise in such manner as the Executive Director prescribes, to have the nonforfeitable account balance transferred to an eligible retirement plan as provided in section 8433(e).

"(9) Notwithstanding paragraph (4)(A), if any Claims Court judge retires under circumstances making such judge eligible to make an election under section 8433(b), and such judge's nonforfeitable account balance is \$3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the judge elects, at such time and otherwise in such manner as the Executive Director

prescribes, one of the options available under section 8433(b)."

(2) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by striking

"8440b. Claims Court judges."

and inserting after the last item under subchapter III the following:

"8440c. Claims Court judges."

(3) Paragraphs (8) and (9) of section 8440c(b) of title 5, United States Code (as added by paragraph (1)) shall be effective as of January 1, 1991, and shall apply to any Claims Court judge retiring on or after such date.

(4)(A) The section 8440c of title 5, United States Code, entitled "Judges of the United States Court of Veterans Appeals" is amended by redesignating such section as section 2440d.

(B) The table of sections at the beginning of subchapter III of chapter 84 of title 5, United States Code, is amended by striking

"8440c. Judges of the United States Court of Veterans Appeals."

and inserting

"8440d. Judges of the United States Court of Veterans Appeals."

(C) Section 5(b) of Public Law 102-82 is amended—

(i) by striking "8440c" and inserting "8440d"; and

(ii) by striking "(as added by subsection (a))".

(D) section 7296(f)(2)(A) of title 38, United States Code, as amended by section 5(c)(1) of Public Law 102-82, is amended by striking "8440c" and inserting "8440d".

(E) section 7297(n) of title 38, United States Code, is amended by striking "8440c" and inserting "8440d".

(d) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8402(g) of title 5, United States Code, as added by section 306(e) of the Judicial Improvements Act of 1990, is amended by inserting a comma after "such chapter".

#### SEC. 8. NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL.

(A) MEMBERSHIP.—Section 411 of the National Commission on Judicial Discipline and Removal Act (title IV of the Judicial Improvements Act of 1990) (28 U.S.C. 372 note) is amended by striking subsections (e) and (f) and redesignating subsections (g) through (h) as subsections (e) through (f), respectively.

(b) CLERICAL AMENDMENTS.—(1) The subtitle heading for subtitle II of the Judicial Discipline and Removal Reform Act of 1990 is amended by striking "Impeachment" and inserting "Discipline and Removal".

(2) Section 409 of the National Commission on Judicial Discipline and Removal Act (28 U.S.C. 372 note) is amended by striking "hereafter" and inserting "hereinafter".

#### SEC. 9. STUDY OF CRIMINAL JUSTICE ACT PROGRAM.

Section 318(c) of the Judicial Improvements Act of 1990 is amended by striking "March 31, 1992" and inserting "March 31, 1993".

#### SEC. 10. OTHER TECHNICAL CORRECTIONS TO TITLE 28, UNITED STATES CODE.

(a) PROCEDURE FOR REMOVAL.—Section 1446 of title 28, United States Code, is amended—

(1) by striking "petition for" each place it appears and inserting "notice of";

(2) in subsection (c)(3), by striking "petition is first denied" and inserting "prosecution is first remanded";

(3) by striking paragraphs (4) and (5) of subsection (c) and inserting the following:

"(4) The United States district court in which such notice is filed shall examine the

notice promptly. If it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.

"(5) If the United States district court does not order the summary remand of such prosecution, it shall order an evidentiary hearing to be held promptly and after such hearing shall make such disposition of the prosecution as justice shall require. If the United States district court determines that removal shall be permitted, it shall so notify the State court in which prosecution is pending, which shall proceed no further."

(4) by striking "petition" each place it appears and inserting "notice"; and

(5) in subsection (d)—

(A) by striking "the removal" and inserting "removal"; and

(B) by striking out "and bond".

(b) PROCEDURE AFTER REMOVAL GENERALLY.—Section 1447(b) of title 28, United States Code, is amended by striking "petitioner" and inserting "removing party".

(c) APPOINTMENT OF CIRCUIT JUDGES.—Section 44(c) of title 28, United States Code, is amended by striking "this Act" and inserting "the Federal Courts Improvement Act of 1982".

#### SEC. 11. AMENDMENTS TO RULES OF CIVIL PROCEDURE.

(a) TECHNICAL AMENDMENT.—Rule 15(c)(3) of the Federal Rules of Civil Procedure for the United States Courts, as transmitted to the Congress by the Supreme Court pursuant to section 2074 of title 28, United States Code, to become effective on December 1, 1991, is amended by striking "Rule 4(m)" and inserting "Rule 4(j)".

(b) AMENDMENT OF FORMS.—Form 1-A, Notice of Lawsuit and Request for Waiver of Service of Summons, and Form 1-B, Waiver of Service of Summons, included in the transmittal by the Supreme Court described in subsection (a), shall not be effective and Form 18-A, Notice and Acknowledgment for Service by Mail, abrogated by the Supreme Court in such transmittal, effective December 1, 1991, shall continue in effect on or after that date.

#### SEC. 12. CONFORMITY WITH RULES OF APPELLATE PROCEDURE.

Section 2107 of title 28, United States Code, is amended—

(1) by designating the first and second paragraphs as subsections (a) and (b), respectively;

(2) by striking the third and fourth paragraphs;

(3) by designating the fifth paragraph as subsection (d); and

(4) by inserting after subsection (b), as so designated, the following:

"(c) The district court may, upon motion filed not later than 30 days after the expiration of the time otherwise set for bringing appeal, extend the time for appeal upon a showing of excusable neglect or good cause. In addition, if the district court finds—

"(1) that a party entitled to notice of the entry of a judgment or order did not receive such notice from the clerk or any party within 21 days of its entry, and

"(2) that no party would be prejudiced, the district court may, upon motion filed within 180 days after entry of the judgment or order or within 7 days after receipt of such notice, whichever is earlier, reopen the time for appeal for a period of 14 days from the date of entry of the order reopening the time for appeal."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New Jersey [Mr. HUGHES] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HUGHES].

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

Mr. Speaker, I will make several brief comments in support of S. 1284, a bill to make certain technical corrections in the Judicial Improvements Act of 1990 and other provisions of law relating to the courts.

The bill passed the Senate on June 12, 1991, and was approved by my subcommittee on Intellectual Property and Judicial Administration—on October 1, 1991, with an amendment in the nature of a substitute, and the full committee on October 29, 1991.

As passed by the Senate, S. 1284 makes technical corrections to the Judicial Improvements Act of 1990, which passed on the final day of the last Congress and was signed by President Bush on December 1, 1990. The subcommittee developed an amendment in the nature of a substitute to S. 1284 because other technical problems in the judicial improvement act, not addressed in the Senate bill, were brought to our attention. Moreover, two technical amendments are necessary to the proposed modifications to the Federal Rules of Civil Procedure. Finally, in order to prevent the potential supersession of a statute by a proposed modification to the Federal Rules of Appellate Procedure, a conforming amendment to the underlying statute is required.

The proposed changes to the civil and appellate rules were referred to the Congress by the Supreme Court on May 1, 1991, to become effective 180 days later—or on December 1, 1991—if not rejected. I hope that the other body will act expeditiously on the technical changes in the proposed legislation so that the President can sign the bill prior to December 1.

As regards the Federal rules, the subcommittee worked closely with the chairman of the Standing Committee on Federal Rules—Robert F. Keeton—to develop the technical amendments. As a member of the legal profession, I have always dreamed of remanding a case to the Supreme Court. The drafting errors in the proposed Federal rules have given me that opportunity, but I opted to work cooperatively with the Federal judiciary to cure the deficiencies rather than in a confrontational way to exacerbate them.

Mr. Speaker, all of the amendments in the bill are technical and clarifying in nature. The substitute amendment was drafted with the full cooperation of the ranking minority member and his able staff with assistance from the House legislative counsel's office. I would like to thank the ranking minority member of the subcommittee, the

gentleman from California [Mr. MOORHEAD] for his assistance.

Two provisions of the bill represent a cooperative working relationship between my subcommittee and other congressional subcommittees and committees.

First, the bill amends the Ethics in Government Act which deals with teaching income for certain retired judges and justices. Prior to the Judicial Improvements Act of 1990, outside earned income by a Federal judge or Justice could not exceed 15 percent. Last year, in the Judicial Improvements Act, Congress allowed teaching income for senior judges to be exempt from the 15-percent cap on outside earned income. S. 1284, as amended would extend the same exemption to retired Justices of the U.S. Supreme Court. The subcommittee worked cooperatively on this provision with the House Judiciary Subcommittee on Administrative Law and Governmental Relations, ably chaired by the gentleman from Massachusetts [Mr. FRANK] who is also a member of my subcommittee.

Second, another section of bill clarifies the relationship of the U.S. Claims Court and the Thrift Savings Plan. The subcommittee developed the curative language with the House Committee on Post Office and Civil Service.

In conclusion, we should act to resolve all the technical deficiencies found in several recent judicial housekeeping proposals and promote the effective implementation of these laws. Given the breadth and detail of recently enacted court reform proposals, the number of technical problems is surprisingly low. Nonetheless, we need to enact the legislation pending before us.

There is no known opposition to the proposed legislation. And I urge your support.

□ 2040

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

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

Mr. Speaker, I rise in support of S. 1284 which passed the other body on June 12 of this year. The thrust of S. 1284 is to make technical amendments to the Judicial Improvements Act of 1990 and to other court related provisions found in title 28 of the United States Code. The bill also makes two technical amendments to proposed modifications of the Federal Rules of Civil Procedure that were suggested by the Administrative Office of U.S. Courts. The proposed changes to the Federal Rules of Civil Procedure were transmitted to Congress by the Supreme Court on May 1, 1991, and will become effective 180 days thereafter unless Congress acts.

Mr. Speaker I think it is clear that S. 1284 is a technical amendments bill

that represents responsible judicial housekeeping and I would like to commend the chairman of the Intellectual Property and Judicial Administration Subcommittee BILL HUGHES for his fine work on this issue. The legislation is without opposition and accordingly I urge my colleagues' support for it.

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

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

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the Senate bill, S. 1284, as amended.

The question was taken and—two-thirds having voted in favor thereof—the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An act to make certain technical corrections in the Judicial Improvements Act of 1990, and other provisions of law relating to the courts."

A motion to reconsider was laid on the table.

#### PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS AMENDMENTS ACT OF 1991

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1475) to amend the Protection and Advocacy for Mentally Ill Individuals Act of 1986 to reauthorize programs under such act, and for other purposes.

The Clerk read as follows:

S. 1475

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1991".

#### SEC. 2. REFERENCES.

Except as otherwise 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 Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

#### SEC. 3. FINDINGS.

Section 101(a) (42 U.S.C. 10801(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and  
(2) by inserting after paragraph (1), the following new paragraph:

"(2) family members of individuals with mental illness play a crucial role in being advocates for the rights of individuals with mental illness where the individuals are minors, the individuals are legally competent and choose to involve the family members, and the individuals are legally incompetent and the legal guardians, conservators, or other legal representatives are members of the family;"

#### SEC. 4. DEFINITIONS.

Section 102 (42 U.S.C. 10802) is amended—  
(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting after paragraph (2), the following new paragraph:

"(3) The term 'facilities' may include, but need not be limited to, hospitals, nursing homes, community facilities for individuals with mental illness, board and care homes, homeless shelters, and jails and prisons."

#### SEC. 5. USE OF ALLOTMENTS.

Section 104 (42 U.S.C. 10804) is amended by adding at the end thereof the following new subsection:

"(c) An eligible system may use its allotment under this title to provide representation to individuals with mental illness in Federal facilities who request representation by the eligible system. Representatives of such individuals from such system shall be accorded all the rights and authority accorded to other representatives of residents of such facilities pursuant to State law and other Federal laws."

#### SEC. 6. SYSTEMS REQUIREMENTS.

(a) ACCESS TO RECORDS.—Section 105(a)(4) (42 U.S.C. 10805(a)(4)) is amended—

(1) in subparagraph (A), by striking out "and" at the end thereof;

(2) in subparagraph (B)(iii)—

(A) by inserting "as a result of monitoring or other activities (either of which result from a complaint or other evidence)" before "there is"; and

(B) by adding "and" at the end thereof; and  
(3) by adding at the end thereof the following new subparagraph:

"(C) any individual with a mental illness, who has a legal guardian, conservator, or other legal representative, with respect to whom a complaint has been received by the system or with respect to whom there is probable cause to believe the health or safety of the individual is in serious and immediate jeopardy, whenever—

"(i) such representative has been contacted by such system upon receipt of the name and address of such representative;

"(ii) such system has offered assistance to such representative to resolve the situation; and

"(iii) such representative has failed or refused to act on behalf of the individual;"

(b) ADVISORY COUNCIL.—Section 105(a)(6) (42 U.S.C. 10805(a)(6)) is amended—

(1) in subparagraph (A), by striking out "and" at the end thereof;

(2) in subparagraph (B), by striking out "one-half" and inserting in lieu thereof "60 percent"; and

(3) by adding at the end thereof the following new subparagraph:

"(C) which shall be chaired by an individual who has received or is receiving mental health services or who is a family member of such an individual;"

(c) GRIEVANCE PROCEDURE.—Section 105(a)(9) (42 U.S.C. 10805(a)(9)) is amended by inserting before the period the following:

"and for individuals who have received or are receiving mental health services, family members of such individuals with mental illnesses, or representatives of such individuals with mental illnesses, or representatives of such individuals or family members to assure that the eligible system is operating in compliance with the provisions of this title and title III"

(d) GOVERNING AUTHORITY.—Section 105(c)(1)(B) (42 U.S.C. 10805(c)(1)(B)) is amended by adding at the end thereof the following new sentence: "As used in this subparagraph,

the term 'members who broadly represent or are knowledgeable about the needs of the clients served by the system' shall be construed to include individuals who have received or are receiving mental health services and family members of such individuals."

#### SEC. 7. TRAINING.

Section 111 (42 U.S.C. 10821) is amended—

(1) in subsection (a)(2), by inserting before the semicolon the following: "and to work with family members of clients served by the system where the individuals with mental illness are minors, legally competent and do not object, and legally incompetent and the legal guardians, conservators, or other legal representatives are family members";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a), the following new subsection:

"(b) The assurance required under subsection (a)(2) regarding trained staff may be satisfied through the provision of training by individuals who have received or are receiving mental health services and family members of such individuals."

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 117 (42 U.S.C. 10827) is amended to read as follows:

#### SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for allotments under this title, \$19,500,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and through 1995."

#### SEC. 9. REGULATIONS.

Section 116 (42 U.S.C. 10826) is amended—

(1) by inserting "(a) IN GENERAL.—before "The Secretary"; and

(2) by adding at the end thereof the following new subsection:

"(b) REGULATIONS.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall promulgate final regulations to carry out this title and title III.

#### SEC. 10. TECHNICAL AMENDMENTS.

The Act (42 U.S.C. 10801 et seq.) is amended—

(1) by striking out "mentally ill individual" each place that such occurs and inserting in lieu thereof "individual with mental illness"; and

(2) by striking out "mentally ill individuals" each place that such occurs and inserting in lieu thereof "individuals with mental illnesses".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from California [Mr. DANNEMEYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

#### GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation presently under consideration.

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

There was no objection.

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

Mr. Speaker, S. 1475 revises and extends the authorization of appropria-

tions for the Protection and Advocacy for Mentally Ill Individuals Act of 1986.

The purposes of this important act are to ensure that the rights of individuals with mental illness are protected and that incidents of abuse and neglect are investigated.

The legislation includes several amendments that strengthen the ability of the protection and advocacy [P&A] systems to carry out their responsibilities.

The bill recognizes the important role played in P&A systems by individuals who have received or who are receiving mental health services and their family members. The bill includes language authorizing the use of P&A funds for representation of individuals with mental illness residing in Federal facilities.

The bill sets the authorization of appropriations at \$19.5 million for fiscal year 1992, and "such sums as may be necessary" for each of fiscal years 1993 through 1995.

Mr. Speaker, S. 1475 was reported by the Senate on July 31 by voice vote. The legislation was reported from the Energy and Commerce Committee without amendment.

I urge support for the legislation.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise today in support of S. 1475, the Protection and Advocacy for Mentally Ill Individuals Act of 1991. Additionally, I would like to commend the gentleman in the other body from Iowa, Mr. HARKIN, for introducing this very important measure, and the distinguished chairman from California, Mr. WAXMAN, and the ranking minority member, the gentleman from California [Mr. DANNEMEYER].

The Protection and Advocacy for Mentally Ill Individuals Act of 1991 was enacted to protect the rights for mentally ill individuals and assist States in investigating incidence of abuse and neglect—the so-called Protection and Advocacy Program. Funds are allocated to States according to a formula based on population and per capita income. The program was last reauthorized at \$14.3 million in fiscal year 1989 and such sums in fiscal years 1990 and 1991.

Specifically, the bill states the important role family members of people with mental illness play as advocates for the rights of mentally ill individuals. Also, this act defines "facilities"—places where mentally ill patients or residents are protected by the Protection and Advocacy for Mentally Ill Individuals Act of 1991—to include hospitals, nursing homes, community facilities for mentally ill individuals, board and care homes, homeless shelters, and jails and prisons.

Additionally, this measure increases the percentage of persons on the advisory

council that must be receiving, or have received, mental health services, or who are family members of such individuals, from 50 to 60 percent. This act broadens grievance procedures to allow individuals who are receiving, or have received, mental health services and their family members to formally file grievances against protection and advocacy groups. Finally, S. 1475 provides for family representation on all governing boards of protection and advocacy groups and specifies additional training required for protection and advocacy staff.

Mr. Speaker, as we know, since 1973, Federal law has prohibited discrimination on the grounds of mental illness in federally funded programs. Those provisions, however, have not removed all barriers that have kept our Nation's mentally disabled people from participating fully on the job and in the activities of daily life.

Accordingly, Mr. Speaker, I urge all of colleagues to support S. 1475 as it helps to remove barriers in the lives of our Nation's mentally ill.

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

Mr. Speaker, the purposes of the Protection and Advocacy for Mentally Ill Individuals Act are: To ensure that the rights of individuals with mental illness are protected and to assist States to establish and operate protection and advocacy systems that will: First, protect and advocate for the rights of those individuals; and second, investigate incidents of abuse and neglect.

Currently, there are 56 protection and advocacy systems which handled approximately 20,000 cases in 1990.

While the program has had its successes, concerns have been raised that family members are often ignored or disregarded by P&A advocates and administrators.

During the subcommittee's hearing on this legislation, we heard testimony from the National Association of the Mentally Ill [NAMI] that many of the protection and advocacy organizations were created and operated without family input. This organization was also concerned that, in the statute, there was no formal mechanism for families of the mentally ill to file grievances against a protection and advocacy program.

In light of this, I am pleased that this legislation acknowledges that the involvement of family members is crucial to the successful care and treatment of individuals with mental illness. Specifically, the bill does the following:

First, it requires that 60 percent of the advisory council consist of family members of those who are mentally ill;

Second, it guarantees family representation on all governing boards of protection and advocacy groups; and

Third, it provides in statute that family members have a formal grievance

process to file grievances against protection and advocacy groups.

I urge my colleagues to support this legislation.

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

Mr. WAXMAN. 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 California [Mr. WAXMAN] that the House suspend the rules and pass the Senate bill, S. 1475.

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

A motion to reconsider was laid on the table.

#### PREVENTIVE HEALTH AMENDMENTS OF 1991

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3635) to amend the Public Health Service Act to revise and extend the program of block grants for preventive health and health services, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3635

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Preventive Health Amendments of 1991".

#### TITLE I—PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT

##### SUBTITLE A—GENERAL PROGRAM

#### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 1901(a) of the Public Health Service Act (42 U.S.C. 300w(a)) is amended by striking "For the purpose" and all that follows and inserting the following: "For the purpose of allotments under section 1902, there are authorized to be appropriated \$135,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1996."

(b) ALLOCATION FOR SERVICES FOR RAPE VICTIMS AND FOR RAPE PREVENTION.—Section 1901(b) of the Public Health Service Act (42 U.S.C. 300w(b)) is amended by striking "\$3,500,000" and inserting "\$7,000,000".

#### SEC. 102. ALLOTMENTS.

Section 1902(a) of the Public Health Service Act (42 U.S.C. 300w-1(a)) is amended to read as follows: "(a)(1) Subject to paragraph (2), the Secretary shall each fiscal year allot to each State an amount equal to the product of—

"(A) the amount appropriated under section 1901 for the fiscal year and available for allotment under this subsection; and

"(B) the percentage through which the allotment under this subsection was made for the State for fiscal year 1991.

"(2) For fiscal year 1993 and subsequent fiscal years, if the amount appropriated under section 1901 and available for allotment under this subsection exceeds the amount so appropriated and available for fiscal year 1992—

"(A) the amount equal to the amount so appropriated and available for fiscal year

1992 shall be allotted in accordance with paragraph (1); and

"(B) the amount in excess of the amount specified in subparagraph (A) shall be allotted to the States on the basis of the population of the States."

#### SEC. 103. USE OF ALLOTMENTS.

##### (a) EMERGENCY MEDICAL SERVICES.—

(1) IN GENERAL.—Section 1904(a)(1)(F) of the Public Health Service Act (42 U.S.C. 300w-3(a)(1)(F)) is amended by adding at the end of the following new sentence: "Amounts may be expended for feasibility studies or planning for the trauma-care components of such systems only if the studies of planning, respectively, is consistent with the requirements of section 1213(a)."

(2) ADMINISTRATION OF RELATED PROGRAM.—Section 1211(a) of the Public Health Service Act (42 U.S.C. 300d-11(a)), as added by Public Law 101-590, is amended in the first sentence by inserting after "Secretary" the following: ", acting through the Director of the Center for Disease Control."

(b) MONITORING AND EVALUATIONS.—Section 1904(a)(1) of the Public Health Service Act (42 U.S.C. 300w-3(a)(1)) is amended in the matter after and below subparagraph (H)—

(1) by striking "in the preceding sentence" and inserting "in subparagraphs (A) through (H)"; and

(2) by inserting before the period the following: ", and for the monitoring and evaluation of activities carried out under this paragraph".

(c) TRANSFERS FROM CERTAIN ALLOTMENT.—Section 1904(c) of the Public Health Service Act (42 U.S.C. 300w-3(c)) is amended by striking "parts B and C" and inserting "part B".

#### SEC. 104. REPORTS AND AUDITS.

(a) UNIFORM USE OF CRITERIA.—Section 1906(a) of the Public Health Service Act (42 U.S.C. 300w-5(a)) is amended by adding at the end of the following new paragraph:

"(4) The Secretary shall establish criteria for the preparation and submission of the annual reports required in paragraph (1), including criteria for the collection and presentation of information, and shall ensure the uniform use by the States of the criteria in carrying out the requirements of such paragraph."

(b) DATE FOR SUBMISSION OF REPORTS.—Section 1906(a) of the Public Health Service Act, as amended by subsection (a) of this section, is amended by adding at the end of the following new paragraph:

"(5) Each annual report required in paragraph (1) shall be submitted to the Secretary not later than February 1 of the fiscal year following the fiscal year for which the report is prepared."

#### SEC. 105. WITHHOLDING.

Section 1907(b)(1) of the Public Health Service Act (42 U.S.C. 300w-6(b)(1)) is amended by striking "shall conduct" and inserting "may conduct".

#### SEC. 106. TECHNICAL AMENDMENTS.

Part A of title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) is amended—

(1) in section 1902, by striking subsection (e);

(2) in section 1905(c)—

(A) in paragraph (1), by striking "allotted" and inserting "allotted"; and

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) in section 1906(a)(1), by striking "section 1905(c)(6)" and inserting "section 1905(c)(4)".

#### SUBTITLE B—REVISION AND TRANSFER OF PROGRAM REGARDING YEAR 2000 HEALTH OBJECTIVES

#### SEC. 111. REVISIONS IN PROGRAM.

(a) REQUIRED DETERMINATIONS IN STATEWIDE ASSESSMENTS.—Section 2(b)(2) of the Year 2000 Health Objectives Planning Act (Public Law 101-582; 42 U.S.C. 246 note) is amended to read as follows:

"(2) REQUIRED DETERMINATIONS.—

"(A) Not later than April 1, 1992, the Secretary, in consultation with the States, shall select from among the year 2000 objectives a list of objectives that are to be required subjects for purposes of statewide assessments under paragraph (1). The Secretary may not make a grant under subsection (a) unless the State involved agrees that the assessment under such paragraph will be conducted with respect to each of the objectives so selected.

"(B) Subject to compliance with subparagraph (A), the Secretary may authorize a State to conduct a stateside assessment under paragraph (1) with respect to year 2000 objectives that are not selected for purposes of subparagraph (A)."

(b) SUBMISSION OF STATE PLAN.—Section 2(c)(3) of the Year 2000 Health Objectives Planning Act (Public Law 101-582; 42 U.S.C. 246 note) is amended—

(1) by striking "1992," and inserting "1993,"; and

(2) by inserting before the period the following: ", and will, for each subsequent fiscal year for which the State receives a grant under subsection (a), make revisions in the plan as appropriate and submit the revisions to the Secretary not later than April 1 of the following fiscal year".

(c) REPORT TO CONGRESS.—Section 4(c) of the Year 2000 Health Objectives Planning Act (Public Law 101-582; 42 U.S.C. 246 note) is amended by striking "there is authorized" and all that follows and inserting the following: "there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1992 through 1996."

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 7 of the Year 2000 Health Objectives Planning Act (Public Law 101-582; 42 U.S.C. 246 note) is amended by striking "there is authorized" and all that follows and inserting the following: "there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1992 through 1996."

(e) TECHNICAL AMENDMENT.—Section 2(b)(1) of the Year 2000 Health Objectives Planning Act (Public Law 101-582; 42 U.S.C. 246 note) is amended by striking "agrees" and inserting "agrees,".

#### SEC. 112. TRANSFER OF PROGRAM.

(a) IN GENERAL.—Sections 2 through 7 of the Year 2000 Health Objectives Planning Act, as amended by section 111 of this Act, are—

(1) transferred to part A of title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.);

(2) redesignated as sections 1910A through 1910F, respectively; and

(3) in the appropriate sequence, inserted after section 1910 of such part.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Part A of title XIX of the Public Health Service Act, as amended by subsection (a) of this section, is amended—

(A) by inserting before section 1901 the following new heading:

"Subpart 1—General program"; and

(B) by inserting before section 1910A the following new heading:

"Subpart 2—State Plans for Year 2000 Health Objectives".

(2) CROSS-REFERENCES.—Subpart 2 of part A of title XIX of the Public Health Service Act,

as designated by paragraph (1) of this subsection, is amended—

(a) by striking "section 2(a)" each place such term appears and inserting "section 1910A(a)";

(B) in section 1910B(a), by striking "section 2(b)(1)" and inserting "section 1910A(b)(1)";

(C) in section 1910C—

(i) in section (a)—

(I) in the matter preceding paragraph (1), by striking "section 3(b)" and inserting "section 1910B(b)"; and

(ii) in paragraph (2), by striking "section 3(a)" and inserting "section 1910B(a)"; and

(i) in subsection (c), by striking "section 2(c)(3)" and inserting "section 1910A(c)(3)";

(D) in section 1910E, by striking "For purposes of" and all that follows and inserting the following:

"For purposes of this subpart, the term 'year 2000 objectives' means the objectives described in section 1910A(b)(1)."; and

(E) in section 1910F, by striking "this Act," and inserting "this subpart,".

(3) MISCELLANEOUS.—Section 1910A(a) of the Public Health Service Act, as redesignated by subsection (a) of this section, is amended by striking "Secretary of Health and Human Services," and inserting "Secretary,".

#### TITLE II—NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE CONTROL

##### SEC. 201. ESTABLISHMENT OF FOUNDATION.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 101 of Public Law 101-616, is amended by adding at the end of the following new part:

##### PART M—NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE CONTROL

##### "SEC. 399B. ESTABLISHMENT AND DUTIES OF FOUNDATION.

"(a) IN GENERAL.—There shall be established in accordance with this section a non-profit private corporation to be known as the National Foundation for the Centers for Disease Control (in this part referred to as the 'Foundation'). The Foundation shall not be an agency or instrumentality of the Federal Government, and officers, employees, and members of the board of the Foundation shall not be officers or employees of the Federal Government.

"(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation shall be to support and carry out activities for the prevention and control of diseases, disorders, injuries, and disabilities, and for promotion of public health.

"(c) ENDOWMENT FUND.—

"(1) IN GENERAL.—In carrying out subsection (b), the Foundation shall establish a fund for providing endowments for positions that are associated with the Centers for Disease Control and dedicated to the purpose described in such subsection. Subject to subsection (f)(1)(B), the fund shall consist of such donations as may be provided by non-Federal entities and such non-Federal assets of the Foundation (including earnings of the Foundation and the fund) as the Foundation may elect to transfer to the fund.

"(2) AUTHORIZED EXPENDITURES OF FUND.—The provision of endowments under paragraph (1) shall be the exclusive function of the fund established under such paragraph. Such endowments may be expended only for the compensation of individuals holding the positions, for staff, equipment, quarters, travel, and other expenditures that are appropriate in supporting the positions, and for recruiting individuals to hold the positions endowed by the fund.

"(d) CERTAIN ACTIVITIES OF FOUNDATION.—In carrying out subsection (b), the Founda-

tion may provide for the following with respect to the purpose described in such subsection:

"(1) Programs of fellowships for State and local public health officials to work and study in association with the Centers for Disease Control.

"(2) Programs of international arrangements to provide opportunities for public health officials of other countries to serve in public health capacities in the United States in association with the Centers for Disease Control or elsewhere, or opportunities for employees of such Centers (or other public health officials in the United States) to serve in such capacities in other countries, or both.

"(3) Studies, projects, and research (which may include applied research on the effectiveness of prevention activities, demonstration projects, and programs and projects involving international, Federal, State, and local governments).

"(4) Forums for government officials and appropriate private entities to exchange information. Participants in such forums may include institutions of higher education and appropriate international organizations.

"(5) Meetings, conferences courses, and training workshops.

"(6) Programs to improve the collection and analysis of data on the health status of various populations.

"(7) Programs for writing, editing, printing, and publishing of books and other materials.

"(8) Other activities to carry out the purpose described in subsection (b)

"(e) GENERAL STRUCTURE OF FOUNDATION; NONPROFIT STATUS.—

"(1) BOARD OF DIRECTORS.—The Foundation shall have a board of directors (in this part referred to as the 'Board'), which shall be established and conducted in accordance with subsection (f). The Board shall establish the general policies of the Foundation for carrying out subsection (b), including the establishment of the bylaws of the Foundation.

"(2) EXECUTIVE DIRECTOR.—The Foundation shall have an executive director (in this part referred to as the 'Director'), who shall be appointed by the Board, who shall serve at the pleasure of the Board, and for whom the Board shall establish the rate of compensation. Subject to compliance with the policies and bylaws established by the Board pursuant to paragraph (1), the Director shall be responsible for the daily operations of the Foundation in carrying out subsection (b).

"(3) NONPROFIT STATUS.—In carrying out subsection (b), the Board shall establish such policies and bylaws under paragraph (1), and the Director shall carry out such activities under paragraph (2), as may be necessary to ensure that the Foundation maintains status as an organization that—

"(A) is described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986; and

"(B) is, under subsection (a) of such section, exempt from taxation.

"(f) BOARD OF DIRECTORS.—

"(1) CERTAIN BYLAWS.—

"(A) In establishing bylaws under subsection (e)(1), the Board shall ensure that the bylaws of the Foundation include bylaws for the following:

"(i) Policies for the selection of the officers, employees, agents, and contractors of the Foundation.

"(ii) Policies, including ethical standards, for the acceptance and disposition of donations to the Foundation and for the disposition of the assets of the Foundation.

"(iii) Policies for the conduct of the general operations of the Foundation.

"(iv) Policies for writing, editing, printing, and publishing of books and other materials, and the acquisition of patents and licenses for devices and procedures developed by the Foundation.

"(B) In establishing bylaws under subsection (e)(1), the Board shall ensure that the bylaws of the Foundation (and activities carried out under the bylaws) do not—

"(i) reflect unfavorably upon the ability of the Foundation, or the Centers for Disease Control, to carry out its responsibilities or official duties in a fair and objective manner; or

"(ii) compromise, or appear to compromise, the integrity of any governmental program or any officer or employee involved in such program.

"(2) COMPOSITION.—

"(A) Subject to paragraph (B), the Board shall be composed of 7 individuals, appointed in accordance with paragraph (4), who collectively possess education or experience appropriate for representing the general field of public health, the general field of international health, and the general public. Each such individual shall be a voting member of the Board.

"(B) The Board may, through amendments to the bylaws of the Foundation, provide that the number of appointed members of the Board shall be a greater number than the number specified in paragraph (A).

"(3) CHAIR.—The Board shall, from the appointed members of the Board, designate an individual to serve as the chair of the Board (in this subsection referred to as the 'Chair').

"(4) APPOINTMENTS, VACANCIES, AND TERMS.—Subject to subsection (j) (regarding the initial membership of the Board), the following shall apply to the Board:

"(A) Any vacancy in the membership of the Board shall be filled by appointment by the Board, after consideration of suggestions made by the Chair and the Director regarding the appointments. Any such vacancy shall be filled not later than the expiration of the 180-day period beginning on the date on which the vacancy occurs.

"(B) The term of office of each member of the Board appointed under subparagraph (A) shall be 5 years. A member of the Board may continue to serve after the expiration of the term of the member until the expiration of the 180-day period beginning on the date on which the term of the member expires.

"(C) A vacancy in the membership of the Board shall not affect the power of the Board to carry out the duties of the Board. If a member of the Board does not serve the full term applicable under subparagraph (B), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(5) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. The members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board.

"(g) CERTAIN RESPONSIBILITIES OF EXECUTIVE DIRECTOR OF FOUNDATION.—In carrying out subsection (e)(2), the Director shall carry out the following functions:

"(1) Hire, promote, compensate, and discharge officers and employees of the Foundation, and define the duties of the officers and employees.

"(2) Accept and administer donations to the Foundation, and administer the assets of the Foundation.

"(3) Establish a process for the selection of candidates for holding endowed positions under subsection (c).

"(4) Enter into such financial agreements as are appropriate in carrying out the activities of the Foundation.

"(5) Take such action as may be necessary to acquire patents and licenses for devices and procedures developed by the Foundation and the employees of the Foundation.

"(6) Adopt, alter, and use a corporate seal, which shall be judicially noticed.

"(7) Commence and respond to judicial proceedings in the name of the Foundation.

"(8) Other functions that are appropriate in the determination of the Director.

"(h) GENERAL PROVISIONS.—

"(1) AUTHORITY FOR ACCEPTING FUNDS.—The Director of the Centers for Disease Control may accept and utilize, on behalf of the Federal Government, any gift, donation, bequest, or devise of real and personal property from the Foundation for the purpose of aiding or facilitating the work of such Centers. Funds may be accepted and utilized by such Director under the preceding sentence without regard to whether the funds are designated as general-purpose or special-purpose funds.

"(2) AUTHORITY FOR ACCEPTANCE OF VOLUNTARY SERVICES.—

"(A) The Director of the Centers for Disease Control may accept, on behalf of the Federal Government, any voluntary services provided to such Centers by the Foundation for the purpose of aiding or facilitating the work of such Centers. In the case of an individual, such Director may accept the services provided under the preceding sentence by the individual for not more than 2 years.

"(B) The limitation established in subparagraph (A) regarding the period of time in which services may be accepted applies to each individual who is not an employee of the Federal Government and who serves in association with the Centers for Disease Control pursuant to financial support from the Foundation.

"(3) ADMINISTRATIVE CONTROL.—No officer, employee, or member of the Board of the Foundation may exercise any administrative or managerial control over any Federal employee.

"(4) APPLICABILITY OF CERTAIN STANDARDS TO NON-FEDERAL EMPLOYEES.—In the case of any individual who is not an employee of the Federal Government and who serves in association with the Centers for Disease Control pursuant to financial support from the Foundation, the Foundation shall negotiate a memorandum of understanding with the individual and the Director of the Centers for Disease Control specifying that the individual—

"(A) shall be subject to the ethical and procedural standards regulating Federal employment, scientific investigation, and research findings (including publications and patents) that are required of individuals employed by the Centers for Disease Control, including standards under this Act, the Ethics in Government Act, and the Technology Transfer Act; and

"(B) shall be subject to such ethical and procedural standards under chapter 11 of title 18, United States Code (relating to conflicts of interest), as the Director of such Centers determines is appropriate, except such memorandum may not provide that the individual shall be subject to the standards of section 209 of such chapter.

"(5) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board of the Foundation may not directly or indirectly participate in the consideration or determination by the Foundation of any question affecting—

"(A) any direct or indirect financial interest of the individual; or

"(B) any direct or indirect financial interest of any business organization or other entity of which the individual is an officer or employee or in which the individual has a direct or indirect financial interest.

"(6) AUDITS.—The Foundation shall provide for biennial audits of the financial condition of the Foundation.

"(7) REPORTS.—Not later than February 1 of each fiscal year, the Foundation shall publish a report describing the activities of the foundation during the preceding fiscal year. Each such report shall include for the fiscal year involved a comprehensive statement of the operations, activities, financial condition, and accomplishments of the Foundation.

"(8) LIAISON FROM CENTERS FOR DISEASE CONTROL.—The Director of the Centers for Disease Control shall serve as the liaison representative of such Centers to the Board and the Foundation.

"(1) FEDERAL FUNDING.—

"(A) AUTHORITY FOR ANNUAL GRANTS.—

"(A) The Secretary, acting through the Director of the Centers for Disease Control, shall—

"(i) for year 1992, make a grant to an entity described in subsection (j)(9) (relating to the establishment of a committee to establish the Foundation);

"(ii) for fiscal year 1993, make a grant to the committee established under such subsection, or if the Foundation has been established, to the Foundation; and

"(iii) for fiscal year 1994 and each subsequent fiscal year, make a grant to the Foundation.

"(B) A grant under subparagraph (A) may be expended—

"(i) in the case of an entity receiving the grant under subparagraph (A)(i), only for the purpose of carrying out the duties established in subsection (j)(9) for the entity;

"(ii) in the case of the committee established under such subsection, only for the purpose of carrying out the duties established in subsection (j) for the committee; and

"(iii) in the case of the Foundation, only for the purpose of the administrative expenses of the Foundation.

"(C) A grant under subparagraph (A) may not be expended to provide amounts for the fund established under subsection (c).

"(D) For the purposes described in subparagraph (B)—

"(i) any portion of the grant made under subparagraph (A)(i) for fiscal year 1992 that remains unobligated after the entity receiving the grant completes the duties established in subsection (j)(9) for the entity shall be available to the committee established under such subsection; and

"(ii) any portion of a grant under subparagraph (A) made for fiscal year 1992 or 1993 that remains unobligated after such committee completes the duties established in such subsection for the committee shall be available to the Foundation.

"(2) FUNDING FOR GRANTS.—

"(A) For the purpose of grants under paragraph (1), there is authorized to be appropriated \$500,000 for each fiscal year.

"(B) For the purpose of grants under paragraph (1), the Secretary may for each fiscal year make available not more than \$500,000 from the amounts appropriated for the fiscal year for the programs of the Department of Health and Human Services. Such amounts may be made available without regard to whether amounts have been appropriated under subparagraph (A).

"(J) COMMITTEE FOR ESTABLISHMENT OF FOUNDATION.—

"(1) IN GENERAL.—There shall be established in accordance with this subsection a committee to carry out the functions described in paragraph (2) (which committee is referred to in this subsection as the 'Committee').

"(2) FUNCTIONS.—The Committee shall carry out the following functions:

"(2) FUNCTIONS.—The Committee shall carry out the following functions:

"(A) Carry out such activities as may be necessary to incorporate the Foundation under the laws of the State involved, including serving as incorporators for the Foundation. Such activities shall include ensuring that the articles of incorporation for the Foundation require that the Foundation be established and operated in accordance with the applicable provisions of this part (or any successor to this part), including such provisions as may be in effect pursuant to amendments enacted after the date of the enactment of the Preventive Health Amendments of 1991.

"(B) Ensure that the Foundation qualifies for and maintains the status described in subsection (e)(3) regarding taxation.

"(C) Establish the general policies and initial bylaws of the Foundation, which bylaws shall include the bylaws described in subsections (e)(3) and (f)(1).

"(D) Provide for the initial operation of the Foundation, including providing for quarters, equipment, and staff.

"(E) Appoint the initial members of the Board in accordance with the requirements established in subsection (f)(2)(A) for the composition of the Board, and in accordance with such other qualifications as the Committee may determine to be appropriate regarding such composition. Of the members so appointed—

"(i) 2 shall be appointed to serve for a term of 3 years;

"(ii) 2 shall be appointed to serve for a term of 4 years; and

"(iii) 3 shall be appointed to serve for a term of 5 years.

"(3) COMPLETION OF FUNCTIONS OF COMMITTEE; INITIAL MEETING OF BOARD.—

"(A) The Committee shall complete the functions required in paragraph (1) not later than September 30, 1993. The Committee shall terminate upon the expiration of the 30-day period beginning on the date on which the Secretary determines that the functions have been completed.

"(B) The initial meeting of the Board shall be held not later than November 1, 1993.

"(4) COMPOSITION.—The Committee shall be composed of 5 members, each of whom shall be a voting member. Of the members of the Committee—

"(A) no fewer than 2 shall have broad, general experience in public health; and

"(B) no fewer than 2 shall have broad, general experience in nonprofit private organizations (without regard to whether the individuals have experience in public health).

"(5) CHAIR.—The Committee shall, from among the appointed members of the Committee, designate an individual to serve as the Chair of the Committee.

"(6) TERMS; VACANCIES.—The term of members of the Committee shall be for the duration of the Committee. A vacancy in the membership of the Committee shall not affect the power of the Committee to carry out the duties of the Committee. If a member of the Committee does not serve the full term, the individual appointed to fill the resulting vacancy shall be appointed for the remainder

of the term of the predecessor of the individual.

"(7) COMPENSATION.—Members of the Committee may not receive compensation for service on the Committee. Members of the Committee may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Committee.

"(8) COMMITTEE SUPPORT.—The Director of the Centers for Disease Control may, from amounts available to the Director for the general administration of such Centers, provide staff and financial support to assist the Committee with carrying out the functions described in paragraph (2). In providing such staff and support, the Director may both detail employees and contract for assistance."

"(9) GRANT FOR ESTABLISHMENT OF COMMITTEE.—

"(A) With respect to a grant under paragraph (1)(A)(i) of subsection (1) for fiscal year 1992, an entity described in this paragraph is a private nonprofit entity with significant experience in domestic and international issues of public health. Not later than 180 days after the date of the enactment of the Preventive Health Amendments of 1991, the Secretary shall make the grant to such an entity (subject to the availability of funds under paragraph (2) of such subsection).

"(B) The grant referred to in subparagraph (A) may be made to an entity only if the entity agrees that—

"(i) the entity will establish a committee that is composed in accordance with paragraph (4); and

"(ii) the entity will not select an individual for membership on the Committee unless the individual agrees that the Committee will operate in accordance with each of the provisions of this subsection that relate to the operation of the Committee.

"(C) The Secretary may make a grant referred to in subparagraph (A) only if the applicant for the grant makes an agreement that the grant will not be expended for any purpose other than carrying out subparagraph (B). Such a grant may be made only if an application for the grant is submitted to the Secretary containing such agreement, and the application is in such form, is made in such manner, and contains such other agreements and such assurances and information as the Secretary determines to be necessary to carry out this paragraph."

□ 2050

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from California [Mr. DANNEMEYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 3635, as amended.

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

There was no objection.

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

Mr. Speaker, this bill reauthorizes the preventive health block grant as

well as the Year 2000 Health Objectives Act. In addition, it authorizes a non-profit foundation for the Centers for Disease Control to work with both the private and public sector on disease control and public health issues.

These programs are relatively small, but in some ways provide the mortar for the States to piece together their own preventive health programs. I urge Members to support these efforts.

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

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

Mr. Speaker. I rise in support of H.R. 3635, legislation to reauthorize the preventive health and health services block grant. This program, which was created in 1982 by consolidating a number of categorical programs, provides the States with the needed flexibility to address their individual health needs.

Under this program, the States can use the funds for a variety of public health activities including the detection of hypertension, fluoridation control, cholesterol screening, early prenatal care, and childhood immunizations. It is up to the States to decide on which area they most need to focus.

I was unable to support the bill as originally introduced because it included an authorization level of \$150 million, which represented an increase of 62 percent above fiscal year 1991 appropriations. The bill before us now reflects an authorization which is more in keeping with reality since it is at the fiscal year 1992 level of \$135 million provided for in the fiscal year 1992 Labor/HHS appropriations conference report.

In addition, the provisions of this bill create a private sector national foundation for the centers of disease control. The Office of Government Ethics had a number of concerns about the provisions that were reported out by the committee. I believe our amended version resolves these concerns.

I urge my colleagues to join me in supporting this bill.

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

Mr. WAXMAN. 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 California. [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 3635, as amended.

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

A motion to reconsider was laid on the table.

## ABANDONED INFANTS ASSISTANCE ACT OF 1991

Mr. PAYNE of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2722) to revise and extend the programs under the Abandoned Infants Assistance Act of 1988, as amended.

The Clerk read as follows:

H.R. 2722

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

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Abandoned Infants Assistance Act Amendments of 1991"

### SEC. 2. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) in paragraph (3), by striking "the vast majority" and inserting "an unacceptable number";

(2) in paragraph (6), by striking "the number of cases" and all that follows and inserting the following: "the number of infants and young children who are infected with the human immunodeficiency virus (which is believed to cause acquired deficiency syndrome and which is commonly known as HIV) or who have been perinatally exposed to the virus or to a dangerous drug";

(3) in paragraph (7)—

(A) by striking "more than 80 percent of" and inserting "many such" before "infants"; and

(B) by striking "with acquired immune deficiency syndrome";

(4) in paragraph (8)—

(A) by inserting "such" before "infants"; and

(B) by striking "with acquired immune deficiency syndrome"; and

(5)(A) in paragraph (9), by striking "and" at the end;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following new paragraph:

"(10) there is a need to support the families of such infants and young children through the provision of services that will prevent the abandonment of the infants and children; and"

### SEC. 3. PROGRAM OF DEMONSTRATION PROJECTS REGARDING INFANTS AND YOUNG CHILDREN ABANDONED IN HOSPITALS.

(a) PRIORITY REGARDING CERTAIN INFANTS AND YOUNG CHILDREN.—

(1) IN GENERAL.—Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(A) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and

(B) by inserting after subsection (a) the following new subsection:

"(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that, in carrying out the purpose described in subsection (a) (other than with respect to paragraph (6) of such subsection), the applicant will give priority to abandoned infants and young children—

"(1) who are infected with the human immunodeficiency virus or who have been perinatally exposed to the virus; or

"(2) who have been perinatally exposed to a dangerous drug."

(2) CONFORMING AMENDMENTS.—Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(A) in subsection (a)—

(i) in paragraph (6), by striking "with acquired immune deficiency syndrome" and inserting "described in subsection (b)";

(ii) in each of paragraphs (2), (4), (5), and (7), by striking " , particularly those with acquired immune deficiency syndrome"; and

(iii) in paragraph (3), by striking " , particularly those with acquired immune deficiency syndrome,"; and

(B) in subsection (d)(1) (as redesignated by paragraph (1)(A) of this subsection), by striking "(d)" and inserting "(e)".

(b) COMPREHENSIVE SERVICE CENTERS.—Section 101(a) of the Abandoned Infants Assistance Act of 1988, as amended by subsection (a) of this section, is amended—

(1) in paragraph (6), by striking "and" after the semicolon at the end;

(2) in paragraph (7), by striking the period at the end and inserting " ; and"; and

(3) by adding at the end the following new paragraph:

"(8) to prevent the abandonment of infants and young children, and to care for the infants and young children who have been abandoned, through model programs providing health, educational, and social services at a single site in a geographic area in which a significant number of infants and young children described in subsection (b) reside (with special consideration given to applications from entities that will provide the services of the project through community-based organizations)."

(c) OTHER REVISIONS REGARDING PURPOSE OF GRANTS.—Section 101(a) of the Abandoned Infants Assistance Act of 1988, as amended by subsections (a) and (b) of this section, is amended—

(1) in paragraph (1), by inserting before the semicolon the following: " , including the provision of services to members of the natural family for any condition that increases the probability of abandonment of an infant or young child"; and

(2) in paragraph (5), by inserting before the semicolon the following: "who are unable to reside with their families or to be placed in foster care".

(d) ADMINISTRATION OF GRANT.—Section 101(d) of the Abandoned Infants Assistance Act of 1988, as redesignated and amended by subsection (a) of this section, is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);

(2) in the matter preceding subparagraph (A) (as so redesignated), by striking "(d) ADMINISTRATION" and all that follows through "The Secretary" and inserting the following:

"(d) ADMINISTRATION OF GRANT.—

"(1) The Secretary";

(3) by moving each of subparagraphs (A) through (D) (as so redesignated) 2 ems to the right; and

(4) by adding at the end the following new paragraph:

"(2) Subject to the availability of amounts made available in appropriations Acts for the fiscal year involved, the duration of a grant under subsection (a) shall be for a period of 3 years, except that the Secretary—

"(A) may terminate the grant if the Secretary determines that the entity involved has substantially failed to comply with the agreements required as a condition of the provision of the grant; and

"(B) shall continue the grant for one additional year if the Secretary determines that the entity has satisfactorily complied with such agreements."

### SEC. 4. EVALUATIONS, STUDIES, AND REPORTS BY SECRETARY.

(a) DISSEMINATION OF INFORMATION TO INDIVIDUALS WITH SPECIAL NEEDS.—Section 102 of

the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection:

“(b) DISSEMINATION OF INFORMATION TO INDIVIDUALS WITH SPECIAL NEEDS.—

“(1)(A) The Secretary may enter into contracts or cooperative agreements with public or nonprofit private entities for the development and operation of model projects to disseminate the information described in subparagraph (B) to individuals who are disproportionately at risk of dysfunctional behaviors that lead to the abandonment of infants or young children.

“(B) The information referred to in subparagraph (A) is information on the availability to individuals described in such subparagraph, and the families of the individuals, of financial assistance and services under Federal, State, local, and private programs providing health services, mental health services, educational services, housing services, social services, or other appropriate services.

“(2) The Secretary may not provide a contract or cooperative agreement under paragraph (1) to an entity unless—

“(A) the entity has demonstrated expertise in the functions with respect to which such financial assistance is to be provided; and

“(B) the entity agrees that in disseminating information on programs described in such paragraph, the entity will give priority—

“(i) to providing the information to individuals described in such paragraph who—

“(I) engage in the abuse of alcohol or drugs, who are infected with the human immunodeficiency virus, or who have limited proficiency in speaking the English language; or

“(II) have been historically underserved in the provision of the information; and

“(ii) to providing information on programs that are operated in the geographic area in which the individuals involved reside and that will assist in eliminating or reducing the extent of behaviors described in such paragraph.

“(3) In providing contracts and cooperative agreements under paragraph (1), the Secretary may not provide more than 1 such contract or agreement with respect to any geographic area.

“(4) Subject to the availability of amounts made available in appropriations Acts for the fiscal year involved, the duration of a contract or cooperative agreement under paragraph (1) shall be for a period of 3 years, except that the Secretary may terminate such financial assistance if the Secretary determines that the entity involved has substantially failed to comply with the agreements required as a condition of the provision of the assistance.”

(b) STUDY.—Section 102(c) of the Abandoned Infants Assistance Act of 1988, as amended by subsection (a) of this subsection, is amended—

(1) in paragraph (1)(A), by striking “infants who have acquired immune deficiency syndrome” and inserting “infants and young children who are infants and young children described in section 101(b)”;

(2) in paragraph (2), by striking “The Secretary” and all that follows through “Act,” and inserting the following: “Not later than April 1, 1992, the Secretary shall”.

#### SEC. 5. DEFINITIONS.

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

#### “SEC. 103. DEFINITIONS.

“For purposes of this title:

“(1) The terms ‘abandoned’ and ‘abandonment’, with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

“(2) The term ‘dangerous drug’ means a controlled substance, as defined in section 102 of the Controlled Substances Act.

“(3) The term ‘natural family’ shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation with respect to infants and young children covered under this Act.”

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking “For the purpose” and all that follows and inserting the following:

“(a) IN GENERAL.—

“(1) For the purpose of carrying out this title (other than section 102(b)), there are authorized to be appropriated \$20,000,000 for fiscal year 1992, \$25,000,000 for fiscal year 1993, \$30,000,000 for fiscal year 1994, and \$35,000,000 for fiscal year 1995.

“(2)(A) Of the amounts appropriated under paragraph (1) for any fiscal year in excess of the amount appropriated under this subsection for fiscal year 1991, as adjusted in accordance with subparagraph (B), the Secretary shall make available not less than 50 percent for grants under section 101(a) to carry out projects described in paragraph (8) of such section.

“(B) For purpose of subparagraph (A), the amount relating to fiscal year 1991 shall be adjusted for a fiscal year to a greater amount to the extent necessary to reflect the percentage increase in the consumer price index for all urban consumers (U.S. city average) for the 12-month period ending with March of the preceding fiscal year.

“(3) Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 102(a).

“(b) DISSEMINATION OF INFORMATION FOR INDIVIDUALS WITH SPECIAL NEEDS.—For the purposes of carrying out section 102(b), there is authorized to be appropriated \$5,000,000 for each of the fiscal year 1992 through 1995.

“(c) ADMINISTRATIVE EXPENSES.—

“(1) For the purpose of the administration of this title by the Secretary, there is authorized to be appropriated for each fiscal year specified in subsection (a)(1) an amount equal to 5 percent of the amount authorized in such subsection to be appropriated for the fiscal year. With respect to the amounts appropriated under subsection, the preceding sentence may not be construed to prohibit the expenditures of the amounts for the purpose described in such sentence.

“(2) The Secretary may not obligate any of the amounts appropriated under paragraph (1) for a fiscal year unless, from the amounts appropriated under subsection (a)(1) for the fiscal year, the Secretary has obligated for the purpose described in such paragraph an amount equal to the amounts obligated by the Secretary for such purpose in fiscal year 1991.

“(d) AVAILABILITY OF FUNDS.—Amounts appropriated under this section shall remain available until expended.”

#### SEC. 7. CONFORMING AMENDMENT.

The heading for title I of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

“TITLE I—PROJECTS REGARDING ABANDONMENT OF INFANTS AND YOUNG CHILDREN IN HOSPITALS”.

#### SEC. 8. TERMINATION OF PROGRAM.

Section 105 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. PAYNE] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. KLUG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PAYNE].

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

Mr. Speaker, 3 years ago Congress responded to the problems associated with substance abusing parents, HIV-infected parents, and the increase in the number of boarder babies abandoned in the hospitals, by enacting the Abandoned Infants Assistance Act of 1988.

Through the leadership of Senator METZENBAUM, Congressman OWENS, and Congressman WAXMAN, we were able to develop an initiative, designed to keep us ahead of the curve.

Our intent was twofold; to assist the hardest hit districts by developing effective programs in response to the crisis and to allow other communities to benefit from their experiences.

Recently, we had the benefit of discovering the range and variety of these programs. Last spring, I requested a field hearing and Chairman OWENS generously called one in Newark, NJ, which is in my district.

The Abandoned Infants Assistance Act funds discretionary grants to public and private nonprofit organizations for a number of activities relating to the needs of drug-exposed and HIV-exposed children as well as the needs of their families.

The act has been funded since 1989, and since then many of the grantees have been busy providing innovative social services to numerous families nationwide. Since that date 32 programs have been developed and funded.

Our amendments seek to enhance the services that are already being provided. The comprehensive services that are provided for in the act should be in support of the family in the broadest sense of the term, both with respect to those involved in the service and the coordinated and comprehensive services provided, with the goal of the prevention of the abandonment of the child.

There was a need to provide a one-stop-shopping approach to providing services to families to assist them with various social services and providing them with training all under the same roof. The comprehensive service center model was developed to prevent families from falling through the cracks because of expenses and time involved in traveling across the State in order to obtain various services.

There has been a tremendous amount of negotiations and compromise involved in bringing this bill to the floor and I appreciate the efforts of everyone involved. I would particularly like to express my appreciation to the members and staff of the Energy and Commerce Committee who shared jurisdiction with the Education and Labor Committee on this bill.

Mr. Speaker, indeed this is a worthy cause, the numbers of children exposed to drugs or with AIDS has increased dramatically, and hopefully, through some of the amendments proposed in this act, we can prevent an increase in the abandonment of infants and help their families cope with the various issues that they face.

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

Mr. Speaker, I would like to offer my support for H.R. 2722, to extend and amend the Abandoned Infants Assistance Act. The grants authorized by this act are designed to prevent abandonment and provide care for infants and young children who have been exposed to drugs or HIV before their birth. It is an unfortunate fact of life that each year we are witnessing the birth of more of these children whose special needs require intense social and medical services. Over 32 demonstration programs have been funded by abandoned-infants grants over the past several years to develop and provide access to these critical services.

The bill we are considering today builds on the program's early success and authorizes several additional activities which I believe will significantly improve services to children in need. In particular, the bill authorizes demonstration grants to create single-site programs that would bring together child protection, health, social support, and education services in a coordinated fashion. This single-site model would eliminate fragmented services and improve access for families and children who are seeking help.

It is a mistaken belief that the incidence of infant exposure to HIV and drugs is limited to our largest urban centers. In my own State of Wisconsin we conducted a study this year that looked at the prevalence of drug exposure among new births. The study found that 1 in 10 women in Wisconsin used cocaine or some other illegal drug during their pregnancies. The risks associated with drug use during pregnancy are well documented—they include birth defects, developmental disabilities, premature birth, and, in the worst case, infant mortality. In addition to the tremendous human costs associated with these outcomes, there are significant financial costs. Medical costs for a single infant who is born prematurely can easily exceed \$100,000 in just the first few months of the child's life.

The Wisconsin study also documented what other States have found

in trying to address this problem: that traditional approaches are not sufficient to meet the complex needs of addicted women and their children. If we are to find approaches that do work, we must be willing to experiment with innovative prevention-and-treatment models. The bill we are considering today does just that. It provides funds for public and private agencies to test new ways of identifying women at risk, many of whom now go undetected, and providing those women with a comprehensive package of services. It also ensures that when an experimental grant program is successful in one area, the blueprint for that program will be shared with other cities and States. Although the funds we authorize for these activities are relatively modest, the return on investment will be high as we discover and duplicate effective models.

In closing, I would like to commend my colleague, Mr. PAYNE, and our subcommittee chairman, Mr. OWENS, for their leadership and their bipartisan efforts on behalf of the mothers and children this bill will serve.

Mr. WAXMAN. Mr. Speaker, I rise to support the legislation proposed by the gentleman from New Jersey.

This legislation addresses a problem of growing severity in the Nation's health care system—children who remain in the hospital not because of any illness but because they have nowhere else to go.

These children often present complex legal, social, and medical problems: They are born to parents who are themselves often drug-addicted and sometimes ill with AIDS and who are frequently unable to provide the care and family support necessary. They have a high potential for becoming ill and for being developmentally delayed or disabled. They are sometimes abandoned in the hospitals in which they are born or in which they are treated for initial symptoms or illness.

They are not wanted by adoptive and foster care families or by residential care facilities, sometimes because of their short life expectancy, sometimes because of unwarranted fears that they may infect others, and sometimes because of the financial and emotional support needed to care for them.

The result of these problems has been the growth in boarder babies, a phrase used for infants and young children who are medically cleared for discharge from the hospital but who nonetheless remain as inpatients simply because there is no place else for them to go. Not only is this detrimental to the child's well-being, but such a placement also costs thousands of dollars per child per year, costs that are frequently borne by the Federal and State Governments in the form of Medicaid and by local governments in the form of increased debt for public hospitals.

Most of these children do not need the technology and supervision that accompany pediatric hospitalization. Most would be much better suited to foster or adoptive family care. In many cases, the addition of key support services could, in fact, allow the child to remain with its natural family and prevent the aban-

donment itself. Governmental costs would be reduced by providing for such prevention services and, if unsuccessful, for the placement of such children outside of a hospital.

While the Abandoned Infants Assistance Act has never been an ultimate solution for the continuing problem of financing the health care of those children who need hospital care, it has created demonstration programs for the provision of nonhospital care so that as the number of children with such problems increases, other States and cities might replicate successful models of treatment and care.

I urge Members to support reauthorization of this program.

Mr. DANNEMEYER. Mr. Speaker, I rise in support of H.R. 2722, the Abandoned Infants Assistance Act of 1991. This legislation represents an agreement between the Energy and Commerce Committee and the Education and Labor Committee.

In 1988, this legislation was first enacted in response to the growing crisis in the number of infants left abandoned in hospitals due primarily to the spread of acquired immune deficiency syndrome [AIDS] and the increased use of illegal drugs among pregnant women. The primary purpose of this legislation was to assist abandoned infants, particularly those with AIDS, to reside with their natural families or in foster care.

This program helps provide foster care for babies with AIDS or other life-threatening diseases who are well enough to be discharged from the hospital but have no place to go. Often the mother is an IV drug abuser with AIDS who either rejects her baby or whose health problems prevent her from caring for her baby.

Until we can eliminate the epidemics of drug abuse and AIDS, this program provides a small step to help those children who are their victims.

Mr. Speaker, I urge my colleagues to join me in supporting the reauthorization of this program.

Mr. OWENS of New York. Mr. Speaker, I am pleased to rise in support of H.R. 2722, the Abandoned Infants Assistance Act. First, I want to commend Mr. DONALD PAYNE, the author of this legislation, who is a member of the Subcommittee on Select Education, which I chair. Mr. PAYNE has been able to forge a bipartisan coalition with members of both the Committee on Education and Labor and the Committee on Energy and Commerce, which represents a tribute to his leadership.

The HIV epidemic continues to ravage minority communities. Yesterday, the New York Times reported that African-Americans comprise nearly a third of the 36,000 cases reported in New York City. The AIDS epidemic, which underlies so much of the problem of abandonment, is the ninth leading cause of death in children. National statistics indicate that minority children, particularly African-American and Hispanics, are disproportionately represented. Of the 26,083 cases in children under 5 diagnosed with the AIDS virus, 56 percent are African-American.

A key strength of this legislation is that it represents an effort to stay ahead of the curve by continuing the search for promising cost-effective approaches to the deeply troubling

problem of abandoned children. It also responds to the need to integrate services at a single site—a model approach which can be replicated throughout the country. Additionally, the bill places special emphasis on the dissemination of information to historically underserved populations. The specific needs of limited English proficient populations are also accommodated in this bill.

I urge my colleagues to support this urgently needed legislation.

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

Mr. PAYNE of New Jersey. Mr. Speaker, I have no further requests for time.

Mr. SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. PAYNE], that the House suspend the rules and pass the bill, H.R. 2722, as amended.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2722, as amended, the bill just passed.

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

There was no objection.

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Senate bill (S. 1532) to revise and extend the programs under the Abandoned Infants Assistance Act of 1988, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1532

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Abandoned Infants Assistance Act Amendments of 1991".

#### SEC. 2. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) in paragraph (6), by striking ", and the number of cases has doubled within the last 13 months;

(2) in paragraph (9)—

(A) by inserting after "counseling services" the following: "early intervention and developmental services,"; and

(B) by striking "and" at the end thereof;

(3) by redesignating paragraph (10) as paragraph (11); and

(4) by inserting after paragraph (9) the following new paragraph:

"(10) one of the goals of these comprehensive services shall be to support the family, which includes the child and the natural, foster and adoptive families, with the aim of preventing abandonment of the child; and".

#### SEC. 3. PROGRAM OF DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Section 101(a) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) in the matter preceding paragraph (1), by striking "may make grants" and inserting the following: "shall make grants from funds appropriated pursuant to section 104(a)";

(2) in paragraph (1), by inserting before the semicolon the following: ", including the provision of services to all members of the natural family for any condition that increases the probability of abandonment of an infant or young child";

(3) in paragraph (2), by inserting before the semicolon "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile";

(4) in paragraph (3), by inserting after "those with acquired immune deficiency syndrome" the following: "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile,";

(5) in paragraph (4)—

(A) by striking "children," and inserting the following: "children (including the actual expenses of the persons receiving the services)"; and

(B) by inserting "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or medically fragile children" before the semicolon;

(6) in paragraph (5), to read as follows:

"(5) to provide residential care programs for abandoned infants and young children who are unable to reside with their natural families or be placed in foster family care, particularly those with acquired immune deficiency or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile;"

(7) in paragraph (6), by amending the paragraph to read as follows:

"(6) to carry out programs and services including respite care, family support groups, parenting skills, in-home support services, the use of volunteers and individual counselors and payment of expenses to attend such groups and provide alternative care) for natural, foster, and adoptive families of infants and young children with acquired immune deficiency syndrome, or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or medically fragile children and young persons; and"; and

(8) in paragraph (7), by inserting before the period "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile."

(b) COMPREHENSIVE SERVICE CENTERS.—Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g); and

(2) by inserting after subsection 9a) the following new subsection:

"(b) COMPREHENSIVE SERVICE CENTERS.—  
"(1) The Secretary shall make grants from funds appropriated pursuant to subsection 104(b) to fund a demonstration program to enable public and nonprofit private entities to plan, coordinate and establish model comprehensive service centers. These centers shall provide or offer access to children and to natural, foster and adoptive families covered under the Act in order to strengthen the family unit, or ameliorate or prevent conditions that increase the probability of improper care or abandonment. These centers shall—

"(A) coordinate, at one location (which may include schools) the provision of services, including social service, child protection, health, and education/training components, to those family members in need of such services;

"(B) be conducted in a setting convenient to, and easily accessible by, large numbers of natural, foster, and adoptive families, particularly those providing services to infants and children with acquired immune deficiency syndrome or medically fragile conditions, or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol; and

"(C) involve, to the maximum extent possible, community-based and nonprofit organizations that have demonstrated expertise in the operation of such programs or that demonstrate the potential expertise.

The Secretary shall make grants under this subsection based on the necessity and number of services to be offered. The Secretary shall prioritize the applications upon the need for such services, as evidenced by the relative numbers of infants and young children covered under this Act to be served.

"(2) In the case of public or nonprofit private entities that have been providing similar comprehensive services under grants made under subsection (a) before the date of the enactment of the Abandoned Infants Assistance Act Amendments of 1991, the Secretary shall make provisions to transition these projects, upon application by said public or nonprofit private entity for such transition, to this program during the first period for which funds are made available under section 104(b) for this subsection, provided that the Secretary shall make provision in such transition for the expansion, over a period of no more than 2 years, to encompass all of the services required under this subsection."

(c) ADMINISTRATION OF GRANT.—Section 101(d) of the Abandoned Infants Assistance Act of 1988, as redesignated by subsection (b)(1) of this section, is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);

(2) in the matter preceding subparagraph (A) (as so redesignated), by striking "(d) ADMINISTRATION" and all that follows through "The Secretary" and inserting the following:

"(d) ADMINISTRATION OF GRANT.—  
"(1) The Secretary";

(3) by moving each of subparagraphs (A) through (D) (as so redesignated) 2 ems to the right; and

(4) by adding at the end the following new paragraph:

"(2) Subject to the availability of funds, the Secretary shall make grants under this section for periods of not less than 3 years, with there being 2 automatic extensions of the grants being made absent a finding by the Secretary of substantial nonperformance."

**SEC. 4. EVALUATIONS, STUDIES, AND REPORTS BY SECRETARY.**

(a) **EVALUATIONS OF DEMONSTRATION PROJECTS.**—Section 102(a) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "shall," and inserting "shall from funds appropriated under section 104(c)."

(b) **SPECIAL NEEDS DISSEMINATION.**—Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following new subsection:

"(b) **SPECIAL NEEDS DISSEMINATION.**—

"(1) The Secretary shall, from amounts appropriated under section 104(d), maintain the National Resource Center for Programs Serving Abandoned Infants and Infants at Risk of Abandonment and Their Families established by the Secretary pursuant to the Abandoned Infants Assistance Act of 1988. The National Resource Center shall assist in identifying, developing and utilizing effective program practices, information and materials in order to meet the service needs of specific groups of individuals, who, on a national or State basis, are disproportionately affected by the drug and alcohol epidemics or who have been historically underserved with respect to the provision of information and services.

"(2) The National Resource Center described in paragraph (1) shall—

"(A) identify innovative or exemplary programs, public and private agencies, resources and support groups;

"(B) disseminate information on prevention and preventive services;

"(C) provide technical assistance, training and consultation to service providers and to State agencies to promote professional competency, service coordination, utilization of resources and the best practices related to the management and administration of abandoned infants assistance programs;

"(D) develop a national network of professionals in the field to serve as consultants and to link such individuals with persons and agencies requiring assistance; and

"(E) identify emerging issues with respect to child welfare, developmental disabilities and maternal and child health, particularly as such issues related to pre- and post-natal alcohol, drug and pediatric HIV exposure.

"(3) Among the groups to be given priority for these services under this provision are those who are drug or alcohol addicted, individuals with acquired immune deficiency syndrome, minorities, limited English proficient individuals, or those individuals who have been statistically and historically underserved by such information services and dissemination. Information on prevention and services shall also be distributed to the communities of such individuals.

"(4) The Secretary shall enter into contracts or cooperative services under this subsection for periods of not less than 3 years. The Secretary shall extend the contract or grant for 2 additional consecutive 1-year periods absent a finding by the Secretary of substantial nonperformance."

(3) In paragraph (1)(A) of subsection (c) (as so redesignated), by inserting after "infants who have acquired immune deficiency syndrome", the following: "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or who are medically fragile,"; and

(4) in paragraph (2) of subsection (d) (as so redesignated), by striking "April 1, 1991" and inserting "April 1, 1992".

**SEC. 5 DEFINITIONS.**

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking "SEC." and all that follows through "the term" and inserting the following:

**"SEC. 103. DEFINITIONS.**

"For purposes of this title:

"(1) The term"; and

(2) by adding at the end the following new paragraphs:

"(2) The term 'natural family' shall be interpreted to include natural parents, grandparents, familial members (including all siblings and children resident in the household), and others (on a continuing basis) who reside in the household and are in a care-giving situation with respect to infants and young children covered under this Act.

"(3) The term 'medically fragile' includes those infants and young children who exhibit medical, physical or developmental conditions occasioned by pre- or post-natal alcohol and drug exposure."

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "For the purpose" and all that follows and inserting the following:

"(a) **DEMONSTRATION GRANTS IN GENERAL.**—For the purpose of making grants under section 101(a), there are authorized to be appropriated \$15,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(b) **COMPREHENSIVE SERVICE CENTERS.**—For the purpose of making grants under section 101(b), there are authorized to be appropriated \$1,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(c) **EVALUATIONS OF DEMONSTRATION PROJECTS.**—For the purpose of making grants under section 102(a), there are authorized to be appropriated \$1,500,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(d) **SPECIAL NEEDS DISSEMINATION.**—For the purpose of making grants under section 102(b), there are authorized to be appropriated \$5,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(e) **ADMINISTRATIVE EXPENSES.**—

"(1) In addition to the funds authorized above, there shall be an amount authorized for the purpose of administering this program of 5 percent of the amount appropriated for the programs in fiscal years 1992, 1993, 1994, and 1995.

"(2) The Secretary may not obligate any of the amounts appropriated under paragraph (1) for a fiscal year unless, from the aggregate amounts appropriated under subsections (a) through (d) for the fiscal year, the Secretary has obligated for the purpose described in paragraph (1) an amount equal to the amounts obligated by the Secretary for such purpose in fiscal year 1991.

"(f) **AVAILABILITY OF FUNDS.**—Funds appropriated under this authority shall remain available until expended."

**SEC. 7. CONFORMING AMENDMENT.**

The heading for title I of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by adding at the end the following: "AND ABANDONMENT PREVENTION PROGRAMS".

**SEC. 8. TERMINATION OF PROGRAMS.**

Section 105 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is repealed.

MOTION OFFERED BY MR. PAYNE OF NEW JERSEY

Mr. PAYNE of New Jersey. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PAYNE of New Jersey moves to strike all after the enacting clause of the Senate bill, S. 1532, and to insert in lieu thereof the text of H.R. 2722, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read, "A bill to revise and extend the programs under the Abandoned Infants Assistance Act of 1988."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2722) was laid on the table.

**CONVENTIONAL FORCES IN EUROPE TREATY IMPLEMENTATION ACT OF 1991**

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3807) to amend the Arms Export Control Act to authorize the President to transfer battle tanks, artillery pieces, and armored combat vehicles to member countries of the North Atlantic Treaty Organization in conjunction with implementation of the Treaty on Conventional Armed Forces in Europe.

The Clerk read as follows:

H.R. 3807

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Conventional Forces in Europe Treaty Implementation Act of 1991".

**SEC. 2. AUTHORITY TO TRANSFER CERTAIN CFE TREATY-LIMITED EQUIPMENT TO NATO MEMBERS.**

The Arms Export Control Act is amended by adding at the end the following:

"CHAPTER 8—TRANSFER OF CERTAIN CFE TREATY-LIMITED EQUIPMENT TO NATO MEMBERS

**"SEC. 81. PURPOSE.**

"The purpose of this chapter is to authorize the President to support, consistent with the CFE Treaty, a NATO equipment transfer program that will—

"(1) enhance NATO's forces,

"(2) increase NATO standardization and interoperability, and

"(3) better distribute defense burdens within the NATO alliance.

**"SEC. 82. CFE TREATY OBLIGATIONS.**

"The authorities provided in this chapter shall be exercised consistent with the obligations incurred by the United States in connection with the CFE Treaty.

**"SEC. 83. AUTHORITIES.**

"(a) **GENERAL AUTHORITY.**—The President may transfer to any NATO/CFE country, in accordance with NATO plans, defense articles—

"(1) that are battle tanks, armored combat vehicles, or artillery included within the CFE Treaty's definition of 'conventional armaments and equipment limited by the Treaty';

"(2) that were, as of the date of signature of the CFE Treaty, in the stocks of the Department of Defense and located in the CFE Treaty's area of application; and

"(3) that the President determines are not needed by United States military forces within the CFE Treaty's area of application.

"(b) ACCEPTANCE OF NATO ASSISTANCE IN ELIMINATING DIRECT COSTS OF TRANSFERS.—In order to eliminate direct costs of facilitating transfers of defense articles under subsection (a), the United States may utilize services provided by NATO or any NATO/CFE country, including inspection, repair, or transportation services with respect to defense articles so transferred.

"(c) ACCEPTANCE OF NATO ASSISTANCE IN MEETING CERTAIN UNITED STATES OBLIGATIONS.—In order to facilitate United States compliance with the CFE Treaty-mandated obligations for destruction of conventional armaments and equipment limited by the CFE Treaty, the United States may utilize services or funds provided by NATO or any NATO/CFE country.

"(d) AUTHORITY TO TRANSFER ON A GRANT BASIS.—Defense articles may be transferred under subsection (a) without cost to the recipient country.

"(e) THIRD COUNTRY TRANSFERS RESTRICTIONS.—For purposes of sections 3(a)(2), 3(a)(3), 3(c), and 3(d) of this Act, defense articles transferred under subsection (a) of this section shall be deemed to have been sold under this Act.

"(f) MAINTENANCE OF MILITARY BALANCE IN THE EASTERN MEDITERRANEAN.—The President shall ensure that transfers by the United States under subsection (a), taken together with transfers by other NATO/CFE countries in implementing the CFE Treaty, are of such valuations so as to be consistent with the United States policy, embodied in section 620C of the Foreign Assistance Act of 1961, of maintaining the military balance in the Eastern Mediterranean.

"(g) EXPIRATION OF AUTHORITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the authority of subsection (a) expires at the end of the 40-month period beginning on the date on which the CFE Treaty enters into force.

"(2) TRANSITION RULE.—Paragraph (1) does not apply with respect to a transfer of defense articles for which notification under section 84(a) is submitted before the end of the period described in that paragraph.

**"SEC. 84. NOTIFICATIONS AND REPORTS TO CONGRESS.**

"(a) NOTIFICATIONS.—Not less than 15 days before transferring any defense articles pursuant to section 83(a), the President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of the Foreign Assistance Act of 1961.

"(b) ANNUAL REPORTS.—Not later than February 1 each year, the President shall submit to the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report that—

"(1) lists all transfers made to each recipient NATO/CFE country by the United States under section 83(a) during the preceding calendar year;

"(2) describes how those transfers further the purposes described in paragraphs (1) through (3) of section 81; and

"(3) lists, on a country-by-country basis, all transfers to another country of conven-

tional armaments and equipment limited by the CFE Treaty—

"(A) by each NATO/CFE country (other than the United States) in implementing the CFE Treaty, and

"(B) by each Warsaw Pact country in implementing the CFE Treaty.

**"SEC. 85. DEFINITIONS.**

"As used in this chapter—

"(1) the term 'CFE Treaty' means the Treaty on Conventional Armed Forces in Europe (signed at Paris, November 19, 1990);

"(2) the term 'conventional armaments and equipment limited by the CFR Treaty' has the same meaning as the term 'conventional armaments and equipment limited by the Treaty' does under paragraph 1(J) of article II of the CFR Treaty;

"(3) the term 'NATO' means the North Atlantic Treaty Organization;

"(4) the term 'NATO/CFE country' means a member country of NATO that is a party to the CFR Treaty and is listed in paragraph 1(A) of article II of the CFR Treaty within the group of States Parties that signed or acceded to the Treaty of Brussels of 1948 or the Treaty of Washington of 1949 (the North Atlantic Treaty); and

"(5) the term 'Warsaw Pact country' means a country that is listed in paragraph 1(A) of article II of the CFR Treaty within the group of States Parties that signed the Treaty of Warsaw of 1955."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

**GENERAL LEAVE**

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 3807, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 3807 authorizing the President to transfer certain limited equipment pursuant to the CFE Treaty. One year ago, on November 19, 1990, 22 nations met at a summit of the Conference on Security and Cooperation in Europe in Paris and signed the Treaty on Conventional Armed Forces in Europe [CFE Treaty]. The CFE Treaty is an agreement that mandates reductions and limits on military equipment such as tanks, armored vehicles, artillery, combat aircraft, and helicopters in Europe from the Atlantic Ocean to the Ural Mountains. This treaty is another major arms control achievement of the post-cold-war era. It culminates a long, arduous process of negotiations between NATO and the Warsaw Pact on force reductions in Europe which began in 1973, but didn't become a realistic op-

portunity until the Berlin Wall came down.

The CFE Treaty requires that each state which is a party to the treaty submit extensive data on its military forces, adhere to detailed provisions for the destruction or conversion of excess equipment, and open military installations to intrusive inspection.

The CFE Treaty was formally submitted to the Senate on July 1, 1991. The Senate Foreign Relations Committee reported the CFE Treaty to the full Senate today along with the implementing legislation we are now considering. The Senate is scheduled to consider and give its advice and consent to this treaty on Thursday.

The legislation that we are considering today is a key component of the CFE Treaty and is considered to be part of the implementation of that treaty. Specifically, the transfer program authorized by this legislation would enable the United States, Germany, and other allies to adjust their reduction liabilities by transferring treaty limited equipment to other allies, allowing the Alliance to achieve an effective overall defense capability at lower force levels. I would like to also point out that this is a NATO program and not solely a U.S. portion representing only 30 percent of the overall program. Therefore, 70 percent of the costs associated with the program will not be incurred by the United States and 70 percent of the actual equipment transfers will come from other NATO member countries.

Briefly the legislation:

Clarifies that the transfers are consistent with the obligations incurred by the U.S. and other allies in connection with the CFE Treaty;

Limits the articles eligible for transfer only to battle tanks, armored combat vehicles, or artillery included within the CFE Treaty's definition of conventional armaments and equipment limited by the treaty;

Clarifies that the United States will not incur any additional costs for such transfers;

Includes language concerning the military balance in the Eastern Mediterranean; and

Stipulates congressional reporting requirements prior to any transfer.

This legislation does not include authority requested by the executive branch concerning follow-on support for the initial transfers. This language was deleted to reflect concerns raised by some of our colleagues and with the concurrence of the executive branch.

I would like to commend my colleagues on both sides of the aisle of the Foreign Affairs Committee and also on the Armed Services Committee for working with us to fashion this legislation which now enjoys broad bipartisan support. I would also note that this legislation in its current form is fully supported by the executive branch.

In closing, Mr. Speaker, I would like to express my support for the legislation before us and for the CFE Treaty. I believe this treaty enhances stability and security in Europe and that this implementing legislation further complements the treaty objectives and I urge my colleagues to support this measure.

I include for the RECORD the fact sheet on this subject.

THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE  
INTRODUCTION

For more than four decades, the tragic division of Europe was maintained by the massive conventional forces of the Soviet Union and its Warsaw Pact allies. The mobility, firepower and disproportionate size of this force, and its capacity for surprise attack, constituted a major threat to the West. The signing of the Treaty on Conventional Armed Forces in Europe (CFE), on November 19, 1990, signalled the end of the Soviet Union's military dominance of Europe and locked in the welcome political changes of the previous year. In doing so, it fulfilled one of NATO's long-held ambitions: to lower and equalize conventional force levels from the Atlantic to the Urals and thereby enhance the security and stability of all of Europe.

Implementation of the CFE Treaty will involve one of the largest disarmament programs in history. The Soviet Union alone will have to destroy the military capacity of many thousands of tanks, artillery and other pieces of equipment. Furthermore, it will constrain Soviet conventional forces even within the Western Soviet Union. When the Treaty is fully implemented, the Soviets will retain in Europe only 35 percent of the equipment they held in 1988. Moreover, a provision of the Treaty known as the "sufficiency rule," will prevent any nation from creating a conventional force greater than one-third of the total armaments permitted in the area. This provision applies to all Treaty signatories; however, in practice, it only affects the Soviet Union. Finally, the CFE Treaty will, through a system of regional sublimits, curb any nation's ability to concentrate forces in a manner threatening to its neighbors.

A stringent verification regime will ensure that reductions prescribed under CFE are carried out. The inspections and information exchanges will make it difficult to hide militarily significant violations of the Treaty. In addition, it will hamper any nation's ability to amass equipment in excess of the Treaty's limits. The verification measures thus act as a hedge against future militarism or political excess and provide a standard by which we can judge the actions of the other signatories. The Treaty's required reductions and provisions for intrusive monitoring constitute obligations that go well beyond the unilateral and bilateral withdrawal agreements the Soviet Union concluded following the revolutions of 1989. As Secretary of State James Baker noted, "Where tens of thousands of Soviet tanks previously were poised for an offensive, now hundreds of inspectors will stand, and this will help ensure stability and provide warning even if political conditions change."

The binding nature of the CFE Treaty, its extensive verification regime and the strict regulations on destruction, location and storage of equipment will make a significant contribution to the security and confidence needed to produce a new, more stable European order.

ZONAL LIMITS TO GROUND EQUIPMENT IN ACTIVE UNITS

Ground equipment in active units	Central	Ex- panded central	Ex- tended	Flanks
Tanks .....	7,500	10,300	11,800	4,700
Artillery .....	5,000	9,100	11,000	6,000
Armored combat vehicles .....	11,200	19,260	21,400	5,900

The CFE Treaty includes geographic subzones within the overall Atlantic to the Urals region with limits on the amount of active ground equipment which can be stationed in them. Equipment in excess of these limits—up to overall permitted ceilings—must be kept at designated storage sites. The Central, Expanded Central, and Extended zones are "nested". The other words, the Expanded Central Zone includes all of the territory of the Central Zone plus the four Soviet military districts, Italy, France, The United Kingdom, and Denmark.

Equipment Ceilings—Atlantic to the Urals

Treaty limited equipment: Active Ceiling per side	
Tanks .....	20,000
Artillery .....	20,000
Armored combat vehicles .....	30,000
Combat aircraft .....	6,800
Attack helicopters .....	2,000

Active Unit Ceilings

Treaty limited equipment: Active ceiling per side	
Tanks .....	16,500
Artillery .....	17,000
Armored combat vehicles .....	27,300

SUFFICIENCY RULE

Treaty limited equipment	Any one country	Percent- age of the total
Tanks .....	13,300	33.3
Artillery .....	13,700	34.3
Armored combat vehicles .....	20,000	33.3
<b>Total ground equipment .....</b>	<b>47,000</b>	<b>33.6</b>
Combat aircraft .....	5,150	37.8
Attack helicopters .....	1,500	37.5
<b>Total equipment .....</b>	<b>53,650</b>	<b>34.0</b>

□ 2100

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

Mr. Speaker, I would like to commend Chairman FASCELL for bringing this legislation expeditiously to the floor for consideration. This legislation is important to the President and the Nation and warrants our strong support.

This legislation authorizes the President to transfer tanks, armored combat vehicles [ACV's], and artillery to members of the NATO Alliance in connection with implementation of the CFE Treaty agreed to last November in Paris.

This legislation will help NATO modernize its forces, increase efficiency, and shift defense burdens.

In addition, it clarifies the authority of the President to ensure that the United States will not incur any additional budgetary expense as a result of the transfers.

Finally, I would like to point out that this legislation mandates the President to ensure that any equipment transfer to Greece and Turkey under this program is consistent with United States policy of maintaining the military balance in the Eastern Mediterranean.

I urge my colleagues to support this important legislation.

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

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

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL], that the House suspend the rules and pass the bill, H.R. 3807.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REGARDING FORCED LABOR IN CHINESE PRISONS

Mr. GEJDENSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con Res. 216) concerning the use of forced labor in Chinese prisons, as amended.

The Clerk read as follows:

H. CON. RES. 216

Whereas the Government of the People's Republic of China maintains up to 5,000 prison, labor reform, reeducation, and juvenile detention facilities holding a large number of political prisoners, including thousands of young men and women jailed after that government's June 1989 suppression of the prodemocracy movement in China;

Whereas many Chinese prisoners are sent to Chinese prisons without any judicial hearing whatsoever and others are forced to stay on after their sentences expire;

Whereas forced labor is an integral part of the Chinese prison system, and Chinese prisoners are forced to labor under extremely inhumane and dangerous conditions with little or no compensation for their work;

Whereas the recent investigations by Harry Wu, a former Chinese political prisoner, and by independent human rights organizations such as Asia Watch, clearly demonstrate that Chinese prisons seek to export forced labor products to the United States, and have devised numerous methods to evade United States laws;

Whereas numerous Chinese government publications explicitly describe the export of forced labor products, and encourage all Chinese prisons to sell their products on the international market;

Whereas Chinese forced labor exports threaten American jobs in many sectors of the United States economy, including the shoe, toy, garment, handtool, and electronics industries; and

Whereas China's \$10,000,000,000 trade surplus with the United States in 1990 can be partly attributed to Chinese forced labor exports: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) the Congress finds that the Government of the People's Republic of China—

(1) systematically exploits the labor of prisoners in the Chinese gulag to produce cheap products for export;

(2) detains many prisoners past the expiration of their sentences in violation of internationally recognized human rights; and

(3) holds many prisoners in conditions that fall below international standards for the treatment of prisoners.

(b) The Congress—

(1) urges the Government of the People's Republic of China to—

(A) allow international inspections of places of detention that are suspected of producing export goods in order to ensure that such production does not take place;

(B) release the texts of any government directives, regulations, or policies regarding the exportation of products made in Chinese prisons, other than the October 10, 1991, joint declaration by the Chinese Ministry of Foreign Economic Relations and the Chinese Ministry of Justice banning prison-made exports;

(C) detail publicly the steps it will take to enforce the joint declaration of October 10, 1991, and any other policy prohibiting forced labor exports, at all levels of the Chinese government and Chinese prison system; and

(D) vigorously reform the Chinese political, judicial, penal, and economic systems so that Chinese citizens are not jailed for their political and religious beliefs, all Chinese citizens accused of crimes receive fair and open trials, Chinese prisoners are adequately compensated for their work, and workplace conditions in Chinese prisons are safe and humane; and

(2) urges the Government of Hong Kong, and the governments of other nations through which Chinese products are transhipped, to prohibit the importation of Chinese forced labor products and to investigate thoroughly trading companies suspected of dealing in prison-made goods.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut [Mr. GEJDENSON] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. GEJDENSON].

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

Mr. Speaker, Secretary of State James Baker returned yesterday from a weekend in Beijing. Baker's visit was a political plum for China's hard-line leaders.

For the United States, however, Secretary Baker's visit was an unquestionable failure. China's aging leaders absolutely refused to budge on human rights, trade barriers, and arms control.

The intransigence of China's leaders, however, should not come as a surprise. Beijing knows there will be no price to pay for ignoring American concerns. By refusing to support legislation placing limits on China's MFN status, President Bush has given carte blanche to Beijing to trample on the human rights of its citizens and the jobs of American workers.

The resolution before the House today addresses one aspect of the Chinese Government's brutality toward its citizens: The use of forced labor in Chinese prisons. In compelling testimony before the Subcommittee on International Economic Policy and Trade, human rights groups presented concrete evidence that thousands of Chinese political prisoners are forced to

work long hours in dangerous factories, receiving no compensation for their work.

Products made by Chinese forced labor, furthermore, are routinely exported to the United States in direct violation of United States law. Since 1930, the United States has wisely prohibited the importation of goods made with forced labor, not only to promote human rights, but also to protect American workers against cheap, slave-labor imports.

Late last week, Asia Watch and NBC News revealed new evidence that Chinese forced labor products, some made by jailed Tiananmen demonstrators, are making their way onto American shelves. NBC cameras caught a Chinese businessman at a trade show in San Francisco selling steel pipe which was positively made by Chinese forced labor.

The new evidence makes a mockery of China's October 10, 1991, declaration that China would no longer export forced labor products to the United States.

The new evidence demonstrates that the Memorandum of Understanding between the United States and China on prison labor exports, agreed upon last weekend, will not stop the export of Chinese slave-labor products.

Finally, the new evidence shows that the U.S. Customs Service is simply not doing its job. Customs must redouble its enforcement efforts and ban the importation of entire categories of Chinese forced labor products.

This resolution, Mr. Speaker, does more than condemn the Chinese Government for its policy of promoting forced labor exports. House Concurrent Resolution 216 urges the Chinese Government to take a series of steps to publish and strictly enforce a no-forced-labor-exports policy.

Given the large percentage of Chinese exports which are shipped through Hong Kong, the resolution also urges the Hong Kong government to prohibit forced labor imports.

Mr. Speaker, House Concurrent Resolution 216 puts Beijing on notice that Congress will not tolerate this gross violation of human rights and growing threat to American jobs. I urge its passage.

Finally, on a personal note, Mr. Speaker, my family during World War II was in Europe. For people who are oppressed in the midst of a crisis, it is an awfully lonely feeling. It is doubly lonely if it is felt that the most powerful democracy on the face of this planet is looking the other way.

We have had times in history where America did not speak out quickly enough when human beings, fellow human beings on this planet were being tortured and murdered. For us today I think is a good time to speak out for what is happening to those young heroes of Tiananmen Square, people who

wanted little more than democracy from their own government. I would hope that we overwhelmingly pass this resolution and send a strong message to the Chinese Government.

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

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

Mr. Speaker, this resolution would urge the Chinese Government to take further steps to prevent the export of goods produced by forced labor. It also requests other nations to take actions to prevent shipments of Chinese prison-made products to the United States.

I wish to recognize the efforts of its sponsor, Congressman GEJDENSON, chairman of the Subcommittee on International Economic Policy and Trade, and also the work of the Asian and Pacific Affairs Subcommittee, headed by Congressmen SOLARZ and LEACH, on the resolution.

It is abundantly clear by now that the People's Republic of China has had a policy of employing forced labor to manufacture products for export. I am especially pleased that our committee has followed this issue closely, through hearings and legislative action.

Our colleagues, Congressmen CHRIS SMITH and FRANK WOLF, actually visited a Chinese prison and found textile products being made for export. In addition, CBS News recently ran a "60 Minutes" segment based on personal research by Hoover Institute scholar Harry Wu. This footage showed not only human rights abuses in Chinese prisons and detention camps, but clear evidence that the products made by the prisoners were intended for export.

The administration has strongly protested China's abuses of human rights and has cracked down on imports of forced-labor products. Recently, the U.S. Customs Service halted importation of all hand tools manufactured by a machinery plant in Shanghai.

The Chinese Government has long claimed that its policy is not to export prison-made goods, but announced on October 10, that it would take additional steps to prohibit the export of such products. It also apparently made further commitments on this subject during Secretary Baker's recent visit.

Despite the progress that has been made thus far, we need to send a strong message to China that exporting prison-made goods is unacceptable. I support the resolution.

□ 2110

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], a member of our committee.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 216, a resolution concerning the use of forced labor in China and I commend the gentleman

from Connecticut [Mr. GEJDENSON], the distinguished chairman of the Subcommittee on International Economic Policy and Trade.

Mr. Speaker, Asia Watch recently stated in a report titled, "Prison Labor in China," that they have hard evidence that links prison labor in China to Chinese exports to this country. The report states:

The United States has long known that China used prison labor extensively in manufacturing and agriculture, yet there was no "smoking gun" to link prison labor to Chinese exports to this country. Now that smoking gun is available. The official Chinese documents attached demonstrate that the government of China is systematically exploiting the labor of prisoners to produce cheap products for export—and specifically targeting the United States, West Germany and Japan. The documents show conclusively that Chinese government officials \* \* \* who have consistently denied that China exports prison-made goods, have been deliberately lying. It is time to apply the letter of U.S. law to China and prohibit the importation of prison-made products.

I am deeply concerned that our Nation is playing a supporting role for Chinese Communist labor camps. Pro-democracy demonstrators, who stood up and risked their lives for ideals we hold so dear, are forced to toil in unspeakable conditions with no pay in these camps. Their blood and sweat enrich the children of China's elite who own these enterprises and force workers in our Nation to compete with what can only be referred to as slave labor. Asia Watch reports that millions of those who have served out their sentences since 1945 remain in the Chinese gulag as a captive labor force as a result of forcible retention policy."

Accordingly, Mr. Speaker, I urge my colleagues to support House Congressional Resolution 216.

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

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL], who has played a great role in moving this legislation forward.

Mr. ENGEL. Mr. Speaker, I rise in strong support of House Congressional Resolution 216. On a trip to China this past summer, along with many of my colleagues on both sides of the aisle, we repeatedly spoke with the Chinese leadership and told them of our displeasure over their abysmal human rights record and forced labor in prison camps. I am sad to say that the replies we got were not much better than the ones Secretary Baker just recently received.

It is very, very important that we in the Congress speak with one voice and say that we here in the United States will not tolerate the kinds of human rights abuses that go on in China and in Chinese prisons. The heroes of Tiananmen Square have really pointed the way for freedom in the world and

we here in the United States must stand behind them. The Chinese Government cannot continue to close its eyes and brazenly pretend that this is simply an internal matter and that the world ought to not care at all. We care very, very much and we will not tolerate these human rights policies.

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

Mr. Speaker, I would like to thank the gentlemen on both sides of the aisle, the gentleman from Florida [Mr. FASCELL], the chairman of the committee, the gentleman from Michigan [Mr. BROOMFIELD], the gentleman from Wisconsin [Mr. ROTH], and other Members who have been so helpful on this issue. For human rights reasons and for economic reasons American workers competing with slave labor just does not make sense in cities around my State and across this country.

Mr. FASCELL. Mr. Speaker, I rise in support of House Concurrent Resolution 216, as amended, concerning the use of forced labor in Chinese prisons. The Committee on Foreign Affairs considered this resolution this morning. I commend the author of the resolution, the chairman of the Subcommittee on International Economic Policy and Trade, Mr. GEJDENSON, for his leadership on this important initiative and urge its immediate passage.

Recent independent investigations by international human rights and news organizations have clearly documented the export of goods produced by forced prison labor in China. Some of those goods have found their way into the United States. This reprehensible practice is in violation of both international human rights law and U.S. law and should be strongly condemned.

House Concurrent Resolution 216, as amended, provides an opportunity for Congress to express its condemnation of this deplorable practice and urge the Chinese Government to adopt policies that will put an end to the use of forced labor as well as to improve the dismal conditions under which most prisoners are held in China. House Concurrent Resolution 216 further urges the Chinese Government to vigorously reform its political, judicial, penal, and economic systems so that Chinese citizens are no longer jailed for their political or religious beliefs, that all Chinese citizens accused of crimes receive fair and open trials, and that the workplace conditions in Chinese prisons are safe and humane.

One of the specific measures we urge the Chinese to adopt in this resolution is to allow international inspections of prisons and other places of detention. Access to Chinese prisons and detention centers by the International Committee of the Red Cross, for instance, is an important step for ending the practice of forced labor as well as ensuring that torture and other forms of mistreatment are ended. This one action would do much to improve the plight of Chinese prisoners and lend credence to the Chinese Government's claims that forced labor is prohibited. I urge the Chinese Government to allow such inspections immediately and urge unanimous adoption of this resolution.

Mr. PORTER. Mr. Speaker, I rise in strong support of House Concurrent Resolution 216, regarding forced labor in Chinese prisons.

It is impossible to ignore the blatant human rights violations perpetrated by the Beijing government on its people. Over the past several years we have watched innocent civilians brutally shot down in the streets of China and Tibet. Freedom of religion, speech, and association are nonexistent and imprisonment solely for political beliefs is widespread.

Now a more subtle, yet equally disturbing situation has more recently come to my attention, that of Chinese prisoners reportedly being forced to work while in prison.

No human rights violation is a matter of internal affairs as the Government of the People's Republic of China would have us believe. But this problem has found its way into the stores and warehouses of the United States as United States importers have unwittingly brought products made by Chinese prisoners to this country.

To think that those peaceful demonstrators from Tiananmen Square, now languishing in prison, are being forced to work and that these products can be found on the international market is extremely unsettling.

Mr. Speaker, the Chinese Government must treat its prisoners according to international standards and must cease the forcible production of goods for export in the Chinese prison system.

Mr. WOLF. Mr. Speaker, I rise in support of House Concurrent Resolution 216 offered by the gentleman from Connecticut [Mr. GEJDENSON].

The Tariff Act of 1930 states clearly that—

All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor and/or forced labor \* \* \* shall not be entitled to entry at any of the ports of the United States.

Notwithstanding United States law and assurances to President Bush that goods made with forced labor are strictly for domestic markets, China continues to openly and cavalierly export prisoner-made goods.

Many of my colleagues may have watched the NBC news segment last Thursday which provided more evidence of China's gross violation of United States trade law and internationally recognized human rights standards. Last week at a trade fair in San Francisco, Chinese businessmen, calculators at the ready, were eager to do business. Among goods available for export were products made at plants in Laiyang, Taian, and Dezhou, all listed in official Chinese documents obtained by Asia Watch as being labor reform enterprises.

If any of my colleagues are hesitant about these internal documents, take a look at the brochure which was being distributed at the trade fair. The page devoted to Dezhou Shengjian Machinery Plant has a picture of the plant—guardtowers and all. Another advertisement for the Shandong Laiyang Heavy-duty Machinery Factory includes a photograph of the factory gates where the Chinese characters for "labor reform" are visible.

Congressman SMITH and I saw the Chinese prison labor system at work when I visited Beijing Prison No. 1 earlier this year. After offi-

cialists refused to let us visit imprisoned prodemocracy demonstrators, we toured the prison and watched inmates making goods which likely were intended for Western markets.

While I appreciate the administration's stepping up efforts to stem the stream of prisoner-made goods entering United States ports, it is time for the United States Government to enforce its laws and make it clear to the Chinese and any other country producing goods with forced labor, that these goods will not be permitted in the United States. Should we stand by as consumers, unknowingly contributing to the oppression of Chinese citizens imprisoned for professing their religious faith, or who crusaded for democracy in 1989? Should we stand by as American companies and labor unions competing with foreign exports made with little or no labor costs? The reply from this Congress should be a resounding "no." Every effort should be taken to end these abuses.

Secretary Baker's trip to China has resulted in few concessions by the Chinese on human rights. In fact, China's immediate reaction to Mr. Baker's demands was the detainment of two prominent dissidents. Timidity and weak-hearted responses will not be enough. I urge the President to demand that the Government of the People's Republic of China comply with the content of House Concurrent Resolution 216.

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

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). The question is on the motion offered by the gentleman from Connecticut [Mr. GEJDENSON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 216, as amended.

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 12, noes 0.

So, (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on House Concurrent Resolution 216, the concurrent resolution just agreed to.

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

There was no objection.

#### CONGRATULATING DAW AUNG SAN SUU KYI ON RECEIVING THE NOBEL PEACE PRIZE AND EXPRESSING CONTINUED CONGRESSIONAL CONCERN ABOUT HUMAN RIGHTS ABUSES IN BURMA

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and agree to the reso-

lution (H. Res. 262) congratulating Daw Aung San Suu Kyi on receiving the Nobel Peace Prize and expressing continued congressional concern about human rights abuse in Burma, as amended.

The Clerk read as follows:

#### H. RES. 262

Whereas since 1962 the people of Burma have lived under brutal military repression;

Whereas in 1988 the people of Burma rebelled against military rule through massive peaceful demonstrations in support of democratic reform;

Whereas Daw Aung San Suu Kyi emerged as the leader of the Burmese people seeking peaceful and democratic change;

Whereas Daw Aung San Suu Kyi was one of the founders of the National League for Democracy in Burma, which contested and overwhelmingly won the elections of May 1990;

Whereas Daw Aung San Suu Kyi has been kept under house arrest by the Burmese military junta since July 1989 and denied all visits from family and friends;

Whereas the Burmese military junta has disregarded the election results of May 1990 and the Burmese people still suffer the harshest forms of repression by the junta;

Whereas Daw Aung San Suu Kyi remains the symbol of hope and dignity for the Burmese people seeking peaceful and democratic change;

Whereas on October 14, 1991, Daw Aung San Suu Kyi was awarded the Nobel Peace Prize in recognition of her struggle and that of the Burmese people;

Whereas due to the human rights situation in Burma, the Administration has suspended foreign assistance and trade preferences and has elected not to renew the textile agreement with Burma;

Whereas despite United States sanctions against Burma, several other countries have provided military supplies to the junta and have, thereby, lent support to its policies of repression; and

Whereas China has provided the junta with economic aid and has served as its major source of military supplies, providing support that is crucial to its survival including tanks, jet fighters, rocket launchers, assault rifles, anti-aircraft guns, armored personnel carriers, patrol boats, and other arms and equipment whose value has been estimated at \$500,000,000 to \$1,000,000,000: Now therefore, be it

*Resolved*, That in recognition of the heroism and inspiring struggle of Daw Aung San Suu Kyi to bring peace and democracy to Burma, the House of Representatives—

(1) congratulates Daw Aung San Suu Kyi on being awarded the Nobel Peace Prize;

(2) expresses in the strongest possible terms its continued condemnation of the Burmese military regime for abuses of internationally recognized human rights;

(3) voices its continued and unwavering support for Daw Aung San Suu Kyi and the people of Burma in their struggle for peaceful and democratic change;

(4) urges the Government of the People's Republic of China to suspend all economic aid and transfers of military supplies to Burma until Daw Aung San Suu Kyi and all other prisoners of conscience are released, martial law is lifted, and the results of the May 1990 elections are implemented;

(5) welcomes the Administration's efforts to promote human rights in Burma, and calls upon the President and the Secretary of State to—

(A) continue to encourage the restoration of democracy in Burma and condemn violations of human rights there;

(B) continue to advocate the immediate and unconditional release of Daw Aung San Suu Kyi and all other prisoners of conscience;

(C) impose additional economic sanctions on Burma; and

(D) call privately and publicly for an end to China's military transfers and economic aid to Burma and advise the Government of China that its willingness to end such support will play an important role in the development of United States relations with China;

(6) further calls upon the President and the Secretary of State to promote multilateral efforts, including an international arms embargo and international economic sanctions, designed to encourage the military regime to bring its practices into conformity with internationally recognized human rights standards; and

(7) out of respect and recognition of the efforts of Daw Aung San Suu Kyi to promote peace and human rights, would welcome a decision to invite Daw Aung San Suu Kyi to address a joint meeting of the United States Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SOLARZ] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

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

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

Mr. Speaker, I will be brief. This resolution congratulates Aung San Suu Kyi on being awarded the Nobel Peace Prize and expresses continuing congressional concern about human rights abuses in Burma.

In the fall of 1988, in the midst of a massive nationwide uprising on the part of the Burmese people in which they were seeking to peacefully bring about the establishment of a democratic government in their country, the existing regime in Rangoon, with a burst of military fury, cracked down against the uprising which was then taking place. In a significant bloodbath, the regime managed to suppress the democratic aspirations of the Burmese people, and thousands of innocent Burmese lost their lives. It made the crackdown in Tiananmen Square look a little bit like a tea party by comparison, but since there were no television cameras present in Burma at the time, it never received the kind of attention which the crackdown in Tiananmen Square did roughly a year later.

Subsequent to the crackdown in Burma, Aung San Suu Kyi, an extraordinarily impressive woman who I was privileged to meet when I was in Rangoon a week before the crackdown, and who is the daughter of the founding father of Burma, Aung San, led a movement for democracy in her country, during the course of which she demonstrated great courage and commit-

ment to the principles of peaceful and nonviolent change. The rulers in the regime, however, clearly concluded that they could not permit her to continue moving about the country, mobilizing the people, and speaking out against the Government, and so they incarcerated Aung San Suu Kyi, not by putting her into prison but by placing her under house arrest, where she has languished now for a considerable period of time.

And after an election was held which the regime said would give the people of Burma the opportunity to choose their own government, but which the regime badly lost, and which Aung San Suu Kyi's political party, the National League for Democracy, won, the rulers in Burma promptly threw out the election.

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A short while ago, the Nobel Prize Committee, taking note of this woman's extraordinary courage and commitment to democracy, decided to bestow the Nobel Peace Prize upon her. It was entirely deserved and it also had the ancillary and very useful purpose of focusing international attention on the continued plight of the Burmese people.

This resolution reaffirms the support of the Congress of the United States and of the American people to democracy in Burma. It pays tribute to Aung San Suu Kyi for her courage and for her commitment to the principles of political pluralism upon which our own great Nation was founded. It takes note of the efforts on the part of the administration to bring pressure to bear on the Burmese authorities to permit a peaceful transition to democracy, but also calls on the administration to join with us in ratcheting up the pressure by imposing comprehensive economic sanctions against Burma.

It also takes note of the extent to which the Chinese Government is providing hundreds of millions of dollars' worth of arms to the Burmese authorities which they in turn can use to oppress their own people. It calls upon the Chinese leaders to terminate the transfer of these weapons and lets them know in no uncertain terms that how they respond to this plea will have a significant influence on the future relationship between our two countries.

Mr. Speaker, it is true that the adoption of this resolution will probably not garner much attention in the American press; it is not going to be on the front page tomorrow of the Washington Post or the New York Times. It is not going to make the network news. I doubt that anyone will hear a discussion of it on Nightline or MacNeil/Lehrer. But I can assure you that within 24 hours of the adoption of this resolution, virtually everyone in Burma will know about it, because they listen

to the Voice of America and they will take heart from the fact that the United States, the greatest and most powerful democracy in the world, is on their side.

I suspect that somehow or other word may even reach Aung San Suu Kyi in the midst of her confinement, and I have no doubt that it will be a source of encouragement for her as well.

Sooner or later democracy will come to Burma, and I have no doubt that when it does, the adoption of this resolution and the measures Congress and the administration and our country have already taken will have earned for the United States a very special place in the hearts of the Burmese people, who know that in their moment of need we were with them.

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

Mr. Speaker, I urge support for this resolution and commend its sponsors for bringing it through the committee and to the floor. Special recognition is due the efforts of the chairman of the Asian and Pacific Affairs Subcommittee, Congressman SOLARZ, and the ranking member, Mr. LEACH; to the Human Rights Subcommittee headed by Congressmen YATRON and BEREUTER; and to Congressman GILMAN for his contribution to the resolution.

House Resolution 262 expresses the congratulations of the House of Representatives to San Suu Kyi—Sahn Soo Jee—and the Burmese people on her being awarded the Nobel Peace Prize. It also urges the administration to continue its efforts to promote human rights and political reform in that country.

Events in Burma have been a real roller coaster. We have witnessed the depths of despair as the military government oppressed the people of Burma and violated their internationally recognized human rights. We have also experienced the heights of great hope as the massive democracy demonstrations of 1988 forced the government to hold elections.

In May 1990, the National League for Democracy and its leader, Miss San Suu Kyi—Sahn Soo Jee—won overwhelming popular support. But then the military government refused to abide by the results of those elections and began a campaign of persecution of its political opponents.

The decision by the Nobel Peace Prize Committee to award the peace prize to San Suu Kyi—Sahn Soo Jee—recognizes her struggle and that of the Burmese people to bring democracy and respect for human rights to Burma. Perhaps the presentation of the award will bring the Burmese Government to understand that the world is watching what is going on in its country.

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

Mr. GILMAN. Mr. Speaker, I rise in support of House Resolution 262, a resolution congratulating Aung San Suu Kyi on receiving the Nobel Peace Prize and expressing continued congressional concern about human rights abuse in Burma, and I commend Mr. SOLARZ, the distinguished chairman of the Asia and Pacific Subcommittee, for bringing this measure to the floor at this time. The people of Burma, Mr. Chairman, are living in a nightmare.

According to Asia Watch, the Burmese Government has imprisoned more than 10,000 citizens for political offenses since the August 1988 uprising. Execution and torture by the authorities are common.

Burmese people are picked up by the military and forced to porter for months at a time. Many are shot or left for dead if they fall behind or fall ill.

Regrettably, the only freedom today in Burma is the freedom to feel fear.

The winner of the 1991 Nobel Peace Prize, Aung San Suu Kyi, has been under house arrest in Rangoon for the past 2 years. Recently, an excerpted unpublished essay she wrote appeared in the June 10 New York Times, titled "Burma's Fear, Burma's Corruption." I was moved by the author's understanding and strength of character. She truly knows and has compassion for her jailers and those who torment the Burmese people.

Mr. Speaker, what concerns me most is that this article can also apply to us. If we allow Burma to continue to suffer we would be perceived to lack courage and would be perceived to be unwilling to take on those who arm and support SLORC. And SLORC, as we all know, produces and traffics most of the world's illicit opium.

Mr. Speaker, I urge our colleagues to support House Resolution 262 and ask that Aung San Suu Kyi's article be printed in full at this point in the RECORD:

[From the New York Times, July 10, 1991]

BURMA'S FEAR, BURMA'S CORRUPTION

(By Aung San Suu Kyi)

Aung San Suu Kyi, the leading dissident and most popular political figure in Myanmar (formerly Burma), today will be awarded the Sakharov Prize for Freedom of Thought by the European Parliament. She will not be in Strasbourg for the ceremony because for two years she has been under house arrest in Rangoon. The previous winners were Nelson Mandela, new president of the African National Congress, Alexander Dubcek, Czechoslovakia's leader during the Prague Spring in 1968, and Anatoly Marchenko, a dissident who died in a Soviet labor camp.

What follows, excerpted, is an unpublished essay she intended to include in a volume honoring her father, U Aung San, the architect of modern Burma, who was assassinated in 1947 when she was 2 years old. Despite her party's overwhelming electoral victory in May 1990, Aung San Suu Kyi and many supporters remain in political detention. The military authorities have refused to transfer

power to a civilian government despite their promise to do so.

It is not power that corrupts but fear. Fear of losing power corrupts those who wield it, and fear of the scourge of power corrupts those who are subject to it. With so close a relationship between fear and corruption it is small wonder that in any society where fear is rife, corruption in all forms becomes deeply entrenched.

Public dissatisfaction with economic hardship has been seen as the chief cause of the movement for democracy in Burma, sparked by the student demonstrations of 1988. It is true that years of incoherent policies, burgeoning inflation and falling real income had turned the country into an economic shambles.

But it was more than the difficulties of eking out a barely acceptable standard of living that had eroded the patience of a traditionally good-natured, quiescent people; it was also the humiliation of a way of life disfigured by corruption and fear.

The students were protesting not just the death of their comrades but the denial of their right to life by a totalitarian regime that deprived the present of meaningfulness and held out no hope for the future. And because the students articulated the frustrations of the people at large, the demonstrations quickly grew into a nationwide movement.

The people of Burma had wearied of a precarious state of passive apprehension in which they were "as water in the cupped hands" of the powers that be.

Emerald cool we may be

As water in cupped hands

But oh that we might be

As splinters of glass

In cupped hands.

Glass splinters, the smallest with its sharp, glinting power to defend itself against hands that try to crush, could be seen as a vivid symbol of the spark of courage that is an essential attribute of those who would free themselves from the grip of oppression.

My father, Bogyoke Aung San, regarded himself as a revolutionary and searched tirelessly for answers to the problems that beset Burma during its times of trial.

He exhorted the people to develop courage: "Don't just depend on the courage and intrepidity of others. Each and every one of you must make sacrifices to become a hero possessed of courage and intrepidity. Then only shall we all be able to enjoy true freedom."

A revolution that aims merely at changing official policies and institutions with a view to an improvement in material conditions has little chance of genuine success. Without a revolution of the spirit, the forces that had produced the iniquities of the old order would continue to pose a constant threat to the process of reform and regeneration.

It is not enough merely to call for freedom, democracy and human rights. There has to be a united determination to persevere in the struggle, to make sacrifices in the name of enduring truths, to resist the corrupting influences of desire, ill will, ignorance and fear.

Saints, it has been said, are the sinners who go on trying. So free men are the oppressed who go on trying and who in the process make themselves fit to bear the responsibilities and to uphold the disciplines that will maintain a free society.

Among the basic freedoms to which men aspire that their lives might be full and uncramped, freedom from fear stands out as both a means and an end.

A people who would build a nation in which strong, democratic institutions are firmly established as a guarantee against state-induced power must first learn to liberate their own minds from apathy and fear.

Mr. SOLARZ. Mr. Speaker, I yield 2 minutes to my very good friend, the distinguished gentleman from American Samoa [Mr. FALCOMA].

Mr. FALCOMA. Mr. Speaker, I would like to commend Chairman SOLARZ for not only highlighting the extraordinary courage of Nobel Prize winner Aung San Suu Kyi, but for also focusing the attention of the world on the deplorable human rights situation in Burma, which continues to this day.

Throughout the years, I have followed with great interest events in Burma and have been deeply impressed with the dignity, wisdom, and courage of Aung San Suu Kyi.

Her willingness to lay her life on the line for democracy and to take whatever risks were necessary to carry out her campaign for nonviolent change in Burma, has served as an inspiration to the Burmese people and captured the imagination of the international community.

Sadly, and despite the efforts of Aung San Suu Kyi and thousands of her followers, the military regime has continued to reject the Democratic aspirations of the Burmese people.

Aung San Suu Kyi remains under house arrest, and thousands of opposition figures remain behind bars. The military regime has also given no indication that it plans to implement the results of the May 1990, election, which Aung San Suu Kyi's National League for Democracy won overwhelmingly.

The regime in Rangoon and the people of Burma should be under no illusions about the position of the United States Congress on Burma. The Congress has already indicated its strong support for the administration's decision to suspend our aid program and trade preferences for Burma, as well as the decision not to renew a textile agreement with Burma.

There are other countries in the world with oppressive regimes where the government has at least some base of support in the population. That is not the case in Burma. The Burmese people, a kind and gentle people, are ready and yearning for democracy. The military regime rests on nothing other than bullets and bayonets.

In a world in which governments of this character are disappearing, I hope that the spirit of Aung San Suu Kyi and the Burmese people will prevail.

I again congratulate Aung San Suu Kyi on receiving the Nobel Prize and hope the award will renew worldwide efforts to alleviate the suffering of the people of Burma.

Mr. Speaker, I include the following material:

THE HEROINE AGAINST THE HEROIN

Who is she? Why should I care?

Those questions must have occurred to many Westerners in learning that this year's Nobel Peace Prize has gone to Daw Aung San Suu Kyi, leader of the opposition in Myanmar, or Burma. It's a country as unfamiliar as it is remote.

There are many reasons to care.

One is pure self-interest. Mrs. Aung San Suu Kyi is the implacable foe of a military government that has collusive ties to suppliers of the No. 1 pipeline of heroin to North America. What Colombia is to cocaine, Burma is to heroin—with one big difference. Colombia's government is battling drug lords while Burma's rulers have turned a blind eye to them in exchange for their laying down of arms against the government.

Mrs. Aung San Suu Kyi has shown extraordinary courage in opposing these military thugs. In doing so, and in refusing to submit despite being under house arrest for 17 months, she is indirectly allying herself with all those on this side of the ocean who are trying with such difficulty to block the drugs before they reach our schools and streets.

But the drug trade is hardly the main focus of this woman's campaign. She wants nothing less than the freedom of her people, all 40 million of them. That's another reason we should care: she is leader of a non-violent struggle against political repression, and any advance she makes advances the cause for non-violence and democracy around the world.

The Burmese government's treatment of this 46-year-old leader perfectly illustrates the oppression against which she fights. She was the leader of the opposition forces that won a 1990 election fair and square; the military rulers—stunned by her forces' victory—refused to let the victors govern. In addition to confining her to her home, they have arrested or suppressed some of her allies.

The Nobel prize is like a big Amnesty International letter to Mrs. Aung San Suu Kyi's jailers. It says, "Let this lawful leader lead."

It is a message that Haiti's new regime should not ignore, either. The khaki junta in that country has also ousted the winner of a historic election, Jean-Bertrand Aristide. He, too, had successfully preached non-violence in coming to power.

Finally, the prize should send a message to the West to step up economic sanctions against Burma. Which of these makes more sense: for Western democracies to barge into a country forcibly to oust a dictator and restore democracy, as the United States did in Panama to remove another drug-linked regime? Or for the West to support non-violently a non-violent reform movement?

The 1991 Nobel Peace Prize is more than a prize. It is, if other countries can take the hint, part of the solution.

BURMESE OPPOSITION LEADER WINS THE

NOBEL PEACE PRIZE

(By Craig R. Whitney)

OSLO, Oct. 14.—Daw Aung San Suu Kyi, who became the leader of the opposition to the Burmese military Government after returning to her homeland three years ago, was awarded the Nobel Peace Prize today "for her nonviolent struggle for democracy and human rights."

Mrs. Aung San Suu Kyi, the daughter of U Aung San, the assassinated founder of modern Burma, has been under strict house arrest in the capital since July 1989.

The Norwegian Nobel Committee, which announced the award here today, could not reach her to give her the news. The chairman of the Committee, Prof. Francis Sejersted

of the University of Oslo, sent a telegram in-stead to Gen. Saw Maung, the head of the ruling State Law and Order Restoration Council, asking the Government to pass the citation on to her.

#### ETHNIC CONCILIATION

"She became the leader of a democratic opposition which employs nonviolent means to resist a regime characterized by brutality," the citation said. The Nobel Committee said it wanted "to show its support for the many people throughout the world who are striving to attain democracy, human rights and ethnic conciliation by peaceful means."

"Suu Kyi's struggle is one of the most extraordinary examples of civil courage in Asia in recent decades," the citation said.

Professor Sejersted said today that he had called Mrs. Aung San Suu Kyi's husband, Prof. Michael Aris of St. Antony's College, Oxford, about half an hour before the official public announcement here today. He reached him at about 5:20 a.m. in Cambridge, Mass., where he has begun a second year as visiting professor of Tibetan and Himalayan studies at Harvard University.

Asked later what his reaction had been, Professor Aris said: "It was not surprise. It was great emotion, great joy and pride, and also sadness and continued apprehension about her situation." The couple has been married for 19 years.

Although it was her dying mother's illness that had brought her back to Burma in April 1988, Mrs. Aung San Suu Kyi, 46 years old, was propelled into politics by the violent protests that struck the country that year and forced U Ne Win, the country's longtime military strongman, to resign that July.

#### THREATENED WITH RIFLES

The army, which Mrs. Aung San Suu Kyi said she had been brought up to think of as "friends," killed 1,000 people in further protests in September 1988. She began to speak out against Mr. Ne Win, who was continuing to wield power behind the scenes.

She soon became the leader of the National League of Democracy, the strongest party in the democratic movement.

"Suu Kyi's goal was a democratic system of government in which all the regions and ethnic groups would be represented," the Nobel Committee said today. "Thousands of people joined her movement. Even in regions which had been ravaged by civil war for decades, large masses of people gathered to hear her speak."

But the military issued orders under martial law prohibiting gatherings of more than five people and banning public criticism of the armed forces.

#### JUNTA BLOCKS NEW PARLIAMENT

The governing military council carried out a pledge to hold parliamentary elections in May 1990, but then simply ignored the results, which gave Ms. Aung San Suu Kyi's party 392 of the 485 contested seats.

Instead the military authorities began a campaign of personal vilification against the opposition leader, attacking her and the "tainted race" of her children, who are both at boarding schools in Britain but have retained Burmese citizenship.

Professor Sejersted said today that he hoped the Peace Prize, which like the other Nobel awards this year carries a stipend of about \$1 million, would put pressure on the Burmese authorities to speed her release.

The junta has offered to let Mrs. Aung San Suu Kyi leave the country, but she has refused to do so unless the military authorities free all political prisoners, turn power over to civilians, let her address the country over

television and radio for 50 minutes, and allow her to make a public procession to the Yangon airport.

#### PLAYED THE PIANO

During her enforced isolation in the Burmese capital, she often played Mozart on the piano. The music stopped last year, and anxious neighbors feared she had been forced to sell the piano to buy food. Diplomats in Yangon believe she now spends much of her time in meditation.

The Nobel recipient's name is derived from both her parent's names. The "Daw" preceding it is the Burmese honorific equivalent of Mrs.

Alfred Nobel, who invented dynamite and thereby revolutionized modern warfare, established the prizes in his name in a will written in 1895. He specified that the Peace Prize should go "to the person who shall have done the most or the best work for fraternity between nations, for the abolition or reduction of standing armies and for the holding and promotion of peace congresses."

In practice the Nobel Committee has frequently used the Peace Prize to endorse non-violent struggles waged by political opposition leaders against repressive governments. In recent years such recipients have included Lech Walesa of Poland, Andrei D. Sakharov of the Soviet Union, Bishop Desmond M. Tutu of South Africa and the Dalai Lama, the spiritual leader of Tibet.

Professor Sejersted said that he and his four colleagues, all Norwegians, had received 90 nominations for the Peace Prize.

#### OPPOSITION HAILS AWARD

UNITED NATIONS, October 14.—The head of the nominal government that the Burmese opposition set up after the military disregarded its electoral victory last year declared today that the Nobel prize awarded to Mrs. Aung San Suu Kyi would give new hope to the Burmese people.

U Sein Win, Prime Minister of the National Coalition Government of the Union of Burma and a cousin of the Nobel winner, said the award would refocus world attention on the military regime's abuse of human rights.

Some recent Nobel Peace Prize winners who were involved in political movements in their countries and whose award was viewed as a political endorsement by the Nobel committee.

- 1989: Dalai Lama—Tibet
- 1985: International Physicians for the Prevention of Nuclear War—United States
- 1984: Bishop Desmond M. Tutu—South Africa
- 1983: Lech Walesa—Poland
- 1976: Mairead Corrigan and Betty Williams—Northern Ireland
- 1975: Andrei D. Sakharov—Soviet Union
- 1964: Martin Luther King Jr.—United States

#### WOMAN IN THE NEWS; BURMESE WHOSE SILENCED VOICE ECHOES: AUNG SAN SUU KYI (By Steven Erlanger)

Daw Aung San Suu Kyi, the daughter of the founder of modern Burma, always understood that she had a special obligation to her father, U Aung San, martyred by an assassin's bullet in 1947 when she was only 2 years old, and to her country. But for many years the nature of that responsibility was unclear to her.

In 1988, however, after nearly 30 years of isolationist, autocratic rule under U Ne Win, a revolution swept her up and pushed her forward, until she became its leader and most potent symbol. Paradoxically, she is even

more powerful today, after more than two years of forced silence and isolation under a repressive military regime.

When she married her British husband, Prof. Michael Aris, in 1972, "I made him promise that if there was ever a time I had to go back to my country, he would not stand in my way," she said in an interview in December 1988 in Yangon, formerly known as Rangoon, "And he promised."

Listening then in the house of her mother at 46 University Avenue, where Mrs. Aung San Suu Kyi would be detained incommunicado starting in July 1989, Professor Aris broke in to say: "That's true. She made me promise."

#### SEPARATED FROM HER FAMILY

But it is unlikely that Professor Aris could have understood at the time the personal cost of the commitment and courage that would earn this year's Nobel Peace Prize for Mrs. Aung San Suu Kyi. Mr. Aris and their two teen-age sons have not been allowed to visit Mrs. Aung San Suu Kyi since Christmas 1989, and the Burmese authorities have tried to play on her love of family to persuade her to abandon her political goals and leave the country voluntarily.

At the same time, the military has publicly scorned her marriage to a foreigner, a national of Burma's former colonial power, and made other derogatory remarks about her private life.

Aung San Suu Kyi was born in Rangoon on June 19, 1945. She left Burma in 1960, when her mother was named Ambassador to India. After studying in India she attended Oxford University in Britain, where she took a degree in politics, philosophy, and economics, and met Professor Aris, a scholar of Tibetan anthropology. He is currently a visiting professor at Harvard University.

Her trademark short jacket and Kachin longyi, or sarong, have become chic fashion statements in a country where overtly political ones are dangerous. Many Burmese wear miniature pins bearing her photograph, and young people, especially in the countryside, often wear T-shirts showing the symbol of her party, a peasant's hat.

#### FOR MY FATHER

"I'm doing this for my father," she said in the 1988 interview. "I'm quite happy that they see me as my father's daughter. My only concern is that I prove worthy of him."

In an essay she wrote to be included in a volume published in honor of her father, Mrs. Aung San Suu Kyi gives readers a glimpse of the mettle that has sustained her. "Fearlessness may be a gift," she wrote, "but perhaps more precious is the courage acquired through endeavor, courage that comes from cultivating the habit of refusing to let fear dictate one's actions, courage that could be described as 'grace under pressure'—grace renewed repeatedly in the face of harsh, unremitting pressure."

Before they married, Mrs. Aung San Suu Kyi told her husband that her name meant, "A Bright Collection of Strange Victories." To someone who was tending her family in an academic town only four years ago, the Nobel Peace Prize is a significant addition to that collection, but it is likely to bring little pleasure to her unless it helps to shorten the suffering of ordinary Burmese.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I would like to personally thank the gentleman from New York [Mr. SOLARZ],

the gentleman from New York [Mr. GILMAN], and the gentleman from Michigan [Mr. BROOMFIELD] for the time and effort that they have put forward on this resolution.

This resolution goes to the heart and soul of what America is all about, because we have absolutely no strategic interest in Burma whatsoever. It is not important to the United States in terms of our security, in terms of the safety of our people. Our country is not going to go one direction or the other no matter if there is a dictatorship in Burma or whether there is a democracy in Burma.

□ 2130

So what we are doing and what we say and how we act and the principles we stand on when it comes to this country that means so little to our own national security speaks volumes about our soul as a Nation.

That, in fact, is one of the reasons that I am so upset with our administration when it comes to Burma and other countries, whether it be Red China or whether it be other nations in which we do not live up to that commitment which we as Americans should have, that legacy left to us by our founding fathers.

When our Founding Fathers fought for freedom and democracy, they put in their founding document that the rights of life, liberty, and the pursuit of happiness are not the property of Caucasian Americans; that is not what they put in their founding documents. What they put in our documents is that the rights of every individual are God given and they are given to every individual on this planet, not simply Americans.

And when we fall short, when we do not stand for those principles, when we cut deals with gangsters and dictators in the name of stability or temporary progress and we cut off those from our sanctions, those people who are struggling for freedom, we are negating the things that this country was supposed to stand for. We are negating the deaths of people who fought from the American Revolution all the way through to Desert Storm because the young men and women who fought in these battles over the years did not fight and did not die for special interests of the United States to make our country wealthy; they fought because America stands for something different, something higher.

America has to stand for freedom, America has to be the hope of the world and America stands for nothing where America is nothing but a cynical group of individuals who are gathered together in the name of personal gain.

What we do today to say to the people of Burma that we are on the side of Aung San Suu Kyi, we are on the side of the people who are struggling for freedom speaks volumes not about Burma but about ourselves.

For that reason I am very proud to be in this hall tonight backing this resolution. And I accept that a representative of the provisional Government of Burma, Aung San Suu Kyi's cousin, who is in town today and has been in town for a week has not been received by our State Department and has been shunned by representatives of this administration.

I think that speaks volumes about some of the people and the values of those people who are supposedly representing our values to the world in the State Department and, yes, in the White House itself.

Mr. Speaker, in the fall of 1988 the people of Burma rose against the world's most vicious dictatorship and, as was so eloquently described by Congressman SOLARZ, their fight and the repression and bloodletting and gangsterism that was unleashed against them made what happened in Tiananmen Square look like a tea party.

I was privileged in the fall of November 1988 to sneak across the border from Thailand into one of the camps of the student leaders and the students who had fought against the Burmese dictatorship. These young students, most of them in their teens, had trekked through the jungle—these were city young people—they trekked through the jungle and they were bloodied and they had lost many of their friends, but they stood, even without weapons, they stood tall and said, "We are going to fight this dictatorship because we love the same principles that you Americans love and we want to be like you." That is what they told me, "We want to be like you."

Well, let us hope that America stands tall for freedom so that the oppressed people all over the world will want to be like us, because that is a force that is stronger than any weapons system that we can buy.

And when we send Haitians back to Haiti to their dictatorship, that too is a violation of our principles. And when we cut deals with the Red Chinese, that too is a violation of our principles.

These are things that there should not be a debate about among free people who are a people—rather who are the forebears, or the people who are inheritors of George Washington and Thomas Jefferson and, yes, the one person that we have here who came here, LaFayette, from another country to help us fight for our freedom.

So this resolution tonight is reaffirming our commitment to the spirit of LaFayette in that those people who are struggling anywhere on this planet for freedom and democracy will know that we are on their side and that we are not on the side of the gangsters who are usurping power in the name of the state.

We believe that there is no government if those individuals in power do

not have the consent of the governed. That is the essence of our democracy; that is the essence of freedom that has tied our people together.

When we cut deals with people who do not have the sanction of their own people, we are not making deals with the government, we are associating with gangsters and murderers, whether those gangsters and murderers be Chinese, or whether those gangsters and murders be South Africans, or whether those gangsters and murderers be of any race or ethnic group, but those individuals happen to have their hands, have gripped the throats of those people who are their citizens.

The true government, the true government is the individuals who receive a vote from their own people. Everyone else is a usurper.

How does freedom come to a country in this world? It comes because the good and decent people of the world stand together. That is a force, that is a force that does not require the biggest military establishment on the planet. But if we have the biggest military establishment on the planet and we are still cutting deals with gangsters, it is an even greater travesty because we have nothing to fear from those gangsters who are torturing and murdering their people and making a travesty out of everything that this country believes in.

Aung San Suu Kyi is a person of incredible courage. Her courage speaks out to us. It should speak out to the American soul. Just as those students in Tiananmen Square, just as our own Founding Fathers in their struggle for freedom spoke out to the world.

Today I would ask that we recommit ourselves to the principles of democracy with this resolution and that we say that freedom and democracy is not just the birthright of white Caucasians but instead every man, woman, and child on this planet.

I would think that this administration, when Dr. Win, who represents an elected government in Burma, comes to this city, that we would receive them.

I again would like to congratulate the gentleman from New York, Mr. SOLARZ, for the effort that he has put into this.

You know, we have had some heroes in our time—Sakharov, Bishop Tutu, and others—who are heroes on this planet, and their courage spoke to so many people around the world that it created a change in their own country. And tonight, with this resolution, we are recognizing one of those brave individuals who can change reality in their country and speak, speak so much to the principles of human dignity and freedom for which we should all stand.

Mr. COUGHLIN. Mr. Speaker, I want to register today my strong support for House Resolution 262, congratulating Daw Aung San Suu Kyi on receiving the 1991 Nobel Peace Prize

for her work to promote peaceful democratic change in Burma. Her courage has not only been an inspiration to the people in her own country, but to all those who believe in liberty and justice.

The human rights violations of the Burmese military dictatorship are infamous. The State Department's Country Reports on Human Rights for 1990 states that "[t]orture, disappearances, arbitrary arrests and detentions, unfair trials, and compulsory labor persisted" in 1990, and the most recent information from Burma indicates no change for 1991. The military regime's treatment of Burma's population "remained capricious and apparently unrestrained by legal, institutional, or moral considerations," according to the State Department.

In addition to severe and worrisome human rights abuses, Burma is deeply involved in drug trafficking. Burma alone produces 63 percent of the world's supply of illicit opium. Burma was denied certification for lack of cooperation with the United States on narcotics in 1989, 1990, and 1991. The Burmese Government has made only very limited efforts to stop the flow of narcotics. The United States Government would like to work with the Burmese Government to combat narcotics production and trafficking problems. However, it is impossible to move forward while the Government of Burma continues to violate the basic human rights of its own people.

Daw Aung San Suu Kyi represents the future of Burma, if that nation is going to have a future among the civilized nations of the world. Her Nobel Prize is deeply deserved. I join my colleagues, including the distinguished sponsor of this legislation, the gentleman from New York [Mr. SOLARZ], in looking forward to the day she will be allowed to receive this high honor in person and to the day she will be allowed to assume her rightful place in the leadership of a democratic Burma.

Mr. PORTER. Mr. Speaker, it is with great pleasure that I rise in support of House Resolution 262, congratulating Aung San Suu Kyi—Ang San Sue Chee—winner of the 1991 Nobel Peace Prize.

As cochairman of the Congressional Human Rights Caucus, I have paid close attention to the plight of the Burmese people. In 1988, we condemned the brutal killing of thousands of innocent students and civilians who were peacefully calling for an end to the one-party dictatorship.

To the surprise of us all the military government of Burma allowed elections to be held in 1990 and was subsequently defeated by an overwhelming majority by members of the main opposition party, the National League for Democracy.

Unfortunately, the military regime has refused to transfer power to those freely elected and has arrested members of the National League for Democracy. They have remained deaf to pressure from the international community and to strong opposition within Burma.

Just 1 month ago, there was an historic breakthrough in the struggle for human rights and democracy in Burma when Aung San Suu Kyi, one of the founders of the National League for Democracy, was awarded the Nobel Peace Prize.

Even though she has been under house arrest for 3 years and was prevented from run-

ning in the 1990 elections, her popularity as a peaceful leader has continued to grow.

Since winning the Nobel Prize, I have received deeply disturbing reports that Aung San Suu Kyi has been on a hunger strike and is in very poor condition. Because Burmese authorities have not allowed anyone to see her, we cannot confirm her current state of health and have urged Burmese authorities to allow a member of an internationally respected humanitarian organization to visit her in order to verify her condition.

Mr. Speaker, I hold Burmese officials responsible for the health and safety of Aung San Suu Kyi. She should be permitted to travel to Oslo to receive the Nobel Peace Prize this December. I hope that Aung San Suu Kyi will soon have the opportunity to address a joint meeting of Congress, as expressed in House Resolution 262.

Mr. FASCELL. Mr. Speaker, I rise in support of House Resolution 262, as amended, congratulating Daw Aung San Suu Kyi on being awarded the 1991 Nobel Peace Prize and expressing continued concern about human rights abuses in Burma. The resolution was considered favorably by the Committee on Foreign Affairs this morning. I commend the author of the resolution, the chairman of the Subcommittee on Asian and Pacific Affairs, Mr. SOLARZ, for his leadership in bringing this important issue to the attention of the committee and the House.

Mr. Speaker, in 1988, the brave and peaceful people of Burma engaged in massive demonstrations against the 26 years of repressive military rule they had then endured. As a result of these demonstrations, the military rulers of Burma were forced to allow the people to participate in elections to choose their leaders. Despite the fact that she had been under house arrest since July 1989, Daw Aung San Suu Kyi's National League for Democracy in Burma, overwhelmingly won the May 1990 election. Tragically, the Burmese military junta refused to acknowledge its defeat and disregarded the election results. The democratic aspirations of the Burmese people, although temporarily dashed, remain strong.

In recognition of the determination of the Burmese people and for her leadership in waging the struggle for democracy and respect for human rights, the Nobel Peace Prize will be awarded to Daw Aung San Suu Kyi on December 10, 1991. It is fitting that the award will be bestowed on International Human Rights Day since, like previous laureates Andrei Sakharov, Lech Walesa and His Holiness the Dalai Lama, Daw Aung San Suu Kyi personifies the integral link between enduring peace and respect for human rights. While it is unlikely that her Burmese captors will allow her to accept the award in person, Daw Aung San Suu Kyi will rightly take her place among the illustrious ranks of those champions of democracy and human rights.

This resolution expresses Congress' continued concern about ongoing human rights abuses and expresses our unwavering support for Daw Aung San Suu Kyi and the people of Burma in their struggle for peaceful and democratic change. I urge its unanimous adoption.

Mr. RANGEL. Mr. Speaker, I rise in strong support of House Resolution 262, congratulating Daw Aung San Suu Kyi on receiving the

Nobel Peace Prize and expressing continued congressional concern about human rights abuse in Burma.

As chairman of the Select Committee on Narcotics Abuse and Control, I have long been interested in Burma, the largest producer of opium and heroin in the world. For years the citizens of this poor country have struggled under the repression of a strong and brutal military.

I have watched with admiration how a peaceful movement for democratic change has developed under the leadership of a brave young woman. Daw Aung San Suu Kyi founded the National League for Democracy in Burma, which overwhelmingly won the elections of May 1990 in spite of the fact that she and other party leaders had been under house arrest throughout most of the campaign period. In fact she remains to this day under house arrest, unable to receive visits from family or friends. Her steadfast commitment to a peaceful transition to democracy in Burma has made her a symbol of hope and dignity for the people, not only of Burma, but throughout the world.

Other elected party leaders have escaped to Thailand where they have formed a government in exile. The exiled leaders have been outspoken about their goals of democracy and freedom in their homeland. Among the freedoms they desire is the freedom from the corruptive influence of drug traffickers.

As the largest producer of opium and heroin in the world, Burma is key to any international effort to control the supply of those dangerous substances. But for any international plan to be effective, there must be a dedicated and trustworthy government in place with whom the international community can work. The junta that so brutally continues to repress Daw Aung San Suu Kyi's nonviolent struggle for an honest, open democracy in Burma has paid little attention to the drug production and trafficking which occurs in many areas of Burma. Indeed, drug production and trafficking have escalated since the junta has signed new agreements with the tribal leaders of some of the key drug producing regions of Burma.

Not only would the restoration of democracy and the recognition of the legitimate, elected officials in Burma be the humanely right thing to do, but with the new government there would be hope for some successes in international drug control activities.

I congratulate the Nobel Committee for recognizing the sacrifices made by this young woman and her followers for the cause of human rights, dignity, and freedom in Burma. I congratulate Daw Aung San Suu Kyi. Her steadfast determination to eschew violence in the face of brutal repression for the causes in which she so strongly believes have been an inspiration to freedom-loving people around the world.

I would like to thank the gentleman from New York [Mr. SOLARZ] for offering this resolution, and I join him in urging unanimous support for passage of House Resolution 262.

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

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

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and agree to the resolution, House Resolution 262, as amended.

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

The title of the resolution was amended so as to read: "Resolution congratulating Daw Aung San Suu Kyi on being awarded the Nobel Peace Prize and expressing continued congressional concern about human rights abuses in Burma."

A motion to reconsider was laid on the table.

□ 2140

#### GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered and agreed to.

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

There was no objection.

#### SUPPORTING ZAMBIA'S TRANSITION TO DEMOCRACY

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 241) expressing support for Zambia's transition to democracy.

The Clerk read as follows:

##### H. CON. RES. 241

Whereas the Nation of Zambia achieved independence from British rule in 1964;

Whereas Zambia has been administered under a state-of-emergency decree for the past 26 years and has been subjected to one-party rule for the past 17 years;

Whereas the Zambian economy has faced a continuous decrease in commodity prices and by 1989 maintained a per capita income level that was half its mid-1970s level;

Whereas the Zambian economy is in a steady decline and the Zambian Government now incurs an external debt of \$7,500,000,000;

Whereas in 1990 the government had begun to institute a macroeconomic arrangement with the International Monetary Fund and World Bank;

Whereas in 1991 the government failed to meet its economic reform program with the World Bank and was subsequently suspended from \$200,000,000 in international assistance;

Whereas in addition, United States Government assistance has been suspended;

Whereas the people of Zambia have ceaselessly expressed their opposition to the government's policies;

Whereas the Zambian Government has responded to such opposition by releasing political detainees, pardoning political prisoners, and enacting a law in December 1990 that allowed additional parties to participate in elections slated for October 1991;

Whereas on October 31, 1991, President Kenneth Kaunda and the people of Zambia demonstrated great courage and determination by conducting free and fair elections;

Whereas the Movement for Multiparty Democracy (MMD) won nearly 90 percent of the vote and secured approximately 125 positions in the 150-seat parliament; and

Whereas the elections were found to be free and fair without incidents of violence or corruption: Now, therefore, be it

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

(1) commends the people of Zambia for their commitment to democracy;

(2) congratulates President Frederick Chiluba on his historic election as Zambia's President;

(3) commends former President Kaunda and the United National Independence Party (UNIP) on their cooperation in allowing open participation in the recent elections;

(4) calls on President Chiluba to restore respect for internationally recognized human rights and establish a system of governance that fosters open political participation and encourages the development of democratic institutions;

(5) urges President Chiluba to take steps to strengthen Zambia's economy, renew its debt service payments to the International Monetary Fund, and restore Zambia's commitment to implementing its economic restructuring obligations with the World Bank;

(6) calls on the President of the United States to take steps to implement a comprehensive assistance program, in coordination with other western donors, to the newly elected government and its people that supports democratic and economic development in Zambia; and

(7) urges President Bush to encourage other industrialized nations to participate in supporting Zambia's newly-elected government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DYMALLY] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DYMALLY].

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

Mr. Speaker, on behalf of the Subcommittee on Africa and the Committee on Foreign Affairs, I would like to join with others in the international commendation to the Zambian people who forged ahead, despite numerous obstacles, to effect an orderly transfer of power. Dr. Kenneth Kaunda has handed the reigns of power to the newly elected President, Mr. Frederick Chiluba.

Mr. Speaker, the United States must acknowledge and endorse the democratic process when it yields such a success. The road to democracy can be a winding, twisting route. We must be prepared to provide the moral and practical support to see these democratic movements survive. Zambia is but the latest in a string of African nations to make the democratic transition and hold multiparty elections. We, as the strongest democracy on Earth,

must make equally strong and positive statements of support.

I commend the original sponsor of this resolution, Mr. WEISS, for his leadership on this issue.

Mr. Speaker, I support a favorable recommendation of this measure, which passed the Committee on Foreign Affairs unanimously, and urge the support of the full House in its passage.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I would like to express my appreciation to the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], the gentleman from California [Mr. DYMALLY], the gentleman from Michigan [Mr. BROOMFIELD], and the other members of the Committee on Foreign Affairs on both sides of the aisle for their support of this resolution.

In particular, I would like to thank Senator PAUL SIMON for his support of the bill and his commitment to introduce a similar measure in the Senate later this session.

As we know, many nations around the world have taken steps to embrace democracy in recent years. But few countries have made the transition as peacefully and orderly as Zambia did just over 2 weeks ago. After 26 years under a state-of-emergency decree and 17 years of one-party rule, the Zambian people have thrown off the yokes of authoritarianism without shedding a drop of blood or firing a single shot. It is an unprecedented feat in Africa, Asia, or Latin America.

House Concurrent Resolution 241 is a sense-of-the-Congress resolution that gives credit where credit is due, while also outlining a broad approach for future United States policy toward Zambia. Specifically, the resolution applauds the Zambian people, the Movement for Multiparty Democracy, and newly elected President Frederick Chiluba for the success of the election. It also commends former President Kenneth Kaunda for graciously honoring the election results.

Additionally, the resolution encourages President Chiluba to restore internationally recognized human rights practices and urges him to renew relations with the World Bank and IMF. Finally, it calls on President Bush to implement an assistance program, in coordination with other international donors, that reflects comprehensive support for Zambia's accomplishment.

Mr. Speaker, the recent coup in Haiti reminds us that democracy in the developing world is still quite ephemeral. While the Zambian people have stood for the first time and courageously crossed over a new threshold in self-governance, the country remains in the midst of a political and economic crisis. Its ability to support democratic institutions is still undefined, and its

excessive debt severely threatens its economic stability.

The United States and other industrial nations have the opportunity to nurture democracy in Zambia by extending economic and political support. If we reach out early, we send a message that the United States stands behind its commitment to democratic values and behind the people who embrace those ideals. But if we waste this opportunity, we not only run the risk of weakening our relations toward the new administration but we undermine the Government's legitimacy with Zambia's own people.

Tonight we have the chance to send a message early in the process and to build up confidence between our two nations. I hope that my colleagues will join me in that effort and vote to pass House Concurrent Resolution 241.

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

Mr. Speaker, I support this resolution and commend the sponsor, Mr. WEISS, and the Africa Subcommittee under Congressmen DYMALLY and BURTON for bringing it through the committee and to the floor.

Like so many countries in Africa, Zambia has suffered from human rights abuse, economic mismanagement, corruption, and increasing poverty since achieving independence. On October 31, however, Zambia democratically elected a new Government.

While a handful of other African states have voted nonelected leaders out of office, to date, Zambia is the largest and most important country to do so. In fact, the movement toward democracy appears to be gaining strength in Africa.

Last month's election in Zambia represented a landslide for the forces of democracy. Former President Kaunda has announced his intention to abide by the will of the people, and the new Government has already been installed.

I encourage support for this resolution in the hope that the developments in Zambia will serve as a model throughout the African Continent.

Mr. FASCELL. Mr. Speaker, House Concurrent Resolution 241 is a noncontroversial sense-of-the-Congress resolution that commends the people of Zambia for their transition to democracy; congratulates President Frederick Chiluba on his historic election as Zambia's President; recognizes former President Kaunda for his decision to allow free and fair elections; and calls on the President of the United States to implement an assistance program that supports democratic and economic development in Zambia.

The peaceful and speedy transition in Zambia from President Kaunda's authoritarian leadership to the democratically elected Government of newly elected President Chiluba is likely to send a strong message to other autocrats throughout Africa. The message will hopefully be heeded by Africa's so-called big men that now is the beginning of the end of

postcolonial autocrats who have ruled their countries as their own personal kingdoms.

President Kaunda is to be congratulated for his decision to allow democratic elections and to abide by those results. In so doing, President Kaunda will be remembered as a person who not only led his country to independence but as the person who agreed to multiparty democracy.

I urge the speedy adoption of this timely resolution by this body.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DYMALLY] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 241).

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 241, the concurrent resolution just agreed to.

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

There was no objection.

#### REGARDING THE IMPLEMENTATION OF THE U.N. PEACE PLAN FOR THE WESTERN SAHARA

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 214) expressing the sense of the Congress with respect to the implementation of the U.N. peace plan for the Western Sahara, as amended.

The Clerk read as follows:

##### H. CON. RES. 214

Whereas the United Nations, on April 19, 1991, adopted a peace plan calling for a free and fair referendum of self-determination in the Western Sahara;

Whereas it was also determined that a United Nations mission (MINURSO) should be established to organize and supervise the United Nations peace plan in the Western Sahara;

Whereas a cease-fire went into effect on September 6, 1991, between Morocco and the Polisario marking the first phase of the implementation of the peace plan;

Whereas the United States is playing an integral role in this process by participating in the United Nations peacekeeping forces in the Western Sahara and by making a significant financial contribution to this undertaking; and

Whereas a referendum conducted in accordance with the terms of the United Nations peace plan will reinforce the stability

of the region as well as strengthen democratization efforts in Africa: Now, therefore, be it

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

(1) commends the President and executive branch officials for their involvement in key diplomatic initiatives within the United Nations and their commitment in their bilateral relations to a free and fair referendum for self-determination in the Western Sahara;

(2) recognizes United Nations Secretary Javier Perez de Cuellar's tireless efforts in negotiating the terms of the peace plan adopted by the United Nations relating to the Western Sahara;

(3) calls upon Morocco and the Polisario to comply with the terms of the peace plan as endorsed by the United Nations Security Council; and

(4) calls upon the President to—

(A) continue the current United States policy of strong advocacy, within the United Nations and bilateral relationships, of the peace plan;

(B) support the efforts of the Secretary-General of the United Nations to ensure that independent international observers be allowed to monitor the referendum until its results have been published; and

(C) encourage the Secretary-General of the United Nations to take appropriate steps to ensure that the Security Council will take firm action in the event of any failure to comply with, or attempt to delay, the peace plan which has been adopted.

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

The Chair recognizes the gentleman from California [Mr. DYMALLY].

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

Mr. DYMALLY. Mr. Speaker, House Concurrent Resolution 214 as amended on the Western Sahara, basically supports the U.N. peace plan and the upcoming referendum. It commends the President and the Secretary General for their involvement in key initiatives and calls upon Morocco and the Polisario to comply with the terms of the peace plan.

The resolution asks the President to continue the U.S. policy of strong advocacy and to support the efforts of the Secretary General of the United Nations to ensure that independent international observers be allowed to monitor the referendum until its results have been published. This measure also encourages the Secretary General to take appropriate steps to ensure that the Security Council will take firm action in the event of any failure to comply with the U.N. peace plan.

I have talked to Ambassador Pickering at the United Nations about this initiative, as well as Ambassador Manz who is the Secretary General's representative for the Western Sahara. Both of these individuals have been encouraged by Congress taking this action. I also have a letter from Brent Scowcroft on behalf of the President

signifying support for the U.N. plan for a referendum in the Western Sahara which I will submit for the RECORD.

This same resolution has been introduced in the Senate by Senators KENNEDY, KASSEBAUM, SIMON, and CRANSTON. A similar resolution passed by the United Nations 2 weeks ago also reiterated this body's strong support of the right of self-determination for the Sahrawi people.

This measure, which passed the Subcommittee on Africa unanimously and today passed the Committee on Foreign Affairs, is very straightforward and basic. It is intended to show the commitment of the Congress to the peaceful resolution of conflicts throughout Africa as well as its support of democratic elections.

Joining me in sponsoring House Concurrent Resolution 214 are Mr. PAYNE, Mr. FALOMAVAEGA, Mr. FUSTER, Mr. GILMAN, Mr. WOLPE, Mr. HAMILTON, Mr. BURTON, Mr. TORRES, and Mr. PENNY. Since the United States is playing an integral role through our financial contributions and our participation in the peacekeeping forces, we should make every effort to ensure the success of this undertaking.

The Subcommittee on Africa held a hearing on the Western Sahara, together with the Subcommittee on Human Rights and International Organizations, with administration and private witnesses in an attempt to thoroughly examine this issue. We have had numerous meetings with State Department officials, and representatives from both sides of this conflict and asked for the views of subcommittee members, including the ranking minority member, Mr. BURTON, prior to this resolution's being introduced. We discussed it again at the subcommittee markup. During this entire process, no opposition to this measure was expressed.

I want to thank my colleagues, Mr. YATRON and Mr. BEREUTER, for waiving their jurisdiction on this issue. I also want to commend Mr. YATRON for his friendly amendment which incorporates language amendable to both the Department of State and the subcommittee and full committee staff. This is not a partisan initiative. Instead it encourages the mandate already adopted by the United Nations and the administration. I ask my colleagues on both sides of the aisle to vote "aye" on House Concurrent Resolution 214 as amended.

□ 2150

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

Mr. Speaker, I rise today in support of House Concurrent Resolution 214, regarding the implementation of the U.N. peace plan for the Western Sahara.

The Western Sahara is a disputed piece of territory just south of Morocco, and the land has been under Mo-

roccan control for decades. Fighting has occurred in the territory for some time between Polisario and Moroccan forces.

On April 19, 1991, the United Nations adopted a peace plan calling for a free and fair referendum of self-determination in the Western Sahara. As part of this peace plan, the United States is participating in a U.N. peacekeeping force. A cease-fire, called for under the first part of the peace plan, went into effect on September 6, 1991.

The House concurrent resolution commends President Bush and the executive branch officials for their part in executing key diplomatic initiatives that led the U.N. peace plan. Furthermore, the resolution recognizes and salutes the long and tireless efforts of U.N. Secretary General De Cuellar in negotiating the agreement. Also, and most important, the House resolution calls for Morocco and the Polisario to comply with the peace plan, and the resolution calls upon President Bush to make every effort to ensure the continued successful implementation of the peace plan.

As a world leader and a supporter of the United Nations, our Nation should make every effort to help make the peace plan work. It is extremely important that the Congress supports the initiatives by President Bush and U.N. Secretary General De Cuellar. It is hoped that all the members of the United Nations will help in this important peaceful resolution of hostilities.

Mr. Speaker, I urge all my colleagues to support House Concurrent Resolution 214 to help bring peace to this unstable area in Africa.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

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

Mr. Speaker, I rise this evening not to ask for a vote against this resolution but merely to point out that I am concerned that it may send an inappropriate message at this time. The United Nations has been laboring for three painstaking years to get to where we are today, with a peace plan in place to resolve the conflict in the Western Sahara.

The resolution we are considering this evening may seek to convey, albeit subtly and between the lines, that Morocco is refusing to cooperate with the United Nations in the organization of the referendum. Indeed the last lines make provisions for how to deal with a failure to comply with the peace plan itself, anticipating some such outcome, I suppose. But, Mr. Speaker, the United Nations continues to reaffirm its confidence in this peace process and in the cooperation of the parties. A resolution of the U.N. Fourth Committee, which I had the privilege of serving on a few

years ago when I was assigned to the United Nations, called on the two parties to continue to cooperate with the U.N. efforts. Why, then, should the U.S. Congress question the commitment of the parties to this process?

For the Congress to pass an imbalanced resolution at this sensitive moment would be, I think, a very grave mistake. We would risk undermining the peace process that is underway and inadvertently calling into question the loyalty of our friendship for Morocco.

Let us not forget, I say to my colleagues on both sides of the aisle, that King Hassan II has been so helpful in advancing the Middle East peace process and in supporting the United States through the gulf crisis. They were our strongest supporters over there, and they were one of the first to condemn Iraq's invasion of Kuwait. They offered the U.S. military access and transit rights to its bases, as they have done for many, many years. Yes, Morocco is a loyal and moderate friend in the Middle East and, Mr. Speaker, that friendship is important to American foreign policy goals of peace and stability in that part of the world.

In pursuit of that goal, I ask the chairman of the subcommittee, for whom I have the greatest respect, having served on the committee with him for many, many years, is this resolution intended to single out Morocco as violating the U.N. peace plan for the Western Sahara, or is it intended to be neutral and impartial? I think it is important for us to clear that up.

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

Mr. SOLOMON. I yield to my good friend, the gentleman from California.

Mr. DYMALLY. First, the answer is that it is a neutral resolution. But let me just give the gentleman a little reassurance. First, let me say that we miss the gentleman on the Subcommittee on Africa, and I am sure if the gentleman were there, he would have participated in the writing of this resolution.

Mr. SOLOMON. I am sure I would.

Mr. DYMALLY. First, I went to Rabat, and from Rabat I flew down to the section of Western Sahara administered by Morocco. Then I went to Algiers and flew down to Tindouf and met with the Polisario. Then I came back and met with the Foreign Minister of Morocco, and I met with the Foreign Minister of the Polisario. I met with the Ambassador of Morocco, and I met with the Ambassador of the Polisario. I went to New York and met with Ambassador Pickering and went to the ITUB and met with Mr. Manz, who was particularly objective.

In fact, I recall one time when he was asked the question, "Is it true that Morocco is obstructing the U.N.?" He says, "I have read about it, but I have no knowledge of it."

Then I had a private meeting with him later on and got his reassurance

about his objectivity there. We came back, and again I met with the Ambassador from Morocco and took three of the amendments, what I consider to be very innocent technical amendments, from him. I submitted those to the committee. The committee staff assembled every interested party to this resolution, and the gentleman from Pennsylvania [Mr. YATRON] had another amendment. They came to a consensus agreement on this amendment which is offered today.

I want to reassure my good friend, the gentleman from New York, that I am an impartial, objective observer in this play, and I do not want to do anything that might raise the whole question of bias in this resolution.

Mr. Speaker, let me conclude by reading a letter from the White House dated October 25, 1991, addressed to me:

THE WHITE HOUSE,  
Washington, October 25, 1991.

HON. MERVYN DYMALLY,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN DYMALLY: I am responding on behalf of the President to your letter of September 25 in which you encourage him to reiterate his support for the UN peace plan for the Western Sahara in the context of the visit of King Hassan of Morocco.

We share your concern. In his address to the UN General Assembly on September 23, the President specifically cited the Western Sahara as an area in which he looked forward to working with UN Secretary General Perez de Cuellar and his successor in the months to come. Subsequently, in his statement welcoming King Hassan, the President cited the UN's plan for a referendum in the Western Sahara and confirmed "America's willingness to play its role in promoting a just and lasting settlement in the Sahara, in accordance with that plan." The President also emphasized this theme in his private discussions with the King during his visit here earlier this month.

Thank you again for writing on this important issue.

Sincerely,

BRENT SCOWCROFT.

□ 2200

Mr. SOLOMON. Mr. Speaker, let me just say to the chairman, he is one of the most respected Members of this House. The gentleman's assurance makes me feel a lot better, because it is such a sensitive issue. Having been involved in this for so long, I see my good friend, the gentleman from Michigan [Mr. WOLPE] over there that I served on the committee with. The gentleman and I went to Morocco and the Sahara. The chairman of the full committee, the gentleman from Florida [Mr. FASCELL] and I were in Morocco not too long ago.

Mr. Speaker, I appreciate the effort that the gentleman from California [Mr. DYMALLY] went through to make sure this is impartial, evenhanded, and very fair.

Mr. Speaker, again, we all feel much better about it. I commend the gentleman on the resolution.

Mr. DYMALLY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. WOLPE].

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

Mr. Speaker, I rise as a cosponsor of this resolution and do intend to support it. I do so because it is a very clear expression of the support of the United States for the peace plan that has been adopted by the United Nations.

One of the things, however, that I think needs to be noted in the course of this discussion is the absolutely remarkable efforts that the Moroccan Government has gone to in an effort to weaken what was a wholly evenhanded, I think perhaps innocuous might be an even more accurate description of the resolution, as it was introduced. I say that because if I have any problem with the resolution as it has been introduced, it is that this resolution does not address the growing body of evidence that raises serious questions about the good faith of the Moroccan Government in implementing the U.N. peace plan.

In the course of the debate before the Committee on Foreign Affairs today I entered into the record some press accounts that had appeared in the British press, which has given far more attention to what is developing in the Western Sahara than the American media, that lay out a whole series of concerns as they relate to Moroccan Government conduct and the implementation of the U.N. peace plan.

Moroccan troops have not been withdrawn from the Western Sahara as had been promised. The Moroccan Government is engaged in an effort to transport into the Sahara some 170,000 population, in an effort clearly to make much more difficult the implementation of the original understanding of how the electoral role would be constituted. It is trying to stack the electoral base, in effect.

There are serious human rights violations documented by Amnesty International that have occurred. There has been a blocking by the Moroccan Government of the logistical effort needed to support the United Nations team that is in the area to try to facilitate the implementation of the peace process.

The fact that the Moroccan Government has spent as much energy as it has spent, and has had its representatives working assiduously in the past several weeks in an effort to block or weaken this resolution, in my view really lends credence to those who have raised concerns about the good faith of the Moroccan Government.

Mr. Speaker, there is nothing in and of itself inappropriate about this resolution. That is why I give it my support. But I certainly hope that the administration will speak very directly

to King Hassan and will do everything within its power to see to it that the U.N. resolution that we embrace by this resolution this evening will in fact be implemented honestly, faithfully, and expeditiously, by all parties and, since at this moment at least it is really the Moroccan Government that has been charged with almost exclusive responsibility for the delays and problems that have occurred, that that kind of communication be conveyed with particular specificity and clarity to the Government of Morocco.

Mr. DYMALLY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentleman for yielding. Let me compliment the gentleman from California [Mr. DYMALLY] for this very timely and important resolution.

Mr. Speaker, the right of self-determination for the people of Western Sahara is long overdue.

Like Kuwait with rich oil deposits, Western Sahara has uranium-grade phosphates. But unlike Kuwait there was no western response when Morocco and Mauritania occupied the entire area upon the withdrawal of Spain in 1975. Nor, was there any public outcry when thousands of fleeing Sahrawis were bombed and napalmed by the Moroccan Air Force.

Since that time Mauritania has withdrawn and Morocco has built a wall of sand around Western Sahara cutting it off from the Polisario Front, that represents the Sahrawis people. Inside the sand wall they have built better housing, health clinics and other improvements all to win the hearts and minds of the Sahrawis people that remained behind, and living side-by-side with the many Moroccan people that have moved into the area.

With the intervention of the Organization of African Unity [OAU], and the subsequent admittance of Sahrawi Arab Democratic Republic, represented by the Polisario, the historic efforts of the United Nations to bring about self-determination for the area have been enhanced.

The recent cease-fire and plans for a referendum next year, although backed by the United Nations, must continue to be monitored by the United States and others who want to see fairness in this process.

Mr. Speaker, as I indicated earlier, although this resolution is neutral, as it has been indicated, we have seen in similar situations when a dominant power has a right to determine elections and a right to allow people in a place control the so-called right of self-determination, we find that in many instances fairness is not always followed. So we would hope that we do not see what happened in Namibia under the domination of South Africa, where many situations had to be cor-

rected before fair and free elections could be held, occurs.

Mr. Speaker, once again I strongly support this resolution.

Mr. DYMALLY. Mr. Speaker, I yield 4 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to thank the distinguished gentleman from California [Mr. DYMALLY] chairman of the Subcommittee on Africa of the Committee on Foreign Affairs for bringing this resolution forward for the Members of this body to consider. In addition, I would like to thank the gentleman from New York [Mr. GILMAN] for his support.

In January 1992, the people of Western Sahara will hold a U.N. supervised referendum to determine the course of its political future. Since the departure of the Spanish from Western Sahara, the residents of this region have struggled for the right of self-determination, and freedom from domination by its more powerful neighbor, the Kingdom of Morocco.

The Polisario Front, representing the people of Western Sahara have paid a tremendous price in their struggle for freedom. The most recent report from Amnesty International states that the Moroccan Government has consistently refused to make an accounting for the fate of hundreds of people of Western Saharan origin reported to have disappeared since 1975, in the custody of Moroccan Security Forces.

Mr. Speaker, while U.N.-sponsored peace processes seem to be working in Angola, Cambodia, and El Salvador, there is a lot of anxiety about the progress in the Moroccan-controlled Western Sahara, where the U.N. announced a cease-fire on September 6.

It is obvious that King Hassan of Morocco has no intention of allowing the elections to take place under the guidelines proposed by the United Nations. A month before the cease-fire, King Hassan told Mr. Javier Perez de Cuellar, the U.N. Secretary General, that he would not accept the deployment of military and civilian personnel of the U.N. Mission for Referendum in Western Sahara—Minurso—until he was satisfied with the U.N. criteria for deciding who would be eligible to vote in the referendum.

United Nations personnel have already been hampered in their task because key equipment has been delayed at Moroccan ports. Observers from the U.N. High Commissioner for Refugees and the International Committee of the Red Cross are virtually barred from the area. In addition, Morocco has yet to withdraw any of its 130,000 troops and is reported to be moving into the territory some 170,000 civilians who it says are of West Saharan origin. Immigrants from Morocco already far outnumber those of the indigenous Saharawis who remained in the country when Morocco took control.

Mr. Speaker, we should call on the King of Morocco to respect the timetable of the peace plan and stop all obstruction of the U.N.. We should also call on King Hassan not to delay any further the work of the Identification Commission and, most importantly, to cease immediately the resettlement of 170,000 Moroccans in the occupied territory.

Mr. Speaker, this resolution expresses the sense of the Congress that we support the immediate implementation of all the provisions of the U.N. peace plan, and I strongly urge my colleagues to support House Concurrent Resolution 214.

I include for the RECORD a series of newspaper articles.

#### FEARS OVER UN'S SAHARAN PEACE DEAL

(By Francis Ghiles)

While United Nations-sponsored peace processes seem to be working well in Angola, Cambodia and El Salvador, anxiety is mounting about progress in the Moroccan-controlled western Sahara, where the UN announced a ceasefire on September 6.

King Hassan of Morocco is here to visit the territory's capital, El Aiun, today to mark the anniversary of the "green march", in which hundreds of thousands of Moroccans marched to the border of what was then a Spanish colony and claimed it by historical and religious right. With General Franco close to death in Madrid, the Spanish government withdrew its forces and the territory was divided between Morocco and Mauritania.

A bitter conflict followed between Morocco and the Polisario Front, backed by Algeria, which proclaimed the Sahara an independent Arab republic. Mauritania, its economy destroyed by the conflict, withdrew and handed over its share to Morocco in the late 1970s.

Although a referendum to decide the territory's future is officially scheduled for January, preparations are not going smoothly. This has raised doubts about whether King Hassan is prepared to let the vote go ahead on the terms previously agreed.

A month before the ceasefire, King Hassan told Mr. Javier Pérez de Cuellar, the UN secretary-general, that he would not accept the deployment of military and civilian personnel of The United Nations Mission for Referendum in Western Sahara (Minurso) until he was satisfied with the UN criteria for deciding who would be eligible to vote in the referendum.

However, Mr. Pérez de Cuellar decided to go ahead with the ceasefire on the agreed date, despite the risk of subsequent misunderstandings. Only 200 Minurso personnel have so far been deployed in the territory, strictly for the purpose of monitoring the ceasefire. To ensure a free and fair vote in January the UN reckons it will need at least 2,000.

The men already there have been hampered in their task because key equipment has been delayed at Moroccan ports. Observers from the UN High Commissioner for Refugees and the International Committee of the Red Cross are virtually barred from the area. Morocco has yet to withdraw any of its 130,000 troops and is reported to be moving into the territory some 170,000 civilians who it says are of West Saharan origin. Immigrants from Morocco already far outnumber those of the indigenous Saharawis who remained in the country when Morocco took control.

Military operations all but ceased in the mid-1980s but the bulk of the Saharawi population is still living in refugee camps, controlled by the Polisario, around the southwestern Algerian town of Tindouf.

All three parties to the conflict—Morocco, Algeria and the Polisario—have agreed since 1981 on the need for a referendum to settle the issue, while King Hassan insists that the result can only "ratify" the status quo.

The battleground has increasingly shifted to the list of those "genuine" Saharawis who will be entitled to vote. Hence Morocco's determination to add names. It submitted 120,000 new ones to the UN last summer. Polisario made an important concession by accepting the Spanish census list, having earlier been fooled by Spain in an attempt to get fake old identity documents printed in Barcelona.

Colonel Rodriguez de Viguri, who as secretary general of the colony supervised the 1974 census, is adamant that the 74,000-name list is accurate. Checking the names on the list, which King Hassan refuses to let the UN publish, could be helped by the discovery three years ago in Madrid of duplicates of 50,000 national identity documents issued to Saharawis in the early 1970s. The documents include the bearer's name, tribe and clan.

The confusion has added to the scepticism among senior western diplomats about the UN's ability to organise a referendum early next year. King Hassan could, if he wishes, help clarify some of these issues in El Aiun today.

#### U.N. OFFICIALS "WORKED AGAINST POLISARIO"

(By Leonard Doyle)

An internationally organized referendum due to take place in Western Sahara in January is being stymied by mismanagement and questionable practices by senior UN officials sympathetic to the Moroccan cause, an investigation by *The Independent* found.

Confidential computer diskettes showing the identities of people whom the Polisario guerrilla movement says are dead have allegedly been provided to the Moroccan side and there are fears that people claiming their identity, along with tens of thousands of other Moroccans, will show up to vote in the territory in January.

Serious questions have been raised about the role of senior officials in the UN negotiation team and about the political judgement of Johannes Manz, the Swiss former protocol officer in charge of the operation.

Diplomats and UN sources claim that a senior UN official provided confidential census lists to the Moroccan government. Polisario officials say military information was also handed over. Senior UN officials are believed to have been swayed by Morocco to change the rates for the referendum in a way that may put Polisario at a disadvantage. Questions have been raised about links between a key UN negotiator and the Moroccan Royal Palace. It has been further alleged that a senior UN official in New York attempted on several occasions and eventually succeeded in handing confidential information to Morocco which was given to the UN by Polisario to help identify those eligible to vote. *The Independent* has obtained copies of internal UN documents expressing concern about the named official's attempts to take confidential computer diskettes to Morocco last summer. The official succeeded in handing over the diskettes despite the objections of other UN officials, according to senior diplomatic sources. The official did not answer enquiries this week about these allegations.

Under the UN plan, expected to cost \$150m (\$85m) some 2,700 election monitors, military observers and guards are to supervise the referendum. It will give the people of the former Spanish colony of Western Sahara the choice between independence and full integration with Morocco. Britain is providing 15 military officers as observers who are already on the ground and \$8m for the operation, known as Mimurso after its Spanish acronym.

A census taken by Spain in 1974 is supposed to provide the benchmark for the referendum, but Morocco wants to change the eligibility rules so that the children of those who left the desert decades ago are allowed to vote. This will show the outcome in Morocco's favor and ensure that the territory never becomes independent, diplomats fear. Polisario and Algeria reject the proposed changes.

Morocco is not co-operating with the UN according to diplomatic and UN sources, and has refused to allow the full deployment of the Mimurso force until it is satisfied with the criteria for the referendum. No journalists have been allowed to accompany the advance team of 250 or so UN officials and peacekeepers.

The Western Sahara issue may be affected by the election of the next Secretary-General, and Mr. Perez de Cuellar is said to be apprehensive that an African Secretary-General—say, Bernard Chidzero of Zimbabwe—could set back the peace process since the Organization of African Unity recognizes Polisario's claims to statehood.

Mr. Perez de Cuellar may be bending under pressure from the King of Morocco to change the criteria which determine who may vote in the referendum. Mr. Perez de Cuellar has not yet protested against King Hassan's recent announcement that he was sending 170,000 Moroccans into Western Sahara before the vote, an act in clear violation of the peace plan drafted after months of careful negotiation by the five permanent members of the Security Council.

"This is potentially a serious failure in a major UN peacekeeping operation and it must cast a shadow over the reputation of the Secretary-General as he leaves office," a diplomat familiar with the allegations of misconduct in the UN operation said this week.

#### EUROPEAN PARLIAMENT RESOLUTION ON THE WESTERN SAHARA PEACE PLAN

A. whereas the UN Security Council and Assembly unanimously adopted in April and May 1991 the peace plan drawn up by the Secretary-General on holding a referendum in the Western Sahara and setting up the United Nations mission to the Western Sahara,

B. having regard to the formal agreement which the two parties to the conflict have given to the peace plan and their undertakings that it should be carried out to the letter,

C. whereas the peace plan for the Western Sahara is of great importance for the political stability of the Maghreb and of a large part of the Arab world, as is evidenced by the constant interest shown by the various countries in the area and the condemnations of countries which do not belong to this political region,

D. having regard to the declaration issued by the EC Council of Ministers on 29 June 1991 in Luxembourg supporting the continued efforts of the UN Secretary-General and his special envoy to ensure the smooth progress of the peace process,

E. concerned at the request submitted on 24 August 1991 to the UN by the Kingdom of Morocco that the referendum be postponed,

F. concerned also that the Kingdom of Morocco has asked the United Nations to make changes to the electoral registers, which are incompatible with the principles and procedures laid down in the peace plan,

G. whereas the recent attacks by Moroccan forces have significantly exacerbated the situation, forcing sections of the Sahrawi population to begin a new exodus and causing deaths and injuries amongst civilians,

H. whereas the statements by the King of Morocco concerning an amnesty for certain political prisoners provided they declare the Western Sahara to be an integral part of Morocco amount to a denial of freedom of opinion,

I. having regard to its resolutions of 15 March 1989 on the political situation in the Western Sahara<sup>1</sup> and 18 April 1991 on support for the United Nations Western Sahara peace plan.<sup>2</sup>

1. Considers that the achievement of the UN peace plan represents an historic opportunity to put an end to the war which has afflicted this region since 1975 and thereby to bring to a close the final chapter of the decolonization of Africa;

2. Confirms its support for the UN peace plan and calls for it to be implemented promptly and in full; condemns any military offensive which jeopardizes the peace plan;

3. Welcomes the entry into force of the ceasefire on 6 September 1991 as a crucial step towards the referendum on self-determination; congratulates the UN Secretary-General on his resolute approach to maintaining the date of the ceasefire;

4. Draws attention to the fact that the 1974 Spanish census forms the basis of the electoral registers and that any addition thereto is only possible following individual requests by Sahrawi persons and assessment by the UN mission's identification committee;

5. Stresses the need for all political prisoners to be released, for prisoners of war to be exchanged and for the Sahrawi refugees who have fled to neighbouring countries to be repatriated;

6. Considers it essential that the UN mission's teams be given immediate access to the territory, and that equipment be transported without hindrance, so that they can fulfil the tasks and obligations conferred upon them by the peace plan;

7. Urges that, in view of their special political and trade links with Morocco, the Community and the Member States use all possible influence to ensure that the peace plan is respected;

8. Calls on the UN Security Council, the European Community and the governments of the Member States to take firm action in the event of any failure to comply with or attempts to hold up the peace plan which has been adopted;

9. Considers it a matter of urgency, in view of the serious threats to the peace process, that international observers from parliaments and NGOs be allowed to monitor the peace process in situ in the Western Sahara with immediate effect until the results of the referendum have been published and decides to send a delegation to observe the referendum; urges the parliaments of the Member States to do likewise;

10. Calls on the Commission to make a financial contribution to the repatriation and reintegration of Sahrawi refugees by the UNHCR through the UN mission and to maintain, where necessary, aid to the refugees in the Tindouf camps;

11. Congratulates the Spanish and Greek governments which have already made their contributions to the UNHCR and calls on the other governments to follow suit as a matter of urgency;

12. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the UN Secretary-General, the President-in-Office of the Conference of Heads of State or Government of the OAU, the Moroccan Government and the Polisario Front.

#### REPORT BY THE U.N. SECRETARY-GENERAL—THE SITUATION CONCERNING WESTERN SAHARA INTRODUCTION

1. At its 2929th meeting on 27 June 1990, the Security Council adopted resolution 658 (1990) concerning the situation in Western Sahara which, inter alia, as requested the Secretary-General to transmit to the Security Council, as soon as possible, a further detailed report on his plan for the implementation of the settlement proposals for Western Sahara. The full text of the resolution reads as follows:

"The Security Council,

"Recalling its resolution 621 (1988) of 20 September 1988, by which it decided to authorize the Secretary-General to appoint a Special Representative for Western Sahara and to request the Secretary-General to transmit to it as soon as possible a report on the holding of a referendum for self-determination of the people of Western Sahara and on ways and means to ensure the organization and supervision of such a referendum by the United Nations in co-operation with the Organization of African Unity,

"Recalling also that, on 30 August 1988, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro gave their agreement in principle to the proposals of the United Nations Secretary-General and the current Chairman of the Organization of African Unity in the framework of their joint mission of good offices,

"Having considered the report of the Secretary-General on the situation concerning Western Sahara (S/21360),

"1. Expresses its full support to the Secretary-General in his mission of good offices, pursued jointly with the current Chairman of the Organization of African Unity, with a view of settling the question of Western Sahara;

"2. Approves the report of the Secretary-General, transmitted to the Security Council in accordance with resolution 621 (1988) with a view to settling the question of Western Sahara, which contains the full text of the settlement proposals as accepted by the two parties on 30 August 1988 as well as an outline of the plan provided by the Secretary-General in order to implement those proposals;

"3. Calls upon the two parties to co-operate fully with the Secretary-General of the United Nations and the current Chairman of the Organization of African Unity in their efforts aimed at an early settlement of the question of Western Sahara;

"4. Welcomes the intention of the Secretary-General to dispatch, in the immediate future, a technical mission to the territory and to neighboring countries, in particular to refine the administrative aspects of the outline plan and to obtain the necessary information for the preparation of a further report to the Security Council;

"5. Requests the Secretary-General to transmit to the Security Council as soon as

<sup>1</sup>OJ No. C 96, 17.4.1989, p. 59.

<sup>2</sup>OJ No. C 129, 20.5.1991, p. 126.

possible a further detailed report on his implementation plan, containing in particular an estimate of the cost of the United Nations Mission for the Referendum in Western Sahara (MINURSO), on the understanding that this further report should be the basis on which the Security Council would authorize the establishment of MINURSO."

2. The present report is submitted pursuant to paragraph 5 of resolution 658 (1990). It takes account of the work of the technical mission referred to in paragraph 4 of the resolution. It also reflects the clarification of certain points that I mentioned to the Security Council at its informal consultations on 20 June 1990 and which I have since pursued with the parties. After a brief description of the technical mission, the report addresses each of the main elements of the implementation plan contained in paragraphs 48 to 76 of my report of 18 June 1990 (S/21360), adding any detail which may be of assistance to members of the Security Council in their consideration of my recommendation that this mission should now proceed. The report then amplifies the information contained in paragraphs 77 to 82 of document S/21360 about the personnel and financial requirements of the United Nations Mission for the Referendum in Western Sahara (MINURSO), including an estimate of its overall cost. After describing the proposed timetable and recommendation that the Security Council should now decide to establish MINURSO and set a target date, subject to the necessary appropriation action by the General Assembly, for the commencement of its operations in the mission area.

#### I. THE TECHNICAL SURVEY MISSION

3. Upon the adoption of resolution 658 (1990), I dispatched a technical mission to the Territory and to neighbouring countries for the purpose of gathering and updating all available information relevant to the plan for the implementation of the settlement proposals. In addition to its visit to the Territory, the mission visited Morocco, as well as the neighbouring countries of Mauritania and Algeria. The mission, which was led by Mr. Issa Diallo, my Special Assistant, spent 16 days in the region, from 28 July to 13 August 1990. A staff member of the General Secretariat of the Organization of African Unity (OAU) participated in the mission. It was assisted in its task by the generous provision of air transport and other facilities by the Governments of Algeria, Mauritania, Morocco and Switzerland.

4. The mission was received at Rabat by His Majesty King Hassan II of Morocco. Extensive technical discussions were also held with senior officials of the Moroccan administration, both at Rabat and in Western Sahara. Field visits were made to various localities and to a command post at the sand wall constructed by Morocco close to the eastern and southern frontiers of the Territory.

5. The mission also met with Mr. Mohammed Abdelaziz, Secretary-General of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) and held technical meetings with senior POLISARIO officials in the area of Tindouf. It undertook field visits to a number of localities in the area between the Territory's eastern border and the sand wall.

6. In Mauritania, the mission was received by President Mouawiya Ould Sidi-Ahmed El-Taya. In Algeria, it met with Mr. Sid Ahmad Ghazali, the Minister of Foreign Affairs.

7. These visits enabled the mission to discuss matters related to the implementation plan and to update the information available to the Secretariat about logistic and other

conditions in the Territory. On its return, the mission recommended the refinement of certain administrative aspects of the plan. Its work made it possible to elaborate, in more precise terms, the operational requirements and cost estimate of MINURSO.

#### II. MAIN ELEMENTS OF THE IMPLEMENTATION PLAN

*The Special Representative of the Secretary-General and the United Nations Mission for the Referendum in Western Sahara*

8. The mandate and functions of my Special Representative are summarized in paragraphs 48 and 49 of document S/21360. He will report to me and make such recommendations as he considers necessary with respect to the discharge of his responsibilities.

9. The two parties, namely the kingdom of Morocco and the Frente POLISARIO, recognize in the settlement proposals that sole and exclusive responsibility for the organization and conduct of the referendum is vested in the United Nations. Accordingly, I will issue regulations governing the organization and conduct of the referendum that will essentially embody the relevant provisions of the settlement proposals agreed to by parties. My Special Representative, acting under my authority and, as necessary, on instructions over all matters with regard to the organization and conduct of the referendum. He will be authorized to issue rules and instructions consistent with the regulation issued by me. The arrangements relating to these rules, instructions and regulations are described in paragraph 58 of document S/21360.

10. The Special Representative will be assisted by MINURSO, which, in addition to the Special Representative's office, will consist of civilian, security and military units. The Special Representative will head and direct MINURSO, which will be large enough to enable him to perform his functions. MINURSO will function as an integrated operation under the overall authority of the Special Representative as described above and will have its headquarters of Laayoune. The Special Representative will have a Deputy Special Representative, who will be in charge of the mission during any absence of the Special Representative from the mission area. This area includes the Territory of Western Sahara and designated locations in neighboring countries, particularly the Tindouf refugee camps, where numbers of Western Saharans are known to be living. In accordance with paragraph 70 of document S/21360, the Special Representative will also be assisted by an independent jurist to be designated by the Secretary-General.

11. The Office of the Special Representative will provide support to him in the exercise of his responsibilities and authority as well as in his liaison and coordination functions. In addition to a section dealing with political affairs, the Office will have sections dealing with legal affairs and with information and public relations. It will also be assisted by an appropriate number of field offices.

#### *Transitional period*

12. As stated in paragraph 50 of document S/21360, the transitional period will begin with the coming into effect of the cease-fire on D-Day and end with the proclamation of the results of the referendum, although MINURSO will continue to discharge the responsibilities described in paragraph 75 of document S/21360 for a period of some weeks thereafter. In accordance with the timetable set out in section V of the present report, it is envisaged that the transitional period will

last for 20 weeks and that MINURSO will remain in the Territory for up to 26 weeks from the coming into effect of the cease-fire (D-Day). It should be noted, however, that the periods of time allowed for the various processes in the timetable are estimates and it is possible that some of the processes may be completed in a shorter period than that indicated. It is also possible, of course, that a longer period will be required. In either case, the Special Representative may, after consultation with me, determine whether circumstances require any alteration in the timetable, in accordance with the authority given to him.

#### *Cease-fire*

13. The arrangements relating to the cease-fire are described in paragraphs 51 to 53 of document S/21360.

#### *Moroccan military presence*

14. In the course of my consultations with its authorities, Morocco has undertaken to reduce its troops in the Territory to a level not exceeding 65,000 all ranks, within a period of 11 weeks from the coming into effect of the cease-fire on D-Day. I have accepted this as an appropriate, substantial and phased reduction in accordance with the settlement proposals.

#### *Confinement of each party's troops to designated locations*

15. In accordance with paragraph 56 of document S/21360, all remaining Moroccan troops will be located in static or defensive positions along the sand wall, with the limited exceptions mentioned in that paragraph. All will be monitored by the military observers of MINURSO, who will be colocated with Moroccan subsector headquarters on the sand wall and with the support and logistics units remaining elsewhere in the Territory. The military observers will conduct extensive patrols by land and air to ensure observance of the cease-fire and the confinement of the Moroccan troops to the designated locations. They will also monitor the custody of certain arms and ammunition.

16. As regards Frente POLISARIO troops, my Special Representative will, in accordance with the settlement proposals, designate the locations to which they will be confined, with their arms, ammunition and military equipment, with effect from the coming into force of the cease-fire on D-Day. They will be monitored by the military observers of MINURSO, who will be deployed at each of the designated locations.

#### *Release of political prisoners and detainees*

17. The arrangements relating to the release of political prisoners and detainees are described in paragraphs 33 (b) and 70 of document S/21360.

#### *Exchange of prisoners-of-war*

18. The settlement proposals also provide for the exchange of prisoners-of-war (POWs) (see para. 20 of S/21360). This will take place under the auspices of the International Committee of the Red Cross (ICRC). My Special Representative will establish early contact with ICRC with a view to implementation of the exchange of prisoners as soon as possible after the cease-fire comes into effect on D-Day.

#### *Identification and registration of voters*

19. A central element in the settlement proposals is the identification and registration of all Western Saharans eligible to vote in the referendum. This work will be entrusted to the Identification Commission. It is stated in the settlement proposals (S/21360, para. 25) that "the Commission will perform

its task during the transitional period". It has, however, become clear that, as explained below, certain tasks can, and indeed must, be completed outside and inside the Territory before the cease-fire comes into effect. I accordingly intend to appoint the members of the Identification Commission as soon as the Security Council has decided to establish MINURSO, so that, under the direction of my Special Representative, they can begin the necessary preparatory work without delay, beginning with the establishment of the Commission's rules of procedure.

20. The Identification Commission's task will be to implement the proposals, agreed upon by the two parties, that all Western Saharans to whom the 1974 census undertaken by the Spanish authorities related and who are aged 18 years or over will have the right to vote, whether they are currently present in the Territory or living outside it as refugees or for other reasons. The Commission's mandate to update the 1974 census will include (a) removing from the lists the names of persons who have since died and (b) considering applications from persons who claim the right to participate in the referendum on the grounds that they are Western Saharans and were omitted from the 1974 census. The tribal chiefs of Western Sahara will be asked to contribute to the Identification Commission's work. A preliminary meeting took place with a representative group of tribal chiefs at Geneva in June 1990. Further discussions with tribal chiefs will be held, after the decision has been taken to establish MINURSO, in order to refine the Commission's operational procedures. The parties and representatives of OAU will, as appropriate, participate as official observers in the work of the Identification Commission.

21. The first stage of the Commission's work will be to update the 1974 census list. As a preparatory step, a copy of this list was transmitted to each of the parties on 16 October 1990, with a request for any available information about persons who have died since 1974 and about the whereabouts of those who remain alive, whether inside or outside the Territory. Both of the parties have been asked to provide this information soon. Its early receipt will facilitate the Identification Commission's work, which is to commence immediately after the General Assembly has approved MINURSO's budget. The Commission, having made such revisions to the 1974 list as seem to it appropriate, will arrange for the revised list to be published in the Territory and in places outside where numbers of Western Saharans are known to be living. At the same time, the Commission will publish instructions on how individual Western Saharans can apply in writing, before a specified date, for inclusion in the list on the grounds that they were omitted from the 1974 census. It is estimated that four weeks will be required for this part of the Commission's work. A further period of four weeks will be set for the Commission to receive individual written applications for the inclusion of names in the list. The applications will be classified and the Commission, assisted by the tribal chiefs and in the presence of observers from OAU and the parties, will meet in New York or Geneva to review them under the supervision of the Special Representative. It is estimated that this review will take up to four weeks. When it has been completed and prior to D-Day, a consolidated list of the names of persons who, on the basis of the revised 1974 census and the review of applications received, have been judged to be eligible to vote will, with

my clearance, be published in the Territory and in places outside where numbers of Saharans are known to be living.

22. By D-Day the Identification Commission will be fully established in the mission area. The Commission will be assisted in its work by the field offices established at principal population centres as well as by static and mobile teams, consisting of a leader, three identification/registration officers, a clerk/typist, two civilian police monitors and support staff such as interpreters and drivers.

23. At this second stage in its work, the Commission will undertake two main functions, in each of which it will be assisted by the tribal chiefs. The functions will be:

(a) To identify, and issue registration cards to, persons whose names are on the published list of eligible voters;

(b) To provide, and organize procedures, for appeals against non-inclusion of names in the published list or against decisions made under subparagraph (a) above.

Arrangements will be made for the Commission to identify and register, at the designated locations, all Frente POLISARIO troops who are eligible to vote, as well as any Western Saharans who are similarly eligible and may be serving in the Moroccan forces.

24. It is envisaged that a period of up to 11 weeks will be required for this second stage of the Committee's work. When it has been completed, the Special Representative will submit to me, for consideration in consultation with the current Chairman of OAU, a consolidated list of all registered voters. The final voters list will be published as soon as it has been authorized by me.

#### *Organization of the referendum*

25. The Referendum Commission will assist the Special Representative in all aspects of the organization and conduct of the referendum in the context of the sole and exclusive responsibility vested in him. The Commission's functions are specified in paragraphs 63 to 66 of document S/21360. It will advise the Special Representative on measures necessary to ensure that the referendum is free and fair, without military or administrative constraints, and that there is no intimidation or interference in the referendum process. The two parties and the representatives of OAU will, as appropriate, be associated as official observers in the Commission's work.

26. As envisaged in paragraph 63 of document S/21360, I shall appoint the Referendum Commission as soon as the General Assembly has approved MINURSO's budget, so that it can undertake the necessary preparatory work. The main part of this work, which will be performed in New York, will be to prepare the regulations, rules and instructions that will establish the legal framework for the United Nations to organize and conduct the referendum and which will be promulgated in the Territory as soon as possible after D-Day.

27. A small core staff of the Referendum Commission will begin work in the Territory after D-Day. With the assistance of the field offices, it will become fully operational as the Identification Commission is concluding its work. The Referendum Commission will be augmented by appropriately qualified personnel from the Identification Commission whose own tasks are to be completed by D-Day + 11 weeks.

28. In recent consultations with me, both parties have accepted my proposal to establish a code that would govern their conduct and behavior and that of their supporters during the referendum campaign. The pur-

pose of the code of conduct will be to ensure that, while there is freedom of political campaigning, there will also be a consequent responsibility placed on all concerned to accept others' freedom to campaign. The Special Representative will initiate discussions with the two parties about the code of conduct as soon as possible.

29. The Special Representative will determine the starting date of the referendum campaign when he is satisfied that the necessary arrangements have been made to ensure that all Western Saharans, without restriction and in complete equity, will have the opportunity to participate in the campaign. It is envisaged that it will begin at D-Day + 17 weeks, subject to the authority given to the Special Representative to alter the timetable if he should determine the circumstances so require.

30. An adequate number of polling stations will be established throughout the Territory in order to give all eligible Western Saharans the opportunity to vote in the referendum. Voting will take place only in the Territory. The precise locations of the polling stations will be determined on the basis of the data collected during the registration of voters, as well as existing population centres and areas where returning Western Saharans have been located.

31. Two weeks before the referendum itself, the Referendum Commission will be strengthened by additional personnel who will serve as polling officers, presiding officers and counting officers. These additional personnel will leave the Territory immediately after the referendum, but essential staff of the Referendum Commission will remain until the referendum results have been certified and related matters have been disposed of.

#### *Other responsibilities of the Special Representative during the transitional period*

32. In discharging the responsibilities described in paragraphs 67 to 69 of document S/21360, the Special Representative will be assisted by his office, including the field offices, and by the Security Unit, whose functions and organization are outlined in paragraphs 79 and 80 of document S/21360.

33. There are only two points to add. First, firearms will be kept in a weapons storage safe at each Security Unit location, but Security Unit personnel (who will be known as CIVPOL) will actually carry arms only in cases where they are so authorized by the Police Commissioner, acting upon instructions from the Special Representative. The firing of arms will be limited to clear cases of self-defense. Secondly, the Security Unit will establish a number of district headquarters that will, as far as possible, be collocated with the Special Representative's field officers.

#### *Return of refugees, other Western Saharans and members of the Frente POLISARIO entitled to vote*

34. An essential element in the implementation of the settlement proposals will be the repatriation of those Western Saharans who are identified as being eligible to vote in the referendum and who wish to return to the Territory to do so. A programme will therefore be required to facilitate the voluntary return of such persons, along with their immediate families, from designated locations in neighbouring countries, with security to be provided by the military unit of MINURSO. It will require the prior promulgation of a general and complete amnesty for all returnees, in order to ensure the necessary conditions for their free and unimpeded return.

35. The United Nations High Commissioner for Refugees (UNHCR) will be responsible for the implementation of the repatriation programme, which will form an integral part of the MINURSO operation and will be carried out in accordance with UNHCR's mandate. Its task will be threefold: to ascertain and record the repatriation wishes of each Western Saharan as he or she is registered as a voter by the Identification Commission; to issue the necessary documentation to the members of his or her immediate family; and to establish and manage, in cooperation with MINURSO which will provide security, the reception centres that will be established in the Territory for the returning Western Saharans.

36. It is intended that repatriation will begin immediately after the Identification Commission's work is completed, i.e. not later than D-Day + 11 weeks, and that it will be completed within a period of 6 weeks, i.e. immediately before the referendum campaign begins. The UNHCR will thereafter maintain a presence in the Territory, as necessary, in order to fulfill its monitoring role for returnees, in accordance with its internationally accepted responsibilities.

#### *The referendum and proclamation of its result*

37. The purpose of the referendum is to enable the people of Western Sahara to choose freely between integration with Morocco and independence. Voting will be by secret ballot and arrangements will be made for voters who cannot read or write or who are incapacitated. The regulations that I shall issue concerning the referendum will provide that the results will be determined by a simple majority of valid votes cast.

38. The action to be taken by MINURSO after the proclamation of the referendum result remains as described in paragraphs 75 and 76 of document S/21360. Every effort will be made to complete that action as expeditiously as possible.

### III. PERSONNEL AND FINANCIAL REQUIREMENTS OF MINURSO

39. As already indicated, MINURSO will consist of the Special Representative and his office and civilian, security and military units. It will function as an integrated operation under the overall authority of the Special Representative.

40. The Office of the Special Representative, whose functions are described in paragraph 11 above, will consist of some 24 international personnel, with an additional 25 persons to staff the field offices.

#### *Civilian Unit*

41. The Civilian Unit will include three components: the personnel of the Identification Commission and the Referendum Commission; a component to implement the repatriation programme; and a component responsible for all administrative matters pertaining to the mission. It will consist largely of personnel from the United Nations system. However, as indicated below, it will be necessary to ask Governments to contribute a significant number of qualified personnel, mostly on short-term assignments, to assist in the organization and conduct of the referendum.

42. The Identification Commission will initially be based in New York or Geneva, as required, with a small staff to carry out the first stage of its work, which is described in paragraph 21 above. A small mobile team will also be dispatched to the mission area during that preparatory stage. By D-Day the Commission will deploy static and mobile teams in the Territory and in other places where numbers of Western Saharans are

known to be living, with a full strength of some 187 international personnel, a substantial proportion of whom will be contributed by Governments.

43. The Referendum Commission will also begin with a small staff, based in New York, to carry out the preparatory work described in paragraph 26 above. It will establish itself in the Territory after D-Day, again with a small staff initially. By D-Day + 11 weeks it will absorb appropriately qualified staff of the Identification Commission, whose identification tasks will by then have been completed, bringing its strength to about 51 international personnel. The additional international personnel required for the referendum itself (see para. 31) will number up to 285, some from the United Nations, but most contributed by Governments.

44. The repatriation component of the Civilian Unit will, as indicated in paragraph 35 above, consist of UNHCR personnel. Their number will rise gradually to a peak of some 74 international personnel during the implementation of the repatriation programme.

45. Finally, the administrative component of the Civilian Unit will furnish the full range of administrative, support and technical services to the different components of MINURSO, wherever these may be located. Certain staff will be located with the military logistics units and will work with them to constitute an integrated logistics, supply and support system for the entire mission. International civilian staff of the various sections, units and outposted personnel will total approximately 275.

#### *Security Unit*

46. Some elements of the Security Unit will be deployed in the mission area by D-Day in order to facilitate the work of the Identification Commission. About 100 police officers will be required for this purpose. A further 200 will be phased into the Territory before the repatriation programme begins at D-Day + 11 weeks. It is hoped that this number will be adequate to carry out the duties entrusted to the Security Unit during the referendum campaign and the referendum itself. My Special Representative will, however, keep this question under constant review. Governments contributing police officers to MINURSO will be requested to keep in reserve additional personnel for possible deployment in the Territory, should this be necessary.

#### *Military Unit*

47. The tasks of the Military Unit are described in paragraph 81 of document S/21360. The logistics units will, in co-operation with the administrative component of MINURSO, contribute to the integrated logistics, supply and support system for the mission as a whole.

48. To fulfil these tasks, the Unit will require a strength of about 1,695 (all ranks), as follows: 550 military observers, an infantry battalion of 700 (all ranks), an air support group of 110 (all ranks) to operate and maintain 4 fixed-wing aircraft and 8 transport helicopters, a signals unit of 45 (all ranks), a medical unit of 50 (all ranks), a composite military police company of 40 (all ranks) and a logistics battalion of 200 (all ranks).

49. The logistics units and advance parties of military observers will be deployed in the Territory in the weeks preceding D-Day. The military observer group will be deployed in full strength by D-Day in order to be in a position to monitor the cease-fire and the confinement of each side's troops to designated locations. The deployment of the infantry battalion will take place immediately before

implementation of the repatriation programme. The Military Unit will remain in the mission area until the referendum and thereafter will be withdrawn as rapidly as its post-referendum monitoring tasks permit.

#### *Financial requirements*

50. On the basis of the implementation plan described in my report of 18 June 1990 (S/21360), as amplified in the present report, it is estimated that the overall cost of MINURSO, including the repatriation programme, will be approximately \$200 million. I have to emphasize, however, that there continue to be unknown factors that may affect this figure. As is customary, it states the cost of the full resources required for MINURSO and takes no account of any possible voluntary contributions that may be received. I am currently undertaking consultations with certain Member States in this regard. Naturally, contributions in kind would be welcome. In the event voluntary contributions are provided to MINURSO, including the provision of adequate facilities by the host countries, the level of expenditures will be reduced and this will ultimately lead to savings and the return of credits to Member States. My recommendations on the financing of the operation are contained in the observations section of the present report.

### IV. TIMETABLE AND PLAN OF ACTION

51. Paragraph 52 summarizes the timing described in the preceding sections of the present report. Two points need to be emphasized. First, the critical date is that on which the General Assembly approves MINURSO's budget; all subsequent timings are related to that. Secondly, as already noted (see para. 12 above), the periods allowed for each of the processes in this complex operation are estimates, and my Special Representative will accordingly have the authority to alter the timetable, after consulting me, if he determines that circumstances so require.

52. The timetable is as follows:

Date (in weeks)	Action
As soon as the Security Council has authorized the establishment of MINURSO.	The Secretary-General: (a) Appoints the Identification Commission, which proceeds immediately to establish its rules of procedure, to update the 1974 census and to arrange for appeals; (b) Begins consultations with the Governments of Member States that will be invited to contribute personnel to the civilian, security and military units of MINURSO; (c) After consulting the parties, obtains the Security Council's approval for the composition of the Military Unit and the appointment of the Force Commander; (d) Initiates consultations with the parties and the neighbouring States about arrangements concerning the status of MINURSO and its personnel.
D-16	The General Assembly approves MINURSO's budget. The Secretary-General addresses letters to the two parties proposing a date and time for the entry into force of the cease-fire (D-Day). The Secretary-General appoints the Referendum Commission and the independent jurist. The Identification Commission revises the 1974 census list and initiates discussions with the tribal chiefs regarding its operating procedures.
Not later than D-12	The parties accept the Secretary-General's proposal for the date and time of the cease-fire.
D-12	The revised 1974 census list and instructions on how to apply for the inclusion of names are published in the Territory and elsewhere.
D-9	Administrative and logistics elements of MINURSO begin to arrive in the mission area. A small mobile team of the Identification Commission is dispatched to the mission area.
D-8	Deadline for the receipt of applications for the inclusion of names in the revised 1974 census list.

Date (in weeks)	Action
D-4	The advance party of MINURSO, led by the Deputy Special Representative, arrives in the mission area.
D-4 to D-Day	All MINURSO units (except the infantry battalion, 200 CIVPOL officers and some UNHCR and referendum personnel) are deployed to the mission area.
D-1	Arrival of the Special Representative in the Territory.
Not later than D-Day	Following completion of the Identification Commission's review of applications received, the consolidated list of persons judged eligible to vote is published in the mission area.
D-Day	The transitional period begins. The cease-fire comes into effect and the combatants of the two sides are confined to designated locations. The Identification Commission begins the identification and registration of voters and hears appeals against non-inclusion of names in the published list.
As soon as possible after D-Day	POWs are exchanged. Amnesties for political prisoners and detainees and for returnees are proclaimed. All political prisoners or detainees are released.
D+10	The remaining 200 CIVPOL officers are phased in. The infantry battalion and additional UNHCR personnel are deployed to the mission area. The reduction of Moroccan forces is completed.
Not later than D+11	All laws or measures that could obstruct a free and fair referendum are suspended. Completion of the identification and registration of voters; publication of the final list of voters approved by the Secretary-General.
D+11	The repatriation programme begins. The paramilitary units in the existing police forces are neutralized.
D+17	The repatriation programme is completed. The referendum campaign begins.
D+18	Additional polling staff are deployed to the Territory.
D+20	End of the referendum campaign. Referendum. Proclamation of the results.
D+24 or 26	The withdrawal of MINURSO personnel begins. MINURSO's monitoring responsibilities arising from the referendum results are completed.
Thereafter	Remaining MINURSO personnel withdraw from the mission area.

53. On the basis of this timetable, the referendum will be held about 36 weeks after the General Assembly approves MINURSO's budget.

#### V. OBSERVATIONS

54. The plan contained in part II of document S/21360, as amplified in the present report, is the result of a long and exhaustive search for the most equitable, effective and economical ways of implementing the settlement proposals accepted by the parties in August 1988. This work has taken into account the views expressed to me by the parties. Inevitably the plan that I now submit for the Security Council's approval could not meet all the concerns of the two parties and compromises have therefore had to be sought. I am however confident that my proposals constitute a balanced and equitable way of achieving the goal on which all are agreed, namely the holding of a free, fair and impartial referendum for the people of Western Sahara, organized and conducted by the United Nations in co-operation with OAU and without any military or administrative constraints.

55. Four essential conditions must be met for this goal to be achieved and for MINURSO to be able to carry out its responsibilities effectively and with complete impartiality. Firstly, MINURSO must at all times have the full support and backing of the Security Council; secondly, it must operate with the full cooperation of the two parties, particularly with regard to the comprehensive cessation of all hostile acts; thirdly, the cooperation and support of the neighbouring countries must be assured, in conformity with paragraph 42 of document S/21360; and fourthly, the necessary financial

resources must be made available by Member States in a full and timely manner.

56. In accordance with the mandate entrusted to me by the Security Council, I will keep the Council fully informed of developments relating to the implementation of the settlement proposals and to the functioning of MINURSO. All matters that might affect the nature of the mission or its continued effectiveness will be referred to the Council for its decision.

57. In performing its functions, MINURSO will act with complete impartiality. It will proceed on the assumption that, in accordance with the undertakings that they have already given (S/21360, paras. 38 and 40), the two parties will co-operate with the Special Representative and will take all necessary steps to comply with the decisions of the Security Council.

58. MINURSO will require the freedom of movement and communication and the other facilities necessary for the performance of its tasks. To this end, MINURSO and its personnel must necessarily be accorded all the relevant privileges and immunities provided for in the Convention on the Privileges and Immunities of the United Nations, as well as those specially required for the proposed operation. As soon as the Security Council has authorized the establishment of MINURSO, I will take steps to make arrangements with the parties concerning the status of MINURSO and its personnel.

59. In conformity with paragraph 42. of document S/21360, MINURSO will also rely on the continued cooperation and understanding of the two neighbouring States, namely Algeria and Mauritania, which have already undertaken to do their utmost to ensure that the transitional arrangements and the results of the referendum are respected and to cooperate in various ways with MINURSO. Discussions about the status of MINURSO and its personnel and related matters will be initiated with them also, as soon as the Security Council has authorized the establishment of MINURSO.

60. I come now to the financial aspects of MINURSO. As foreseen in my previous report (S/21360, para. 85), I recommend that, if the Council decides to establish MINURSO, its full cost should be considered as expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter. I intend to recommend to the General Assembly that the assessments to be levied on Member States be credited to a special account that would be established for this purpose.

61. I would like to take this opportunity to underline the necessity for Member States to pay their assessed contributions immediately after the request for these is received. Otherwise it will not be possible to deploy MINURSO personnel, with the equipment they need to carry out their duties, in accordance with the timetable described in the present report.

62. Every effort has been made to achieve economy in the costs of MINURSO, but there are certain characteristics of this operation that have inescapable financial implications, in particular:

(a) The complexities of the identification process limit the possibilities for shortening the duration of the mission. This process will account for no less than 27 of the 36 weeks that will elapse between the General Assembly's approval of MINURSO's budget and the holding of the referendum. Eligibility to vote will depend either on the presence of a person's name in the 1974 census list or on a person's ability to convince the Identifica-

tion Commission that he or she is a Western Saharan who was omitted from the 1974 census. Matching individuals with names in a 17-year-old census list is bound to take time. In a society that is nomadic and to a large extent illiterate and where such criteria as place of birth or residence are of limited relevance, the adjudication of applications from persons claiming to have been omitted from the 1974 list will also be time-consuming. If the referendum is to be fair and impartial, in accordance with the settlement proposals, these processes cannot be rushed;

(b) The number of troops whose cessation of hostile activity and confinement to designated locations must be monitored by MINURSO is large and they are deployed over a very extensive area;

(c) The Territory is large: more than 250,000 square kilometers. The personnel of MINURSO, whether civilian, military or police, will have to cover the whole territory and many of them will live in places where no adequate accommodation or other facilities (water, power, fuel, etc.) are available. Outside a few population centers, therefore, MINURSO will have to establish a complete logistics infrastructure of its own;

(d) In accordance with the settlement proposals, MINURSO will be responsible for the actual organization and conduct of the referendum. This generates different and heavier personnel and material requirements than other recent cases where the United Nations role has been only to supervise and control or to verify or to observe an electoral act organized and conducted by others.

63. The view has been expressed that the repatriation part of MINURSO's operation should be regarded as a humanitarian activity and that it should therefore be funded through voluntary contributions. I have accordingly decided that the repatriation programme, which will be managed by the UNHCR and which has been estimated at some \$34 million, will be funded through voluntary contributions. I intend to so recommend to the General Assembly. While it is true that the repatriation programme will be carried out by the UNHCR, in accordance with that office's standard procedures, the programme is an essential political element in the settlement proposals, without which a fair and impartial referendum could not take place, and is not a *stricto sensu* humanitarian addition thereto. I would therefore recommend that MINURSO should not be deployed in the mission area on D-Day unless it has been unequivocally established, by that date, that the necessary voluntary contributions are available in full and in time to permit implementation of the repatriation programme.

64. In order to ensure that lack of the necessary financial support does not further delay the long-awaited resolution of the situation in Western Sahara, I have considerably reduced earlier estimates of the human and material resources required for this operation. I am confident that I can count on the members of the Security Council and on the parties to do everything in their power to help to ensure that the operational plan described in my report of 18 June 1990 (S/21360) and amplified in the present report is carried out quickly and smoothly.

65. It is on this basis that I now recommend that the Security Council decide to authorize the establishment of MINURSO. I further recommend that the Council decide that the transitional period should begin on a date approximately 16 weeks after the General Assembly approves MINURSO's budget.

Mr. PORTER. Mr. Speaker, I rise in support of House Concurrent Resolution 214, regard-

ing the U.N. peace plan for the Western Sahara.

Since the early 1970's, Morocco and the Polisario have fought over the Western Sahara. Now, the Sahrawi people have the opportunity to decide their own fate; whether to remain under Moroccan control or have an independent country.

I strongly support the U.N. peace plan, which calls for a free and fair referendum of self-determination for the Sahrawi people. It is a unique opportunity to demonstrate how democratic and peaceful means can resolve conflict in Africa.

Currently, over 150,000 Sahrawi refugees live near Tindouf in Algeria. Even there they have thrived and the U.N. High Commissioner for Refugees uses these camps as an example for other UNHCR camps around the world.

Last month, the Congressional Human Rights Caucus cosponsored an exhibit in the Cannon Rotunda celebrating the people of the Western Sahara, the Sahrawi and their will to survive.

Mr. Speaker, I urge the Polisario and the Moroccan Government to comply with the U.N. peace plan, and hope that our administration will continue to make every effort to ensure that this plan is successfully carried out.

Mr. FASCELL. Mr. Speaker, I rise in support of House Concurrent Resolution 214, expressing the sense of the Congress with respect to the implementation of the U.N. peace plan for the Western Sahara.

This resolution expresses congressional support for the Secretary General of the United Nations and his leadership which has resulted in all the parties to the conflict in the Western Sahara supporting a U.N.-sponsored peace plan and referendum in the Western Sahara. This agreement was reached in August 1988, after more than 3 years of delicate negotiations. The Secretary General's peace plan is in the process of being implemented with a cease-fire in effect and the next step, a referendum, soon to be implemented.

I am pleased that all the parties to this long and difficult conflict have pledged their support for the U.N. effort. It is with hope that in yet another part of the world there will be peace and enhanced stability in a region of such strategic importance.

In closing, Mr. Speaker, I would like to commend my colleague, Mr. DYMALLY, the chairman of the Africa Subcommittee, and my colleague, Mr. YATRON, chairman of the Human Rights and International Organizations Subcommittee, for their leadership on this matter and for crafting a resolution which has bipartisan support and that of the executive branch.

I urge the adoption of the resolution.

□ 2210

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

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

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). The question is on the motion offered by the gentleman from California [Mr. DYMALLY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 214, as amended.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered and agreed to.

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

There was no objection.

#### REGARDING THE NEED FOR A CONFERENCE ON SECURITY, STABILITY, DEVELOPMENT, AND COOPERATION IN AFRICA

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 201) expressing the sense of the Congress relating to the need for a conference on security, stability, development, and cooperation in Africa and commending the Helsinki Commission for its leadership on this initiative, as amended.

The Clerk read as follows:

##### H. CON. RES 201

Whereas the Conference on Security and Cooperation in Europe, known as the Helsinki process, established the linkage between respect for human rights, economic development, and genuine security and cooperative in Europe;

Whereas Africa cannot realize security or economic growth without democracy, respect for human rights, and an end to cross-border and civil wars;

Whereas from May 19 to May 22, 1991, African leaders and delegates held the Kampala Forum on Security, Stability, Development, and Cooperation to discuss the problems threatening Africa's survival and progress and to seek solutions to them;

Whereas it was determined that the responsibility for security, stability, development, and cooperation on the African continent rests not only with the people of Africa but also on international cooperation, support, and participation;

Whereas the African countries expressed their desire for a Conference on Security, Stability, Development, and Cooperation in Africa (CSSDCA) to be modeled on the Conference on Security and Cooperation in Europe (CSCE), the Helsinki process; and

Whereas this Conference would provide the United States with an opportunity to support indigenous African efforts to alleviate the tightening grip of poverty, violence, and debt which is choking the continent: Now, therefore, be it

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

(1) recognizes the dire political and economic problems facing the continent of Africa;

(2) encourages the various governments in Africa to begin redressing these problems through democratization and conciliation;

(3) welcomes Africa's attempt to replicate in Africa the European model of the Conference on Security and Cooperation in Europe;

(4) commends the Helsinki Commission for its leadership in moving the Helsinki model to other regions; and

(5) calls upon the President to—  
(A) encourage the various governments in Africa to participate in the Conference on Security, Development, and Cooperation in Africa;

(B) support this process in Africa with the same determination given to the Helsinki process in Europe; and

(C) continue the current United States policy of funding forums which facilitate economic growth and advance democratic goals.

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

The Chair recognizes the gentleman from California [Mr. DYMALLY].

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

Mr. Speaker, House Concurrent Resolution 201 as amended, sponsored by Mr. SMITH of New Jersey and me, basically expresses the need for a Helsinki process in Africa and commends the Helsinki Commission for the initiatives it has taken toward this end. African leaders have looked at the Helsinki model and have appealed to the Organization of African Unity to develop a similar organization in Africa to advance democracy, security, development, and cooperation.

To further examine the way to develop this entity, the Kampala Conference, which brought together leaders from all over Africa, was held. The document resulting from that Conference indicated that African countries are in dire need of structures within Africa for conflict resolution and for formulating strategies to teach their people on how best to create democratic institutions.

Senator DECONCINI and Congressman HOYER who chair the Helsinki Commission recently held a hearing to determine how best to assist these African countries in developing a Helsinki model. Members of the Helsinki Commission have also traveled to Africa to meet with African heads of State to examine the specific needs of African nations. Our colleague, Mr. SMITH of New Jersey, who is a member of the Helsinki Commission as well as this committee, and I introduced this resolution to support the concepts including in the Kampala document, as well as the adoption of the Helsinki process for the African Continent.

This resolution has bipartisan support as indicated by its sponsors and was adopted unanimously by the Subcommittee on Africa. Mr. PAYNE, Mr. BURTON, and Mr. FUSTER are also sponsors of this legislation.

I ask my colleagues for an "aye" vote on this worthwhile initiative for Africa.

Mr. Speaker, this next weekend, the African leadership will hold a conference in Oten, Nigeria, and they are very pleased to hear that the Congress is moving so aggressively in support of this Kampala Conference.

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

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

Mr. Speaker, I support this resolution as a creative effort to help deal with some of the persistent problems of the African Continent. I commend the sponsor, Mr. DYMALLY, chairman of the Africa Subcommittee, and Congressman BURTON, the ranking Republican member, for their efforts on its behalf.

House Concurrent Resolution 201 recognizes the dire political and economic problems facing Africa. It proposes a new initiative to address these problems: the establishment of a conference on security, stability, development, and cooperation in Africa.

I do not know if an organization based on the very successful Helsinki Commission in Europe can help solve the many serious problems in Africa. I do know, however, that Chairman DYMALLY and Congressman CHRIS SMITH have been forceful advocates of some innovative ideas in this area.

I believe this concept deserves a chance. Accordingly, I urge my colleagues to support the resolution.

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

Mr. DYMALLY. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL], chairman of the committee.

Mr. FASCELL. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, I rise in support of House Concurrent Resolution 201, as amended, expressing the sense of the Congress that the model of the Helsinki process, the Conference on Security and Cooperation in Europe, which established the linkage between respect for human rights, economic development, and genuine security and cooperation in Europe, be applied to Africa as well.

I commend the author of this resolution, the distinguished chairman of the Subcommittee on Africa, Mr. DYMALLY, for his leadership in recognizing the potential a conference on security, stability, development, and cooperation in Africa has for providing a forum by which the nations of Africa could address and begin to overcome some of the most serious problems facing the continent. I also commend the distinguished chairman of the Helsinki Commission, Mr. HOYER, for his foresight in promoting this process of consultation and cooperation in other parts of the world.

House Concurrent Resolution 201, as amended, recognizes and commends the efforts of many African leaders and statesmen to apply the lessons of Helsinki to the African experience. It calls upon the President of the United States to support these efforts.

I urge unanimous adoption of the resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DYMALLY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 201, as amended.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered and agreed to.

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

There was no objection.

#### REGARDING DEMOCRATIC CHANGES AND VIOLATIONS OF HUMAN RIGHTS IN ZAIRE

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 238) concerning democratic changes and violations of human rights in Zaire, as amended.

The Clerk read as follows:

#### H. CON. RES. 238

Whereas the people of the United States support the development of democratic institutions in Zaire that reflect the will of the people of Zaire and are concerned about ongoing human rights abuses in Zaire as confirmed by the Lawyers Committee for Human Rights;

Whereas Zairean security forces have repressed peaceful mass demonstrations protesting the government's economic policies and urging the implementation of democratic reforms;

Whereas recent press reports and other reliable sources indicate that these incidents caused the death of several people as well as the arrest of numerous people opposed to the regime;

Whereas these tragic events occurred following a period of continuous procrastination in convening a sovereign national conference composed of political, civic, religious, and other organizations;

Whereas President Mobutu has indicated, clearly, a lack of commitment to a transitional government to return the country to democracy by dismissing the new Prime Minister Tshisekedi Wa Mulumba;

Whereas the leaders of government in Zaire, beginning with President Mobutu, have systematically obstructed each attempt to facilitate this conference which could bring about a peaceful transition toward democracy; and

Whereas the catastrophic economic and social situation and the rampant corruption of authority, against which the population of Zaire is revolting, are being aggravated by the political uncertainty deliberately prolonged by President Mobutu: Now, therefore, be it

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

(1) calls on President Mobutu to step down and permit the transitional government to return the country to democratic rule;

(2) firmly condemns all violations of human rights in Zaire;

(3) fully supports the aspirations of the Zairean people for democratic change, in particular the convocation of a sovereign national conference that would be fully representative of all the opposition forces, that would be conducted in a democratic manner, and that would have the full right to take its own decisions;

(4) urges that the sovereign national conference to form, as soon as possible after its convocation, a transitional government which would organize free and democratic elections;

(5) invites the international community of nations to express their concern with respect to the repression and corruption of the regime and to provide support to the Zairean democratic forces desire for peaceful change;

(6) calls upon the Administration to urge that an appropriate international peacekeeping force be brought into Zaire to ensure stability during the political transition process; and

(7) calls upon the Administration to express its willingness to offer appropriate assistance to help implement any future international peacekeeping arrangement.

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

The Chair recognizes the gentleman from California [Mr. DYMALLY].

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

Mr. Speaker, House Concurrent Resolution 238 expresses the need for democracy in Zaire and calls attention to the human rights violations ongoing in this African country. This resolution passed both the Subcommittee on Africa and the Committee on Foreign Affairs unanimously.

Prior to yielding to the gentleman from New Jersey [Mr. PAYNE], the original sponsor of this legislation, for an explanation of his resolution on Zaire, I want to take this opportunity to commend him for his interest and commitment to assisting countries throughout Africa. I would also like to recognize him for his active participation on the Subcommittee on Africa and his leadership on Zaire.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentleman from California [Mr. DYMALLY], for the opportunity to take the leadership in this very important issue dealing with Zaire. I would once again like to compliment the gentleman from California [Mr. DYMALLY] for the tremendous amount of interest and attention that he has brought to the Subcommittee on Africa.

Not only has he brought before our subcommittee many resolutions of

very timely importance, but also his sacrifice that he has personally given to travel to many countries in Africa, many times quietly, many times without the knowledge of members of the committee, to meet with leaders to see whether conflict resolution could be found. I would like to compliment the gentleman from California on the outstanding work that he has done.

House Concurrent Resolution 238 was originally crafted back in September, in response to the more than 50 unarmed civilians killed by Zaire's security forces at opposition demonstrations, and President Mobutu's procrastination in convening a sovereign national conference which would have brought about a peaceful transition toward democracy.

Almost the same day I dropped off the resolution, units of the Zairian Army started a revolt in Kinshasa. The revolt was symptomatic of the growing economic disparity in the country. A disparity that on one hand paid the Zairian Army enlisted men as little as \$10 a month—this compared to the renowned multibillion-dollar personal wealth of President Mobutu.

The Army revolt caused looting and violence, and more than 100 people were killed. Belgium and France responded by sending in troops to protect foreign nationals and property. American citizens and U.S. Peace Corps personnel were also evacuated.

President Mobutu's immediate response was hopeful. He promised relief by appointing the main opposition leader, Tshisekedi Wa Mulumba as Prime Minister.

But again President Mobutu misused his remaining power by skimming and maneuvering to dismiss Prime Minister Tshisekedi. When this did not work, he used force by posting guards to keep the Prime Minister from entering his own office.

Mobutu's army again revolted, only this time in the industrious copper mining Shaba Province. Over 31 people were reported killed.

The Belgian and French Governments gave final deadlines for the evacuation of all foreign nationals and eventually withdrew all their troops. Some international observers complimented the withdrawal of foreign troops as there was the fear that they would support Mobutu as they did in the late 1970's. Other observers felt that the presence of foreign troops held down the killing, and in fact offered some protection to opposition party members who now feared for their life.

Just lately, Mobutu appointed Mugul Diapiaka as Prime Minister to replace Tshisekedi. Diapiaka, unacceptable to the opposition parties, as well as the United States has further frustrated the process of democracy. Again, Mobutu had maneuvered to delay the convocation of the sovereign national conference and the process of democracy.

While we may be told today or tomorrow that the national conference will convene again with the hope of bringing a peaceful transition toward democracy, we will still have to wait and see if it actually happens. In the meantime, the Subcommittee on Africa came to the conclusion that Mobutu should be urged to step down. Also, that the Belgian and French troops should stay in place until an appropriate international peacekeeping force could be brought in. Unfortunately—the Belgian and French troops were withdrawn prematurely. This caused further human rights violations, including the armed attack on the residence of Archbishop Monsengwo, who was slated to be the moderator of the sovereign national conference. This was truly a case of political intimidation.

Houses and stores that were looted in September remain exactly the way the looters left them. Gasoline is in short supply and has doubled in price last week. Inflation hovers at 2 to 3,000 percent. The price of staple flour in Kinshasa has skyrocketed from \$13 to \$36 a bag. Now the limited blood supply is at risk because the testing kits for AIDS were also victims of the September looting. As one doctor said, "to give untested blood to a child is like condemning them to death." The killer disease AIDS is rampant in the Zairian Capital.

Zaire is in a state of anarchy. Time is of essence. This resolution sends a signal to the administration that Mobutu cannot be a part of a power-sharing strategy for the future. Mobutu must step down at once or we will have another Liberia.

In Liberia with President Doe, as in Zaire with President Mobutu, the United States Government invested millions of dollars to corrupt regimes. In Liberia we were not persuasive in getting Sergeant Doe to step down. Let us hope this resolution will encourage the administration to persuade President Mobutu to leave the country at once, before the blood of Zairian citizens starts to flow again.

□ 2220

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

Mr. Speaker, all of us are disturbed by the ongoing tragedy in Zaire. Unlike its neighbor Zambia, which has made huge progress in a transition to democracy, Zaire remains in the hands of a tyrant known for intolerance and corruption. President Mobutu has repeatedly refused to accept any orderly and peaceful transition toward democracy.

The gentleman from New Jersey, [Mr. PAYNE] and the other sponsors deserve credit for their extensive work on this resolution, as does the Africa Subcommittee under the leadership of Congressmen DYMALLY and BURTON. I urge my colleagues to give it their support.

Zaire could be one of the richest countries in Africa. Instead, it is mired in poverty and underdevelopment. This situation will not change until democratic institutions are established.

I am not sure how much of an impact that effect this resolution will have on the current situation in Zaire. Nevertheless, the House should make its views known on the necessity for a transition to democracy. It is hoped, for the sake of the people of Zaire, that the time has come for President Mobutu to loosen his stranglehold on power and open the door to representative democracy.

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

Mr. DYMALLY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I want to first pay tribute to the gentleman from New Jersey [Mr. PAYNE] for the leadership he has provided in bringing this resolution to the floor today, and to the chairman of the committee, the gentleman from California [Mr. DYMALLY] for facilitating this consideration of the resolution. I also want to pay tribute to the gentleman from Indiana [Mr. BURTON], the distinguished ranking member of the Africa Subcommittee, who has been one of the strongest voices trying to address, in a serious way, the terrible tragedy that we see unfolding at the moment in Zaire.

I want to underscore, Mr. Speaker, one of the observations of the gentleman from New Jersey. My greatest fear is we are now witnessing another Liberian tragedy in the country of Zaire. It was not too many months ago that Mr. BURTON and I and a number of other of my colleagues, fearing that there was going to be a terrible tragedy unfolding in Liberia, went to sit down with representatives of the administration, and in particular with Mr. Scowcroft at the National Security Council, to plead with Mr. Scowcroft that the United States take a much more aggressive posture in seeking the ouster and removal of Mr. Doe from the scene in Liberia.

The United States has been involved over many years in propping up a corrupt dictatorship in Liberia. When that dictatorship began to get into trouble, the United States essentially decided to wash itself of the problem and refused to engage itself in the way in which it needed to. Had we acted much earlier to remove Mr. Doe from the scene, it is indeed not only possible, but likely that much of the carnage that subsequently occurred in Liberia could have been avoided.

I hope that we are not in the process of again witnessing another situation in which the United States has been responsible over many years for supporting and assisting one of the most corrupt dictatorships on the face of this

globe, and now says, "Gee, it is a difficult problem. We are not going to do anything to really help facilitate a peaceful transition to a democratic political system."

The administration at the moment is giving some very mixed messages in its diplomatic approach to the Zairian crisis. On the one hand it is saying that the opposition forces in Zaire should be permitted to form a transitional government. And I give credit to the administration for at least saying that much. But with the next breath it talks about power sharing, and very clearly has in mind that President Mobutu be part of that sharing of power in this transitional movement. In short, this administration apparently continues to see Mobutu as part of the solution rather than the essence of the problem.

The fact of the matter is any political arrangement in which Mobutu is involved will lack credibility on the part of the Zairian population. Anything in which he is engaged will be distrusted by the opposition leadership. And any effort at trying to move this process expeditiously forward so there can, in fact, be in place a transitional mechanism that can put together the arrangements for an electoral system and for a democratic regime will be jeopardized as long as Mobutu is on the scene, in place, participating in all of these negotiations.

I hope the administration will become much more engaged diplomatically, and begin to address the situation vis-a-vis Mobutu much more forcefully. We are responsible for the tragedy. We have a responsibility to be more precise in the tragedy that is unfolding in this country.

□ 2230

The least we can do is to attempt to engage ourselves in a way that will minimize the bloodshed, the conflict, the trauma that the Zairian population is now experiencing.

So again, I just simply want to express my personal appreciation for the work of the gentleman from New Jersey [Mr. PAYNE], our chairman, the gentleman from California [Mr. DYMALLY], and the gentleman from Texas [Mr. BARTON] and a lot of people on a bipartisan basis in the Senate and the House who have worked as hard as they can to signal the administration that if they take a much more forceful position on this issue they will enjoy very broad bipartisan support within this institution.

Mr. DYMALLY. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SOLARZ], the chairman of the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs.

Mr. SOLARZ. Mr. Speaker, I thank my very good friend, the gentleman from California, for yielding me this time.

I want to begin by paying tribute to him for bringing this resolution before us. It surely could not have been easy for the distinguished gentleman from California to bring to the floor a resolution calling for the resignation of a man whom he had gotten to know well over the years and whom he had seen on many occasions during the course of his frequent visits to Zaire. Indeed, I know of few Members of the House who have traveled so widely throughout so much of Africa and who have gotten to know so many of the leaders of that continent, and I think the very fact that he was willing to bring this resolution before us underscores its significance, and I pay tribute to the gentleman for his courage and for his commitment in doing so.

Mr. Speaker, it is not often that the House is asked to vote in favor of a resolution calling upon the leader of a foreign and—to a certain extent it must be acknowledged—friendly country to resign, but if ever there was a justification for such a resolution, the situation which currently exists in Zaire constitutes one.

Mr. Mobutu, who has ruled Zaire for almost 3 decades now, has created in that country the kleptocracy to end all kleptocracies. By comparison, Mr. Marcos in the Philippines and Mr. Duvalier in Haiti were like little boys stealing candy bars from the local candy store. This man has systematically diverted the wealth of his nation into his own bank accounts. He has acquired a vast real estate empire in Brussels and probably many other cities around the world, and as a result of his deprivations, the standard of living in Zaire today is lower than it was at the time the country received its independence from Belgium over 3 decades ago.

So I think this resolution is very timely.

In the last few years the winds of democracy have swept across Asia, Latin America, Eastern Europe, and now even the Soviet Union itself, and they are beginning at long last to be felt in Africa as well.

The people in Zaire have had it. They want a change, and the only way they will be successful in bringing about a peaceful transition to democracy is if Mr. Mobutu goes.

Unfortunately, our own administration seems to feel that Mr. Mobutu is still a part of the solution, rather than recognizing that he constitutes the problem. They believe that the best way to solve the problem is through the establishment of some kind of interim coalition government in which Mr. Mobutu, at least for a period of time, would have a role to play.

What they do not seem to fully appreciate is that Mr. Mobutu has one purpose and one purpose only in life, and that is to remain in power and to use his power to line his own pockets.

So long as he remains part of any transitional regime, he will maneuver and he will manipulate, trying to play one off against the other in the hope that the storm of discontent will pass and he will be able to prevail and to persevere and to remain in power.

If the tragedy of which the distinguished gentleman from New Jersey [Mr. PAYNE] and my very good friend, the gentleman from Michigan [Mr. WOLPE] spoke, the same kind of tragedy which befell Liberia and which befell Somalia, is going to be avoided in Zaire, Mr. Mobutu must go. His departure from the scene will not by any means guarantee a peaceful transition to democracy in Zaire. It is by no means beyond the realm of possibility that even without him the country could descend into chaos and confrontation. But if he remains, we can be virtually certain that that is exactly what will happen. His departure, therefore, is a necessary, if not a sufficient condition, for a peaceful transition to democracy in Zaire.

During the years of the cold war, those of use who called for the removal of Mr. Mobutu were always told that he was the glue which held the country together. There were so many tribes, we were told, and without Mobutu they would fall to fighting within themselves, a vacuum would be created, the Soviets would come in, and because of the cold war and Soviet designs in Africa, we were told that unless Mobutu was propped up and remained in power, there would be chaos and civil war at best and a Soviet advance at worst.

We were told, in effect, "Apres Mobutu, le deluge." That argument might have made some sense during the cold war, although many of us believe that even then it did not.

It certainly makes no sense now. The way to avoid chaos, the way to avoid confrontation, the way to avoid civil war is to get Mobutu out, and that is why I pay tribute very sincerely to my friend, the gentleman from California, for bringing this resolution before us, to the gentleman from New Jersey who took the lead in authoring this resolution, and to my very good friend, the gentleman from Michigan [Mr. WOLPE], who for many years labored in the vineyards as chairman of the Subcommittee on Africa, focusing attention on this abomination.

I therefore call for the unanimous adoption of this resolution.

Mr. FASCELL. Mr. Speaker, House Concurrent Resolution 238 is a noncontroversial sense-of-the-Congress resolution expressing concern for the recent and widespread violence and turmoil in Zaire, which has led one of the largest nations on the African Continent to the brink of social and economic disintegration.

The resolution acknowledges the central role played by Zaire's President Mobutu in the current unrest and calls for his resignation and his replacement by an interim government,

which is totally consistent with current administration policy toward Zaire. In addition, House Concurrent Resolution 238 condemns all violations of human rights in Zaire and calls upon the people of Zaire to reconvene its national conference on democratic reform.

Mr. Speaker, the winds of democracy are blowing throughout Africa. A few weeks ago, Kenneth Kaunda, the father of Zambian independence and President of Zambia for 29 years, was resoundingly defeated in a nationwide election. President Kaunda is to be commended for letting the citizens of Zambia exercise their political prerogative. Regrettably, other leaders, such as President Mobutu, still choose to subvert, by any means necessary, Africa's movement toward democracy and its growing demand for better governance and greater accountability from its leaders.

I call upon my colleagues to support House Concurrent Resolution 238 and, in so doing, to send a message that this body recognizes that honest, responsible, democratic government is essential to Africa's economic recovery and future development.

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

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). The question is on the motion offered by the gentleman from California [Mr. DYMALLY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 238, as amended.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 238, the concurrent resolution just agreed to.

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

There was no objection.

#### CONCERNING FREEDOM OF EMIGRATION AND TRAVEL FOR SYRIAN JEWS

Mr. OWENS of Utah. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 188) concerning freedom of emigration and travel for Syrian Jews, as amended.

The Clerk read as follows:

##### H. CON. RES. 188

Whereas the estimated 4,000 Jews in Syria are deprived of their internationally recognized human rights to freedom of emigration and movement;

Whereas Syrian Jews who wish to leave the country must post an onerous monetary deposit and leave family members behind as assurance for their return;

Whereas the restrictions on emigration and movement on Syrian Jews violate the international covenant on civil and political rights to which Syria is a signatory;

Whereas Syrian Jews are restricted in the extent of their contact with their families outside Syria;

Whereas the Syrian secret police (Mukhabarat) engage in 24 hour a day surveillance of the Jewish quarter in Damascus, keep a file on every Jewish person, monitor all contacts between Jews and foreigners, and read mail and wiretap phone conversations of Syrian Jews;

Whereas some members of the Syrian Jewish community have been arrested on mere suspicion of intention to leave Syria and are imprisoned without trial, often tortured, and held incommunicado;

Whereas families of those Syrian Jews who succeed in fleeing the country are subject to imprisonment and torture;

Whereas there are at present 6 Syrian Jews in prison for attempting to leave Syria, 2 of which have been incarcerated since 1987; and

Whereas Syrian President Hafez al-Assad has ignored the repeated efforts of the United States President, the State Department, and Members of Congress to secure the freedom of emigration for the Syrian Jewish community: Now, therefore, be it

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

(1) condemns Syria's continuing denial of Syrian Jews' internationally recognized rights to freedom of emigration and movement and calls upon the Syrian Government to—

(A) immediately grant Syrian Jews the right to emigrate freely without imposing any tax, levy, fine, or other fee (other than the standard fee for administrative expenses); and

(B) release all Syrian Jewish prisoners who are imprisoned for their attempts to exercise their internationally recognized rights to freedom of emigration and movement;

(2) urges the President to encourage the allies and trading partners of the United States to make similar pleas to the Syrian Government on behalf of Syrian Jews' right to emigrate freely; and

(3) urges the President to seek a United Nations investigation on the present condition of Syrian Jews and the status of respect for internationally recognized human rights in Syria.

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

The Chair recognizes the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my friend, the gentleman from California [Mr. LEVINE], who along with my colleagues from New York, Mr. ACKERMAN and Mr. GILMAN, and the gentleman from Minnesota [Mr. WEBER], introduced this important human rights resolution.

I would also like to thank the distinguished chairman of the full committee, the gentleman from Florida [Mr. FASCELL], and the gentleman from Michigan [Mr. BROOMFIELD], the rank-

ing minority member, the chairmen of the subcommittees on which I serve, the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Pennsylvania [Mr. YATRON], and my friend, the gentleman from Nebraska [Mr. BEREUTER], for their leadership in helping to bring this resolution to the floor.

In his opening statement at Madrid, Syrian Foreign Minister Faruq Al-Sharaa spoke of the unprecedented levels of tolerance Jews enjoy in the Arab world and in Syria in particular. Unfortunately, the facts paint a very different picture of the current plight of Syrian Jews.

An estimated 4,000 Jews are trapped in Syria, deprived of their internationally recognized human right to freedom of emigration and movement. The restrictions on Jewish emigration and movement violate the international covenant on civil and political rights, to which Syria is a signatory.

Syrian Jews who wish to leave the country are forced to post an onerous monetary deposit and leave family members behind as assurance for their return.

□ 2240

Not only are Jews unable to leave the country, their movement within Syria is severely restricted.

Jews in Syria are concentrated in ghettos where they are closely monitored by the Syrian secret police. Those caught attempting to flee the country are beaten, tortured, imprisoned without trial, and often held incommunicado. This community lives in constant fear.

House Concurrent Resolution 188, as amended, condemns Syria's continuing denial of Syrian Jews' internationally recognized right to freedom of emigration and movement, calls on the Syrian Government to immediately grant Syrian Jews the right to emigrate freely without imposing any excessive fees and to release all Jewish prisoners who were imprisoned for their attempts to exercise their rights to freedom of emigration and movement. It also urges the President to encourage our allies and trading partners to make similar pleas to the Syrian Government and to seek a U.N. investigation of the present condition of Syrian Jews and the status of adherence of internationally recognized human rights in Syria.

There are some who argue that the timing for the consideration of this resolution is not right. We must all remember, however, that the struggle for basic human rights supersedes other political interests. Now is the time to make it clear to the Syrian Government that holding thousands of Jews hostage is unacceptable. Simply sitting at the table in Madrid will not absolve Syria of its responsibility to respect the internationally recognized human rights of its citizens.

Recently I had the opportunity to discuss the plight of Syrian Jewry di-

rectly with President Assad and Foreign Minister Sharaa. At that time, President Assad told me that in the near future several Western hostages would be freed. Yesterday, Assad made good on his word. And while Syrian assistance in the freeing of Western hostages is appreciated, it also demonstrates what Syria can do when it wants to.

Mr. Speaker, Syria needs to do more.

I would be remiss if I failed to mention the Soued brothers. Many Members of this House joined me in a letter several years ago, and we did it several times since, asking the Syrian Government, including President Assad personally, for an opportunity to visit them, only to be rebuffed each time. We will not stop asking to see them and we must not stop demanding basic human rights, dignity, and respect for Syrian Jewry.

The resolution has strong bipartisan support. More than 100 Members have joined me in cosponsoring House Concurrent Resolution 188 to express their profound concern regarding Syria's treatment of its Jewish community.

Mr. Speaker, I urge all Members to support House Concurrent Resolution 188 and send a strong signal to the Syrian leadership that depriving Syrian Jews of their fundamental right to freedom of emigration and movement will have a deleterious effect on Syria's future relationship with the United States. This is a simple issue of right and wrong.

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

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

Mr. Speaker, I rise in strong support of the resolution pending before us, House Concurrent Resolution 188, introduced by our colleague, for the gentleman from California [Mr. LEVINE] and the gentleman from Utah [Mr. OWENS] which highlights the many deprivations endured by Syria's small Jewish community, and condemns the denial of Syrian Jews' basic right to travel freely by the despotic government of Hafez el-Assad. As cochairman of the Congressional Caucus for Syrian Jewry, I am pleased to be an original sponsor of this legislation, which deserves the full supports of the House.

This past summer I had the opportunity to arrange a meeting with members of the Syrian Jewish community for colleagues of mine on the Select Committee on Narcotics Abuse and Control during a congressional delegation visit to Damascus. We learned, firsthand, of the serious circumstances under which the Syrian Jewish community lives.

Numbering a scant 4,000 individuals, most of whom live in Damascus, Syria's Jewish community is forbidden to freely have contact with foreigners. Their actions are closely monitored by the Mukhabarat, the Syrian secret po-

lice. All meetings have to be reported, mail is opened, and telephone conversations are routinely wiretapped. Even the Jewish schools are run by administrators who are part of the Mukhabarat.

The restrictions extend to travel abroad and communications with family members outside Syria. Jews who desire to leave the country must post a burdensome monetary bond to ensure their return. Families are not allowed to travel together. No other group in Syria is subjected to such discriminations.

Moreover, the families of those who do not return to Syria are subject to imprisonment and torture, and those who attempt to flee are imprisoned for lengthy periods without trial.

Currently, Mr. Speaker, six Jews are in Syrian prisons. They are: Eli and Selim Swed, brothers arrested in 1987, upon returning from a trip abroad; Zou Zou Rafoul Sabto and Rahmoune Ibrahim Darwish, arrested with their spouses in September 1990, for attempting to leave the country; and, most recently, Subhe and Sa'id Kastika, also brothers, arrested just 6 months ago at the Syrian-Turkish border.

Syria's actions against these men, and indeed, against the entire community, are clear violations of the Universal Declaration on Human Rights, to which it is signatory. Accordingly, House Concurrent Resolution 188 calls upon the Syrian Government to immediately grant its Jewish citizens the basic human right of freedom of travel, calls for the immediate release of the above mentioned six Jewish prisoners, and requests an official U.N. delegation to investigate the conditions endured by this threatened minority.

Mr. Speaker, I urge our colleagues to support this bill. The adoption of House Concurrent Resolution 188 sends a strong message to Syrian President Assad about congressional commitment. If our success on behalf of Soviet Jewry is any indication, then Congress and the American people will prevail in eventually obtaining human rights for Syrian Jews.

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

Mr. OWENS of Utah. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL], chairman of the full Committee on Foreign Affairs.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 188, as amended, concerning freedom of emigration and movement for Syrian Jews.

This resolution, which was considered by the Committee on Foreign Affairs this morning, expresses congressional condemnation of the continued denial to Syrian Jews of the right to

freedom of emigration and movement. It calls upon the Syrian Government to immediately grant Syrian Jews the right to emigrate freely and to release those Syrian Jews who have been imprisoned for their attempts to exercise the right to freedom of emigration. The resolution further calls upon the President of the United States to seek a U.N. investigation on the present condition of Syrian Jewry and on the status of respect for internationally recognized human rights in Syria. It urges the President to seek allied support for these efforts.

Mr. Speaker, I commend the sponsor of this resolution, our distinguished colleague from California, Mr. LEVINE, for his leadership in bringing the plight of Syria's tiny and beleaguered Jewish minority to the attention of the committee and the House. I also commend the chairmen and ranking minority members of the Subcommittee on Europe and the Middle East, Mr. HAMILTON and Mr. GILMAN, and the Subcommittee on Human Rights and International Organizations, Mr. YATRON and Mr. BEREUTER, for their cooperation in considering this measure so that we were able to bring it to the floor in a timely manner.

Mr. Speaker, while we are all anxious that the peace process that has now begun in the Middle East go forward unimpeded and result in a genuine and lasting peace throughout that troubled region, we cannot allow the quest for peace to blind us to the harsh realities of Syrian human rights abuses. If our recent experience with Iraq has taught us anything, it should be that it is extremely unwise to ignore the repression to which a dictator subjects his own people. Saddam Hussein's deplorable abuses against the Iraqi and Kurdish people were, for too long, ignored or overlooked by the United States and other Western nations. We must not allow the equally reprehensible actions of the regime of Hafez Assad to be ignored by the international community. After all, a government's treatment of its own citizens can be a very good indicator of the government's intentions toward its neighbors. And, as the late Nobel Peace laureate Andrei Sakharov so eloquently championed, genuine security and enduring peace are integrally linked to respect for human rights.

Mr. Speaker, I urge passage of the resolution, as amended.

Mr. OWENS of Utah. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. ENGEL], a member of the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs.

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

Let me say, Mr. Speaker, that I, like millions of Americans, rejoiced when two of the hostages were released just yesterday, and I pray that the other

three Americans and other Westerners who are still held in captivity are released very, very soon.

□ 2250

But the fact remains that today in Syria we have 4,000 hostages, 4,000 Syrian Jewish hostages, who have been held captive for years. Let me see what the situation is there.

These people are denied the rights that other residents of Syria have. They are constantly under surveillance, they cannot emigrate, they cannot travel freely, they are imprisoned, they cannot contact their family members that live in other countries, and a file is kept on every Jewish person in Syria.

Mr. Speaker, emigration is a basic human right, and at a time when nations all over the world are turning toward greater freedom, Syria is still a very, very repressive society, particularly when it is dealing with minorities, particularly the Syrian Jewish people.

They are being held hostage; let us make no mistake about it. They are being held hostage by the Syrian regime to be used as bargaining chips for future negotiations.

The time has really come for Syria to show its good intentions. Much has been said recently about Syria being our new-found ally and supposedly having a new attitude about peace in the Middle East and a new attitude about the Middle East in general. Syria's former patron, the U.S.S.R., is no longer in a position to help it, and let us not forget that Syria is relying on the United States, to work with the United States.

Mr. Speaker, our Government at its higher levels should absolutely demand that Syria allow its Jewish citizens to emigrate, that Syria grant them the basic rights that we demand of other people and that Syria can no longer have it both ways. It can no longer talk about injustice in other parts of the world or injustice in the Middle East when it itself imprisons its own citizens.

I strongly urge unanimous support of House Concurrent Resolution 188 and think that, by passing this resolution, we will be sending Assad and his regime a strong message.

Mr. OWENS of Utah. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Utah [Mr. OWENS] for sponsoring this resolution. As I found this summer when he visited my district, the gentleman has been a true leader for the Syrian Jewish community and for their cause.

Mr. Speaker, I want to express my deep concern for the treatment of the Jewish community in Syria. Right now Jews living in Syria have no freedom to emigrate or to travel freely. Addi-

tionally, Syria has maintained a policy of arrest, interrogation and imprisonment for any Jews suspected of illegally traveling or having planned to do so. The Syrian refusal to permit free emigration is a violation of the Universal Declaration of Human Rights to which Syria is a signatory.

Mr. Speaker, in July of this year myself and 65 of my House colleagues signed a letter to Syrian President Hafez al-Assad asking him to permit members of the Jewish community to leave Syria and be reunited with their families. To this day President Assad has not replied to our letter.

I urge my colleagues to support this resolution, and send a clear message to the leadership of Syria.

Mr. OWENS of Utah. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I thank the gentleman from Utah [Mr. OWENS] very much for yielding, and I want to pay tribute to him for his leadership in helping to bring this resolution to the floor.

I am privileged, Mr. Speaker, to represent a community of about 25,000 Syrian Jews who live in my own constituency back in Brooklyn, and they care deeply, as I do, about the fate of their beleaguered brothers and sisters who remain in Syria.

I have had the opportunity to visit Damascus on a number of occasions over the course of the last 17 years, and during that time I have met with almost all of the leaders of the Jewish community in Syria and have taken up their interests with the leaders of Syria itself. I have absolutely no hesitation whatsoever, Mr. Speaker, in saying that, if the Jewish people of Syria were ever given the opportunity to leave, as is their right under the Universal Declaration of Human Rights, they would go more quickly than the Jewish people who fled from Egypt over 3,200 years ago at the time of the pharaoh. They are desperate to leave because they are not entitled to live a life of freedom in Syria itself, and yet, in spite of Syria's obligations under the Universal Declaration of Human Rights which guarantees freedom of emigration to all individuals, they are not permitted to leave their own country. Oh, yes, they can go by themselves, if they put up a hefty deposit and leave members of their immediate family behind in order to guarantee their return. But if they want to depart permanently, they cannot do it without being permanently sundered and severed from their own families.

Several months ago, Mr. Speaker, I visited one of the Syrian yeshivas in my district in Brooklyn, and I was approached by a young girl about 8 or 9 years old who pleaded with me to help secure the release of her father, who was still in Syria and who the Syrian

authorities would not permit to depart the country. The consequence of this was that this young girl had not seen her own father in a couple of years.

Mr. Speaker, we have adopted resolutions like this before, and they have not softened the heart of the Syrian leadership. Hopefully this resolution will. It comes at a time when a Middle East peace process has gotten under way which represents probably the best opportunity for the establishment of a just and lasting peace in that troubled part of the world that we have had since the establishment of Israel 43 years ago. This would be, on Mr. Assad's part, a magnificent gesture, if he would respond to this resolution by giving the Syrian Jews the opportunity to go. It would engender enormous good will and great appreciation for his government, not only around the world in general, but in Israel in particular.

Over 3,000 years ago, Moses went to the pharaoh and said, "Let my people go," but the Egyptian tyrant did not soften his heart. It took the help of 10 God-given plagues to convince the pharaoh to let the ancient Israelites leave. We propose to inflict no plagues on Syria. We simply ask Mr. Assad to live up to his responsibilities under the Universal Declaration of Human Rights and let these people go.

Mr. Speaker, I hope Mr. Assad will take heed. It would be good for the Jewish people of Syria, and it would be good for Syria itself. It would constitute a significant contribution to the cause of peace in the Middle East. I want to express my deepest appreciation to the gentleman from California [Mr. LEVINE], the author of this resolution, to the gentleman from Indiana [Mr. HAMILTON], the chairman of the subcommittee, to the gentleman from Utah [Mr. OWENS], who managed the bill, and to my very good friend on the other side of the aisle, the gentleman from New York [Mr. GILMAN], who has also lent his support to it.

Mr. Speaker, I am not overly optimistic that this resolution will succeed in securing the release of these good and decent people, but we cannot rule out that possibility, and this is the very least we can do to bring freedom to this ancient, but besieged and beleaguered community.

Mr. PORTER. Mr. Speaker, I rise in strong support of House Concurrent Resolution 188 concerning the freedom of emigration and travel for Syrian Jews.

I have long been concerned with the treatment of the Jewish community in Syria. Treated as second-class citizens, the 4,000 members of this community live in ghettos under constant police surveillance. Jewish homes have been randomly searched at night by the secret police and sacred Jewish property has been needlessly desecrated.

I am extremely concerned that the fundamental freedoms to travel and to emigrate continue to be denied to the Syrian Jewish community. For a Jew to travel from Syria,

large sums of money must be given and members of his immediate family must remain in Syria to ensure his return.

Jews suspected of having traveled or even of planning to do so have been arrested, beaten, and even tortured. In fact, six people are currently imprisoned solely for trying to leave Syria.

Travel restrictions and the denial of the right to emigrate are direct violations of the Universal Declaration of Human Rights to which Syria is a signatory.

Mr. Speaker, this systematic persecution of the Jewish minority in Syria must stop.

Mr. RANGEL. Mr. Speaker, I rise in support of House Concurrent Resolution 188, which condemns Syria's continuing denial of Syrian Jews' basic human right to travel freely. The resolution strongly urges the Government of Syria to immediately grant Syrian Jews the right to travel freely without imposing any tax, levy, fine, or other fee, and to release all Jewish prisoners who were charged or suspected of travelling illegally. In addition, it urges our President to encourage our allies and trading partners to make similar pleas to the Syrian Government on behalf of Syrian Jews' right to emigrate freely, and calls upon the United Nations to send an official delegation to Syria to investigate the present condition of Syrian Jews.

Although the Jewish community in Syria continues to exercise a certain amount of authority over the personal status of its members, as a whole it is under considerable restriction. Human rights remained tightly restricted in virtually all categories.

Syrian Jews are deprived of their internationally recognized right to travel freely. The government of Syria continues its policy of not issuing passports and exit visas to all members of a Jewish family at the same time. Although theoretically any Syrian can be required to post a bond which would be forfeited in the event of nonreturn, in practice only Jews are routinely required to do so. These travel restrictions make it extremely difficult for members of the Jewish community to emigrate.

Syrian Jews suspected of having visited Israel illegally are arrested and subjected to prosecution. Two Syrian Jews, the Swed brothers, were arrested in 1987 for travelling to Israel and still remain incarcerated.

The State Department noted that the Syrian Government continues responding positively to specific requests from the United States Government about the status of Syrian Jews. Nonetheless, according to the State Department's human rights report, major human rights abuses—including torture, arbitrary arrest and detention, and denial of freedoms of travel, speech, press, association, and the right of citizens to change their Government—continue to characterize the regime's record in 1990.

I urge my House colleagues to join with me in voting for passage of House Concurrent Resolution 188. The freedom of emigration for the Syrian Jews should be urgently secured.

Mr. WEBER. Mr. Speaker, I rise in support of House Concurrent Resolution 188, calling for freedom of emigration and travel for Syrian Jews.

Approximately 4,000 Jews remain in Syria, unable to leave Syria or even travel freely

within the country. If these Jews do wish to leave Syria and have the financial means to do so, they must pay a huge monetary deposit and leave family members behind as assurance for their return.

The reason, Mr. Chairman, the Syrian Jews have such a desire to leave Syria should not surprise us. They are concentrated in ghettos where they are monitored 24 hours a day by the Syrian secret police (Mukhabarat). Jews are taken to police headquarters where they are beaten and tortured for simple suspicion of attempting to leave the country. Right now, there are six Syrian Jews in prison for attempting to leave Syria. Two of those have been incarcerated for almost 5 years.

My hope is that the passage of this resolution will send a strong message to Syrian President Hafez al-Assad, who has in the past ignored repeated efforts by the President, the State Department, and Members of Congress. Any movement on this issue by Assad would be a strong indication of his sincerity in future peace negotiations with Israel.

I urge all my colleagues to join me in supporting freedom of emigration for Syrian Jews.

Mr. LEVINE of California. Mr. Speaker, as the author of this resolution, I want to thank Mr. YATRON, Mr. HAMILTON, and Chairman FASCELL for their assistance in moving this bill through the legislative process. I also want to thank the 110 Members who have joined me in sponsoring this important human rights resolution.

There are some who argue that the timing for the consideration of House Concurrent Resolution 188 condemns it not right. However, now is exactly the time to make it clear to Syrian President Hafez al-Assad that simply sitting at the table in Madrid will not absolve Syria of its responsibility to respect the internationally recognized human rights of its citizens.

Unfortunately, Syria is not getting the message. In his opening statement at Madrid, Syrian Foreign Minister Faruq al-Sharaa spoke of the unprecedented levels of tolerance Jews enjoy in the Arab world and in Syria in particular. The facts speak otherwise.

An estimated 4,000 Jews remain in Syria and are deprived of their internationally recognized human right to freedom of emigration and movement. The restrictions on Jewish emigration and movement are a flagrant violation of the International Covenant on Civil and Political Rights, to which Syria is a signatory.

Syrian Jews who wish to leave the country are forced to post an onerous monetary deposit and leave family members behind as assurance for their return. Not only are Jews unable to leave the country, their movement within Syria is severely restricted.

Jews in Syria are concentrated in ghettos where they are monitored 24 hours a day by the Syrian secret police (Mukhabarat). Those caught fleeing the country are beaten, tortured, imprisoned without trial, and often held incommunicado. This community lives in constant fear of persecution for the simple reason that they want to be free.

House Concurrent Resolution 188 Syria's continuing denial of Syrian Jews' internationally recognized right to freedom of emigration and movement, calls on the Syrian Government to immediately grant Syrian Jews the

right to emigrate freely without imposing any excessive fees and to release all Jewish prisoners who were imprisoned for their attempts to exercise their rights to freedom of emigration and movement. It also urges the President to encourage our allies and trading partners to make similar pleas to the Syrian Government and to seek a U.N. investigation on the present condition of Syrian Jews and the status of respect for internationally recognized human rights in Syria.

The resolution has strong bipartisan support. Over one hundred members have joined me in sponsoring House Concurrent Resolution 188 to express their profound concern regarding Syria's treatment of its Jewish community and of the egregious human rights abuses that continue to take place in Syria.

This is a simple issue of right and wrong. Dictatorial persecution of innocent civilians is a practice that must end. My legislation will send a clear message to President Assad that this is an issue about which the American people and government care deeply.

Mr. Speaker, I urge all members of the House to support House Concurrent Resolution 188 and send the proper signal to President Assad that depriving Syrian Jews of their fundamental right to freedom of emigration and movement will not only jeopardize the peace process, but will also have a negative effect on Syria's future relationship with the United States.

Mr. STUDDS. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 188, which expresses deep congressional concern over the refusal by Syrian authorities to allow members of its Jewish community the right to travel abroad.

While the recent release of Western hostages by Islamic factions and the convening of the historic Middle East summit meeting in Madrid give us some hope that there can be peace and reconciliation in that troubled part of the world, we must not forget those who continue to suffer under political repression. As we anxiously await the release of the remaining hostages and press to see the bilateral peace talks continue, we must not overlook the plight of the Jews of Syria.

The 4,000 Syrian Jews are subjected to constant police surveillance, some have been arrested simply on suspicion of intending to travel abroad, and the families of those who do flee are often punished with imprisonment and torture. Jews who want to travel from Syria must post a large monetary deposit and even leave behind family members as assurance of their return.

The case of brothers Eli and Selim Swed provides a tragic example of this oppression. They have been held by the Syrian government since November 1987, and have recently been sentenced to 6½ years of imprisonment for allegedly visiting Israel. No one among us seriously doubts that the harshness of their treatment stems from the fact that they are Jewish.

In fact, their case is not unique. Since 1949, Jews have been denied the right to emigrate from Syria, and unsuccessful attempts at escaping have often resulted in retribution—for escapees as well as their families.

Further, Syrian Jews are restricted in their contacts with family members outside Syria;

they cannot vote or work for the government; they must receive permission before buying or selling property; and, as in the Swed case, they are routinely denied due process of law.

I urge my colleagues not to forget Eli and Selim Swed—and our other Jewish friends in Syria—who face adversity daily, but whose faith cannot be broken. I call on the Government of Syria—in the interest of peace and on humanitarian grounds—to release the Swed brothers, and to change its cruel policy of denying Jews fundamental human rights, including the right to free emigration.

This resolution before us today calls on Syria to honor its obligations as a signatory to the International Covenant on Civil and Political Rights by ending its restrictions on the emigration rights of Jews. I urge its unanimous adoption.

Mr. BROOMFIELD. Mr. Speaker, at a time when restrictions on Jewish emigration from the Soviet Union have been eased, it is ironic—and reprehensible—that the Jewish community in Syria continues to be held captive.

I strongly support this resolution calling on Syria to permit free emigration and worship by the Jewish community. I recognize the sponsor, Mr. LEVINE, for his efforts and also wish to commend the Subcommittee on Europe and the Middle East—particularly the ranking Republican member, Mr. GILMAN, who has long demonstrated leadership on this issue—for bringing it to the attention of the House of Representatives.

If President Assad is serious about peace in the Middle East, let him demonstrate that commitment by easing emigration restrictions governing Syrian Jews, and by releasing Jewish political prisoners from Syrian jails.

These actions would help to establish greater mutual trust between Israel and Syria. They would create a more positive climate for progress in the ongoing Middle East peace talks.

In that regard, the timing of this resolution could not be more appropriate. I urge my colleagues to give it overwhelming support.

Mr. HALL of Ohio. Mr. Speaker, I am pleased to support House Concurrent Resolution 188 concerning freedom of emigration and travel for Syrian Jews. This resolution advocates civil and human rights in Syria and condemns Syrian travel policies for Jews.

Jews in Syria, who number approximately 4,000, cannot travel freely; cannot communicate freely with family members outside of Syria; and, for those who are granted travel visas, must pay a large bond and leave family members behind to assure their return. On this last point, Mr. Speaker, it is not uncommon for Syrian officials to imprison and even torture the family members of traveling Jews who have not returned to Syria.

Mr. Speaker, Syria violates the International Covenant on Civil and Political Rights, to which it is a signatory, by instituting restrictive emigration and travel policies. Further, Syrian prison conditions are extremely harsh and have a history of torture. To be placed under such conditions on the sometimes subjective accusation of illegal travel seriously violates fundamental and internationally recognized human rights.

House Concurrent Resolution 188 seeks to accomplish three goals. First, it condemns

Syria's travel policy and calls for the release of Syrian Jews imprisoned on travel charges. Second, it calls on President Bush to encourage our allies and trading partners to take similar stands against the treatment of Syrian Jews in Syria. And third, it calls for a formal investigation by the United Nations focusing on the present conditions in Syria for Syrian Jews and Syria's respect for internationally recognized human rights.

The administration expressed concern over this resolution on the ground that the timing is bad because of the ongoing Middle East peace process and the recent release of long-held hostages. Mr. Speaker, I believe the timing is a catalyst for discussing emigration rights for Syrian Jews. Arab nations and Israel must seek constructive dialog if peace is to prevail in the Middle East. The United States would serve this process well by pressing President Assad on the critical role this issue plays in the larger question of Middle East peace.

Mr. Speaker, as a long-time advocate of international human rights, I have long been concerned with the problems confronting Soviet, Ethiopian, and Syrian Jews. Hence, I strongly support House Concurrent Resolution 188.

Mr. SCHUMER. Mr. Speaker, I rise in support of House Conference Resolution 188, condemning the treatment of Syrian Jews. I commend the Congress for considering this resolution, which impresses upon us the plight of the 4,000 Jews who live today in Syria. The small remnant of this ancient community has thousands of relatives in other parts of the world. There are an estimated 30,000 Syrian Jews living in New York City, and in my own district in Brooklyn, they have established a thriving, successful community.

I wish that the Jews still in Syria were as fortunate. In the already hostile atmosphere of Hafez al-Assad's dictatorship, Jews are singled out for discrimination. Jews are the only Syrian minority to have their religion noted on their passports. Jews may not travel without leaving behind large bonds and immediate family members. These restrictions have deterred many from emigrating, despite their desire to be reunited with relatives in the United States.

Those who remain trapped in Syria are carefully monitored by the state. The Syrian secret police keep files on all Jews, and the Jewish quarter of Damascus is under 24-hour surveillance. Mail is opened and phones are wiretapped. To discourage the accumulation of money which might make emigration possible, the secret police must approve all property purchases and sales by Jews.

Jews are also prevented from instructing their children in Judaism. Elementary schools are supervised by Muslims, and Hebrew instruction is forbidden. No secondary schools for Jewish education exist.

Those who reject this way of life and seek to flee take their lives into their own hands. In 1974, four single Jewish women tried to leave the country, but were betrayed to the Government by their smugglers. They were disfigured and murdered, and then left on their parents' doorsteps. Even as we speak here today, Jews who have sought to leave Syria languish in prison without trial or sentence. The Swed

brothers, for instance, have been held without trial in underground cells since 1987, where they have been beaten and tortured.

Mr. Speaker, we in Congress must raise our voices against these travesties. I have watched in growing horror over the past months as the Bush administration has moved closer and closer to the Syrian Government. I had hoped that at least these diplomatic efforts would translate into changes in Syria's behavior on many counts, but no such change has occurred.

Instead, the Bush administration has continued to court Syria, turning a deaf ear while the Swed brothers suffer, while Syria ruthlessly crushes opposition and cements its hold on Lebanon, while Syria condones the conduct of terrorism and the trafficking of narcotics, and while Syria discourages its Arab neighbors from making peace with Israel.

I commend this resolution for encouraging our allies and trade partners to join the United States Congress in condemning the treatment of Syrian Jews. Our President must draw the line here and insist on freedom for Syrian Jews—freedom for Syrian Jews to live at home in peace, to travel, and emigrate abroad freely, and freedom for the Syrian Jews held in prison for illegal travel.

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

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). The question is on the motion offered by the gentleman from Utah [Mr. OWENS] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 188), as amended.

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

The title of the concurrent resolution was amended so as to read: "Concurrent resolution concerning freedom of emigration and movement for Syrian Jews."

A motion to reconsider was laid on the table.

□ 2300

#### GENERAL LEAVE

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Concurrent Resolution 188.

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

There was no objection.

#### COMMENDING PARTICIPANTS IN MIDDLE EAST PEACE PROCESS

Mr. OWENS of Utah. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res.

226) to commend the participants in the Middle East Peace Conference to be held in Madrid on October 30, 1991, as amended.

The Clerk read as follows:

H. CON. RES. 226

Whereas Israel, its Arab neighbors, and the Palestinian people stand to gain the most from peace, which can be achieved only through direct negotiations;

Whereas President Bush declared, in his March 6, 1991, address to the Nation before a joint session of Congress, that any solution to the Middle East conflict must provide for security and recognition for all states in the region, including Israel, and for the legitimate political rights of the Palestinian people, thus fulfilling "the twin tests of fairness and security";

Whereas on October 18, 1991, Secretary of State James A. Baker III and Soviet Foreign Minister Boris Pankin issued invitations to a Middle East peace conference to begin in Madrid, Spain, on October 30, 1991;

Whereas on the 30th of October 1991, in Madrid, Spain, a peace conference was convened for the purpose of launching direct bilateral negotiations leading to a comprehensive peace settlement that includes normalization of relations, bilateral peace treaties, full diplomatic relations, and cooperation on regional issues;

Whereas this conference involved the first-ever direct talks between Israel and all of its Arab neighbors;

Whereas cooperation on regional issues is an essential component of a peace settlement;

Whereas the United States is committed to safeguarding Israel's security, recognizing the legitimate political rights of Palestinian people, and achieving an end to the Arab-Israeli conflict through a two-track approach of direct negotiations between Israel and the Arab states and Israel and the Palestinian people, based on United Nations Security Council Resolutions 242, and 338; and

Whereas the resumption of full diplomatic relations between Israel and the Soviet Union has made it possible for the Soviet Union to play a constructive role in the peace process: Now, therefore, be it

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

(1) commends the participants in the Middle East peace conference convened in Madrid for their willingness to take this first step toward peace, and encourages the participants to continue to overcome their distrust and enmity in the pursuit of mutual security and the peaceful resolution of all regional disputes;

(2) commends the President for his support of the peace process, commends the Secretary of State for his determination and diplomatic skill in bringing the parties to the Arab-Israeli conflict to the negotiating table, and encourages the President and the Secretary of State to continue their active roles in facilitating direct negotiations among the parties;

(3) commends Israel and the Soviet Union for resuming diplomatic relations, which were severed after the 1967 Six Day War; and

(4) affirms its unwavering support of the peace process and its strong hope that the discussions begun in Madrid will lead to a just, lasting, and comprehensive peace in the Middle East.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. OWENS] will be recognized for 20 minutes, and the gentleman from

New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, like many people all over the world, I watched with hope and a deep sense of history as Arabs and Israelis recently met face to face, directly, for the first time ever, at the peace table, instead of on the battlefield.

That is why I have introduced, along with the majority leader, Mr. GEPHARDT, and my colleague from California, Mr. LEVINE, and from New York, Mr. GILMAN, House Concurrent Resolution 226, to commend the participants in the Middle East Peace Conference and to encourage them to continue to pursue peace.

Just as important, the resolution restates Congress' commitment to seeing this process through. Let there be no question about the determination of this body and the American people to achieve a just and lasting peace in the Middle East.

There are dangers and risks in the weeks ahead but also hope and opportunity. The United States Congress and the American people stand with all the people of the Middle East in looking forward to the end of the war and the beginning of a new era that will hopefully bring peace, security, and Israel's full partnership in the region.

At the same time, the United States Congress and the American people are irrevocably committed to safeguarding Israel's security. Secure and defensible borders for Israel have been—and will continue to be—a cornerstone of United States Middle East policy. We are also committed to the legitimate rights of the Palestinian people, which then Prime Minister Begin agreed to in the Camp David accords.

Ideally, negotiations will result in treaties whereby the Arab States unequivocally recognize Israel's right to exist. This means an end to the state of war, acknowledgment of Israel's sovereignty and political independence, and its right to secure and defensible boundaries.

The peace process that is now underway holds much promise. Israel-Palestinian talks appear to be progressing, and I expect we will hear very soon the details of the next session. There has been talk of it convening here in Washington. Talks between Israel and Syria are going slower. Syrian-Israeli enmity is deep and bitter. To paraphrase Secretary Baker, there will be interruptions and hurdles, hurdles and interruptions.

Israelis are understandably cautious. Their security—their survival—is at stake. The people of Israel must be confident that our country and the American people will not abandon

them and will remain committed to their security.

Yet tens of thousands of Israelis marched in support of the peace conference. Most Israelis expressed guarded optimism about the peace conference. The reduction of violence in the occupied territories has helped build confidence. In addition, the Palestinian delegation conducted itself with moderation, dignity, and poise. That in and of itself sends a strong message to the Government and people of Israel. And the scenes of Palestinian youths placing olive branches on Israeli military vehicles—the very vehicles they had been stoning—is quite remarkable.

But the peace conference has a long way to go. Regional issues, such as water, the environment, arms control, trade, and tourism, must be resolved through dialog and cooperation. And, of course, the question of boundaries will be one of the principal subjects of negotiation. We will not see a real peace unless Israel is fully integrated into the region.

Settlements continue to be a thorny issue. While many have doubts about Israel's settlement policy, I strongly oppose linkage. The discussions between Israelis and Palestinians have been encouraging so far and for the President to press his own deep, personal loathing of settlements now would be counterproductive.

Mr. Speaker, I look forward to a real peace process, where the parties, with the help and encouragement of the United States, work out their differences and bring a new era of peace and stability to the Middle East.

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

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

Mr. Speaker, I rise to express my strong support for this resolution, and I commend the distinguished gentleman from Utah [Mr. OWENS] for his outstanding work on this measure, as well as the gentleman from California [Mr. DYMALLY] for working with Mr. OWENS on crafting a measure that addresses both of their concerns.

Mr. Speaker, this measure commends President Bush and Secretary of State Baker for achieving something of historic dimension. On October 30, 1991, a peace conference was convened in Madrid, Spain. At this conference, for the first time since Camp David, a mechanism was created for Israelis and Arabs to discuss the seemingly intractable problems of the region.

This resolution also commends the participants in the Middle East Peace Conference for their willingness to take their first step toward peace, and encourages the participants to continue to work toward overcoming their distrust and enmity.

Mr. Speaker, I am pleased to be a co-sponsor of this resolution, and, accord-

ingly, I urge its unanimous adoption by this body.

Mr. OWENS of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I rise in strong support of House Concurrent Resolution 226. I commend President Bush and Secretary of State Baker for their diligent efforts to arrange the Madrid Peace Conference and I urge that all participants in the conference exert the maximum energy to ensure that the process which began in Madrid will successfully reach its goal of a just, lasting, and comprehensive peace.

President Bush and Secretary Baker deserve to be commended for their skillful diplomacy and their perseverance in overcoming obstacle after obstacle to reach this point. Now, I urge both the Israelis and the Arab parties to seize this opportunity.

The people of the Middle East have waited decades for an end to war and misery, to be replaced with justice, reconciliation, and peace for all. The process launched in Madrid presents us with an historic chance to reach a solution which meets—in the words of President Bush—"the twin tests of fairness and security."

Arabs and Israelis have taken a bold step across the deep chasm dividing them. For the first time, a solution which guarantees both Israel's security and the legitimate political rights of the Palestinian people looks possible. Such a solution will not be found easily. Indeed, both sides will be asked to compromise.

President Bush, in his speech in Madrid, said it was time for "the Arab world to demonstrate that attitudes have changed, that the Arab world is willing to live in peace with Israel and make allowances for Israel's reasonable security needs." To the Israelis, the President stated, "territorial compromise is essential for peace." In other words, land for peace.

For the first time, Israel and all its Arab neighbors have participated in direct, bilateral talks. This is an important demonstration of the Arabs' willingness to recognize and accept Israel and Israel's willingness to reconcile differences.

This resolution commends all participants in the Madrid Conference. However, I would like to note, in particular, three participants for their less visible, behind-the-scenes roles. Spain, Saudi Arabia, and Russia deserve commendation for their work to facilitate conference proceedings.

Mr. Speaker, House Concurrent Resolution 226 will signal Congress' desire that all parties involved in the peace process work to achieve the goal of a just, lasting and comprehensive peace based upon U.N. Security Council Resolutions 242 and 338, recognizing the security of all states in the region and the legitimate political rights of the Palestinian people.

Mr. OWENS of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, I thank the gentleman for yielding and commend him for his work on this resolution.

Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 226, commending the President, along with Secretary of State Baker, for their unstinting efforts to bring about a formal and official peace conference on Mideast affairs with representatives of all peoples involved at the table.

In a meeting with the President last Friday at the White House, Mr. Speaker, I had the opportunity to personally commend him. He gave the American Task Force on Lebanon, of which I am proud to be a member, an update of the Middle East Peace Conference and prospects for their future reconvening.

□ 2310

As we look back, Mr. Speaker, over the past few years, it is indeed awesome to reflect and realize that the Berlin Wall has crumbled, that the Soviet hard line coup against that country's leadership has been deflected, that historic occurrences have brought an end to the cold war that has gone on for decades, seen an end to the day-to-day threat of increased conflict between two superpowers and the unheard of beginning of the democratization of the Soviets and other European countries.

It was shocking, then, when peace was beginning to prevail elsewhere in the world, to have an outbreak of war in the Persian Gulf, when Iraq invaded and then occupied Kuwait.

I supported the President in his effort and subsequent success in bringing about a victory in the gulf war, driving Iraq from Kuwait and restoring its government. The President said at that time that as soon as Iraq was out of Kuwait, one way or another, he would turn his attention to the Arab/Palestinian and Israeli conflict, and the President has been true to his word. He has stuck by his commitments.

The President and the Secretary of State lost no time in beginning the difficult process of calling for and arranging the peace conference recently begun in Madrid. The representatives at that peace table, the Palestinians, Arabs, and Israelis, met on this historic occasion to discuss the need for ending all human conflict among them and to put an end for all time to the human suffering that this age-old conflict has generated.

It was an indeed historic opportunity for the first time since the creation of Israel 34 years ago to see these parties sit down at the same peace table.

While we indeed do wish to send a message of support to the President and Secretary of State for organizing

the peace conference, we also wish to send a message of support and congratulations to the participants in the conference itself, including the Palestinians, the Israelis, the Soviets, and the rest of the Arab States.

The U.S. role, Mr. Speaker, will be an active role. We are indeed, as Secretary of State Baker has said, a catalyst for peace. The President pledged in his meeting with us last Friday morning at the White House that he would be personally involved in that process. That is what it is going to take, not only the Secretary of State's commitment but the President's personal commitment, if indeed the United States is to be, as all parties want us to be, an honest broker at this peace conference.

Mr. Speaker, in conclusion, I can only add my own hope is to see a lasting, just peace for the entire Middle East region, with recognition of the sovereignty and boundaries of all countries in the region and the human rights of all peoples in the area.

Mr. OWENS of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Speaker, I would like to express my appreciation to the gentleman from Utah [Mr. OWENS] for yielding time to me and also his leadership on this issue.

I, of course, do endorse House Concurrent Resolution 226 and urge my colleagues to do likewise.

Naturally, I would commend the participants of the Middle East process. I especially commend the President of the United States, George Bush, and our Secretary of State, James Baker, for their leadership in the Madrid Conference.

To all those from Israel and its Arab neighbors who participated in this process, we extend to them our congratulations and yet at the same time our hope and prayers that peace and stability will reign in that area now and in the future.

Let us also hope and pray that the age-old enmities and distrust among the people of that area will come to an end.

Mr. BROOMFIELD. Mr. Speaker, I wish to voice my strong support for this resolution. I also wish to acknowledge the efforts of the sponsor, Congressman OWENS, Congressman DYMALLY—whose efforts are also reflected in this resolution—and the Subcommittee on Europe and the Middle East led by Congressmen HAMILTON and GILMAN.

For the first time in 43 years, all of the parties to the Arab-Israeli conflict have sat down and held face-to-face talks about peace. While many obstacles remain, the mere fact that such talks have occurred at all holds out the promise that decades of mutual suspicion and mistrust may finally yield to reason and reconciliation.

Each of the parties to the peace conference in Madrid are to be commended for their willingness to begin what will surely be a long and painful process. President Bush and Sec-

retary of State Baker also deserve high praise for their skill and perseverance in bringing the parties to the negotiating table.

Anyone with even a vague understanding of Middle East history knows that it will take many months, and possibly years, before the process begun in Madrid finally bears fruit. All of the parties to this process should remain focused on the long-term objective.

Only with such an attitude can interested parties—and here, I include Congress—contribute to a real chance of producing new political and security realities in the Middle East. Only serious efforts on all sides will enable Israel and its Arab neighbors finally to live together in peace and prosperity.

Mr. FASCELL. Mr. Speaker, I rise in support of House Concurrent Resolution 226 and urge my colleagues to join with me in supporting what hopefully will be its unanimous passage. As both the President and the Secretary of State have observed, one of the many lessons of Operation Desert Storm is that peace and arms control must be brought to the Middle East. To that end, the United States and the Soviet Union joined together in sponsoring and initiating a Middle East Peace Conference in Madrid, Spain, on October 30, 1991.

Simply stated, the purpose of that historic meeting was to launch direct bilateral negotiations leading to a comprehensive peace agreement that includes normalization of relations, bilateral peace treaties, full diplomatic relations, and cooperation on a number of other regional issues based upon U.N. Security Council Resolutions 242 and 338. In this regard, the Madrid Conference represented the first direct meeting between Israel and all of its Arab neighbors.

In my view, these initial talks were successful in that they provided the glimmer of what we, the United States, have been seeking in the Middle East since the founding of the Israeli state—peace. These talks were also successful in that all the participants came to Madrid. They were further successful in that they may serve as the basis for a spirit of comity among the nations of the Middle East. Finally, these talks were successful in that they may serve to encourage all the participants to overcome their mutual distrust and enmity in an effort to establish mutual security, peace, and prosperity.

Mr. Speaker, House Concurrent Resolution 226 deserves our serious attention and support as it contributes to the furtherance of these United States-Soviet sponsored negotiations. We are at a historic crossroads in the Middle East. We have a chance to achieve real and lasting peace in the Middle East. For those reasons, I urge unanimous adoption of the resolution we now have before us.

Mr. MORAN. Mr. Speaker, I rise in support of House Concurrent Resolution 226 which commends participants of the Middle East peace talks.

On October 30, 1991, the world witnessed a historic event, one that we had been hoping would occur for many years, and one that many thought could never happen. On October 30, the United States and the Soviet Union were able to put aside their own subsiding superpower rivalry to host a conference of Israeli, Syrian, Jordanian, and Palestinian representatives to discuss the future of the Middle

East, their own future relations, and the prospects for peace in this important region.

For centuries there had been friction and tension in the Middle East. For too long Arab, Jew, and gentile have viewed the other with suspicion and acted upon that suspicion with violence and warfare. While nobody believes that years of distrust and violence can be swept away by a few months at a conference table, we all hope that this can be the beginning of a healing process between these nations.

On October 30, we took the first step in what, we hope, will be a long and constructive dialog of peace in the Middle East. I join my colleagues from the House Foreign Affairs Committee in commending the participants of the Middle East peace conference and in encouraging the continuation of this dialog.

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

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). The question is on the motion offered by the gentleman from Utah [Mr. OWENS] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 226) as amended.

The question was taken.

Mr. OWENS of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### GENERAL LEAVE

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered.

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

There was no objection.

#### REGARDING ENVIRONMENTAL DAMAGE IN THE PERSIAN GULF REGION

Mr. OWENS of Utah. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 242) emphasizing the vast extent of environmental damage in the Persian Gulf region and urging expeditious efforts by the United Nations to set aside funds to redress environmental and public health losses.

The Clerk read as follows:

H. CON. RES. 242

Whereas the United States has deplored the unlawful acts of Saddam Hussein in encroaching the borders of Kuwait, in holding captive hostages, in plundering Kuwaiti property, in savaging the Kuwaiti people, in conducting extensive acts of "ecoterrorism" through mass destruction of natural resources, and in threatening world peace

through blatant disregard of international treaties;

Whereas the United Nations Secretary-General has been directed by Security Council Resolution 687 (1991) to establish a special account to pay compensation for "any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait";

Whereas the United Nations Compensation Commission, established by the Security Council, is the mechanism for determining, among other issues, the level of contributions to the fund, the allocation of funds and payments of claims, the procedures for evaluating losses, and the resolution of disputed claims;

Whereas the United Nations Compensation Commission has dual levels of responsibility, both policy-making and functional, including establishing guidelines for categorization and formal presentation of claims by type and size;

Whereas Saddam Hussein's savage sabotage of Kuwait's natural resources constitute massive "ecoterrorism"—resulting in long-term environmental and public health damages—the vast extent of which remain unidentified;

Whereas oil intentionally discharged by Iraq into the Persian Gulf continues to cause unprecedented environmental damage to over 400 miles of Saudi coastline;

Whereas smoke plumes from over 600 oil fires have wreaked grave environmental pollution;

Whereas massive oil lakes caused by gushing oil from sabotaged wells continue to contaminate the Kuwaiti desert;

Whereas the extent of the damage to fragile marine ecosystems from six to eight million barrels of oil discharged into Gulf waters has yet to be fully assessed;

Whereas the impact of Saddam Hussein's ecoterrorism on public health through atmospheric pollution, soil acidification, groundwater pollution and damage to crops requires investigation: Now, therefore, be it Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) Finds that environmental damage, atmospheric pollution, and the resulting public health injuries from the oil well fires in Kuwait and the oil contaminated coastlines in the Gulf Region require urgent and immediate attention;

(2) Urges the President to request that the Secretary-General direct the United Nations Environmental Program and other appropriate United Nations organizations to monitor the long-term environmental and long-term public health impacts resulting from the unlawful destruction of natural resources in the Gulf Region;

(3) Urges the President to request that the United Nations Compensation Commission give high priority to environmental damages as a category of claims and provide a special and substantial allocation for this category in the United Nations Compensation Fund, and that this allocation—

(A) Include funds for consolidated claims and reimbursement to various governmental and private organizations for expedited damage assessments to the environment and public health as a result of the Persian Gulf oil fires and slick; and

(B) Provide for the reimbursement for costs of cleanup and restoration of the environment performed by various governmental and private organizations; and

(4) Encourages the governments of nations affected by Iraq's acts of "ecoterrorism" to

take further steps to mitigate the environmental and public health damages caused by such acts.

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

The Chair recognizes the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I briefly explain House Concurrent Resolution 242, I want to commend the gentleman from Michigan [Mr. HERTEL] for his initiative in introducing this resolution. I also want to commend subcommittee Chairmen YATRON and HAMILTON for acting expeditiously thus permitting the resolution to be considered today.

The resolution before us urges the President to request that the United Nations give high priority to environmental damages as a category of claims and to provide a special and substantial allocation of the U.N. Compensation Fund to be used for environmental damage in the Persian Gulf region. Obviously, such an allocation will not be possible until adequate revenue from Iraqi oil sales have been placed in the compensation fund, the claims have been processed, and funds allocated by the governing council.

Additionally, the resolution calls on the governments of the nations affected by Saddam's ecoterrorism to take further steps to mitigate the environmental and public health damage.

Mr. Speaker, the world was shocked at the terror that was inflicted on this environment by Saddam Hussein. We do not yet know the lasting effect this terrorism will have on the health of the people or on the environment of the region. Hopefully, the passage of this resolution will in some way help in assuring that the perpetrators of this terrorism will pay for at least some of the cleanup.

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

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

Mr. Speaker, I commend Chairman FASCELL and our colleague from Michigan, Mr. HERTEL, for sponsoring this significant resolution. I am happy to be a cosponsor and I am particularly pleased that the Foreign Affairs Committee accommodated the interests of Mr. BROOMFIELD in this measure.

The damage to the environment of the gulf region resulting from Iraqi sabotage and ecoterrorism is reprehensible. The massive damage to the deserts, the beaches, and the waters truly requires urgent and immediate attention.

Oil still poisons many of Saudi Arabia's marshes and coral reefs—areas that are critical to marine life in the

gulf. Thankfully, the oil fires in Kuwait have now been extinguished, but the fallout from the fires still coats the desert with tar and ash, and noxious lakes of oil still dot the landscape.

Of particular concern is the fact that the cleanup of the environmental problems caused by Iraq seems to be going very slowly. While the war reparations called for in the resolution may become available in the future, this does not obviate the need to respond now.

Mr. Speaker, a lead article in the Wall Street Journal of October 15, gives a good summary of the environmental catastrophe in the Persian Gulf and the slow pace of the cleanup to date. I ask that it be included in the RECORD at the end of my remarks.

What makes the environmental devastation in the gulf region particularly troubling is that it was the product of cold, deliberate calculation. The perpetrators of this destruction must not be allowed to dodge the responsibility for the damages they have done. Iraq purposely caused the damage and should pay for the cleanup. It is that simple.

Regardless of who is to blame, however, those who live in the area would be wise to take all reasonable steps to clean up the damage as soon as possible to avoid further negative effects. That is why the committee agreed to include in the resolution language Mr. BROOMFIELD proposed urging the nations affected by Iraq's ecoterrorism to continue to take steps to mitigate the environmental and public health damages caused by Iraq's unlawful acts during the War.

House Congressional Resolution 242 reinforces the already established principle that a portion of the United Nations Compensation Fund—to be financed through the sale of Iraqi oil—should ensure compensation for environmental damage. The actions called for in the resolution are in line with actions already being undertaken by the administration.

Accordingly, Mr. Speaker, I strongly urge the House to act favorably on this resolution.

LEGACY OF WAR—THE BATTLES ARE OVER, BUT GULF ENVIRONMENT STILL FIGHTS FOR ITS LIFE

(By Ken Wells)

ADAFFI BAY, Saudi Arabia—In the white-hot part of the desert day, a dozen workers struggle with rakes and shovels to rid a beach here of mounds of sea grass saturated with acrid crude oil.

Nearby, a bulldozer scrapes through a foot-thick frosting of oil that runs in a wide ribbon as far as the eye can see. In a few days, these efforts will have given a two-mile stretch of this shore, near the port town of Jubail, back to the bathers and the birds.

That's two miles down—and about 398 miles to go.

The world's biggest oil spill—six million barrels—has largely disappeared from headlines but not from Saudi Arabia's shores. Eight months after Saddam Hussein unleashed the first known major act of eco-ter-

rorism, much of the kingdom's coastline, from the port city of Jubail north to Khafji, remains smothered by crude.

#### A LONG LIST

The mess is catastrophic: Whole estuaries lie dead under asphalt-like slabs of oil. And little has been done about it, beyond the efforts of a handful of United Nations' contractors armed with a small budget.

This mess isn't the only one left by the war, or the only one being largely ignored. Some Gulf regions languish in a "hellish daily living environment," says the World Wide Fund for Nature, a Geneva-based conservation group. Yet efforts to coax governments and environmental groups into a coalition to tackle the war's environmental legacy have thus far failed.

The breadth of damage is indeed staggering; some problems will take decades to overcome. Though Kuwait's coastline was spared heavy oiling, all but a few of its 180 miles remain inaccessible because of minefields and barbed-wire. Major progress has been made against the burning oil wells; some 85% have been snuffed. But even with that, tons of pollutants continue to pour into the air daily, producing oily, acid rain in regions up to 1,500 miles away.

In Iran, officials have told visiting Greenpeace scientists, coastal regions across the Gulf from Kuwait have suffered substantial crop damage from black rain. The scientists also report black snow on numerous Iranian mountain peaks, says Nicolo Barcelo, a Greenpeace spokesman.

#### A SPREADING BLANKET

Similar reports have also come from Pakistan, where black rains heavily damaged local wheat crops in the province of Baluchistan, according to the Pakistani press. The Worldwatch Institute, a Washington, D.C., environmental group, says it also has reliable reports of black rain or snow in Bulgaria, Turkey, the southern Soviet Union, Afghanistan and the Himalayan region of Indian Kashmir.

These areas are almost certain to be plagued by damaging acid rains as well, says Britain's Meteorological Office, a government weather arm that has done computer modeling of smoke-plume effects. Such rains, polluted with sulfur from the oil fires, have been linked to the slow destruction of forests, crops and lakes in many parts of the industrialized world.

Most scientists maintain that the smoke isn't ascending high enough to affect global climate. But some aren't so sure. Scientists at the U.S. National Oceanic and Atmospheric Administration acknowledge that at least some "spikes" of oil-fire soot have leaked into the upper stratosphere. Such spikes, because they can't be rinsed out by localized weather, could begin to affect global climate should their concentrations increase, the scientists say.

#### SMOG ALERT

Closer to home, both Saudi Arabia and Bahrain, directly downwind from the Kuwait plume, live under smog clouds. Khafji, less than 20 miles from the burning Burgan Field, is often smothered in an acrid pall. Some residents who can afford to have moved away; one Saudi official says the government has given serious thought to evacuating the town.

Kuwait fares little better. While the fires in the Ahmadi field near Kuwait City have been extinguished, many north and south of the nation's population hub continue to burn. This month, as seasonal wind patterns begin to shift, the smog that now bedevils

Saudi Arabia will begin to descend on Kuwait.

The gravest danger is on windless days, when stagnant conditions allow the smog—containing sulfur dioxide, carbon monoxide and nitrous oxide—to billow into population centers. The short-term health hazard of such smog is so severe that Kuwaiti officials want to create an early warning system to tell citizens to scramble indoors ahead of the smoke pall, says Ibrahim Hadi, director of Kuwait's Environmental Protection Council.

The oily fallout from the fires is also dumping vast amounts of pollutants into the Persian Gulf, the northern fishing grounds of which have already been decimated by spilled oil. These airborne pollutants are also posing a threat to Kuwait's and Saudi Arabia's water supplies, largely drawn from Gulf desalination plants. At the core of these pollutants are organic compounds that are difficult to filter out. When combined with chlorine used to disinfect water, they form compounds, known as chlorinated hydrocarbons, that are carcinogenic.

The land is also taking a beating. The Kuwaiti Environmental Action Team, a non-governmental group, estimates that up to 75% of Kuwait's desert floor has been covered by oily fallout. Vast areas are being turned into the equivalent of parking lots as layer after thin layer of tarry precipitate hardens in the desert heat.

Still more of Kuwait's desert has been rendered uninhabitable by minefields and vastly larger tracts in Saudi Arabia and Iraq have been disrupted by the passage of soldiers and machinery that fought the war. Though some may think of deserts as empty expanses of sand, scientists say they are complex ecosystems dependent on an equilibrium achieved when scattered plant colonies anchor a thin layer of topsoil. Severely disturbed, "a lot of the desert will simply blow away," destroying wildlife habitat and sparse farmland and possibly overrunning roads and towns, says Charles Pilcher, a researcher who has studied the wildlife of the Kuwaiti desert.

Temperatures in the Kuwaiti and Saudi deserts were 10 degrees cooler than normal most of the summer, and up to 25 degrees cooler under the thickest part of the haze. Colonies of desert plants requiring strong sunlight are dying or going into premature reproductive cycles. The same is true of desert mammals and reptiles, says Dr. Pilcher.

Even swallows common to the summer fields of the West aren't immune. Scientists with Britain's International Council for Bird Preservation say recent studies of migratory bank swallows currently flapping across the Kuwaiti desert showed that 90% had been oiled. The birds, en route to winter grounds in Africa, apparently had tried to drink from one of the 200 or so oil lakes formed from the overflow from sabotaged wells, the group says. He says that 1.5 billion birds migrate across the northern Arabia flyway.

Yet except for the oil-well fires and some mine-clearing efforts, few of these problems have been addressed. Kuwait, for example, has only just started work around the edges of its oil lakes, even though much of the oil, were it removed promptly, could be recycled.

#### WATER TO DRINK

Saudi Arabia's response to the Gulf Oil spill has been just as lackluster. Saudi Aramco, the state-owned oil company, along with international volunteers, quickly mobilized wartime oil-spill-containment efforts to protect desalination and power plants and refineries. But Saudi Arabia has largely left

its 400 miles of oil-soaked beaches for nature to deal with. It only recently put its first crew to work on a small stretch of beach near Jubail.

Projects such as the one at Adaffi Bay have been carried out by a handful of Western contractors working for the U.N.'s International Maritime Organization. Their \$6 million budget is drawn from foreign contributions, says Dave Usher, an IMO official. The far smaller 1989 Exxon Valdez spill in Alaska attracted 11,000 workers and a \$2.5 billion effort.

Saudi officials contend money is the problem: They estimate that the tab to rid the entire coastline of oil could run to \$500 million, which they insist is a big sum for a nation still strapped by billions in war debts. They also contend that the spill, set off by an act of war, shouldn't solely be a Saudi Arabian responsibility.

The cleanup effort the country did muster during the war was narrowly directed at protecting its coastal installations. Its six desalination plants not only represent a billion-dollar-plus investment but were key to providing drinking water to the 500,000 Western troops here, says a spokesman for the country's Meteorological and Environmental Protection Administration. By ridding the Gulf of floating oil—about 1.5 million barrels were recovered, a record for any spill—Saudi Arabia also largely extinguished the threat that roaming oil posed to its coastline, the spokesman argues.

At best, Saudi scientists think that shore areas that have unusual environmental value will be tackled in the next stage of the cleanup. Other areas—huge stretches of the northern Saudi Arabian coastline subject to constant wind and wave action—will probably be left to nature. "Fortunately or unfortunately, large sections of the shore don't have very much use. Therefore nobody is complaining that they should be cleaned up," says Abdallah E. Dabbagh, director of King Fahd University's Research Institute, which is conducting spill studies.

The kingdom's failure thus far to act on its beaches has evoked dismay among the many U.S. scientists and spill experts here. They say the delay—in part, environmental apathy, in part a function of the bureaucracy—may both complicate recovery and exacerbate the harm done by previous spills, industrial pollution and land reclamation. While much of the heavily weathered surface oil on the kingdom's coast has lost its toxicity, storms and high tides are constantly loosing settled oil back into the Gulf, posing danger anew to birds and other sea life.

"The Saudis' plan was A, we protect the 'desal' plants, B, we get oil off the water, and C, we then worry about our beaches," says a U.S. government consultant here. "What we tried to tell them is that typically, you would begin to try to save your beaches at the same time you are doing these other things. The concept of delaying for months while you do studies is ludicrous."

The price of this neglect is high. Much of Saudi Arabia's once bird-rich intertidal zone is an oil wasteland. Salt marshes and tidal flats—the nursery grounds for shrimp and the very womb of the Persian Gulf food chain—sit poisoned by tar. An estimated 80% of Saudi Arabia's coastal mangrove swamps are dead or dying.

#### THE VALUE OF SPEED

Yet one environmental success story shows that speedy intervention on beaches can pay big dividends. When oil began smothering the shores of a chain of small, coral-ringed islands off the coast of Jubail, Saudi Ara-

bia's National Commission for Wildlife Conservation and Development cut through red tape to allow U.N. and U.S. military crews onto the islands by March. The low-lying islands are not only surrounded by perhaps the clearest water in the Persian Gulf, but they are also the predator-free rookeries for huge colonies of terns and two species of sea turtles.

Focusing on Karan, the largest island, crews within days had scraped tons of thickening oil from the beaches and had rounded up and burned perhaps a half century of debris. By the time terns and turtles began showing up for their annual nesting season, they found a habitable environment "instead of an oily death trap," says Peter Symens, a Belgian ornithologist studying the spill.

About 65,000 chicks subsequently hatched on Karan, and as many as 40 turtles a night have been returning to the island; their fate, had the island been left covered in oil, would have been grim. Says Peter Vine, a British ecologist in the Gulf: "We're talking about turtles perhaps 50 to 70 years old—born before oil was produced in the Gulf."

Mr. HERTEL. Mr. Speaker, I am pleased that the Foreign Affairs Committee was so quick to endorse House Concurrent Resolution 242, a resolution requesting the United Nations to give priority to environmental damage assessments, cleanup, and restoration of the Persian Gulf region that has suffered so extensively from Saddam Hussein's ecoterrorism.

House Concurrent Resolution 242 is co-sponsored by three of our esteemed colleagues, both the chairman and ranking minority member of the Foreign Affairs Committee, and the chairman of the Subcommittee on Human Rights and International Organizations. Each has worked diligently to solve the problems of humanitarian assistance and reparations for the victims of the Persian Gulf war.

The resolution we present to the House today urges that the Secretary General of the United Nations provide a special and substantial allocation of the United National Compensation Fund to be used for environmental damage in the Persian Gulf region. Upon sale of Iraqi oil, proceeds will flow into the fund to pay and reimburse the extensive personal suffering and property losses caused by Saddam Hussein. Hopefully, through this resolution the horrible environmental consequences of ecoterrorism will be given priority for reparations.

Preliminary estimates of the total amount of oil intentionally discharged in the Persian Gulf is over 30 times the amount spilled in Prince William Sound—some 6 to 8 million barrels versus 260,000 in Alaska. Additional hardship from the senseless sabotage of over 600 oil well fires has shocked the world.

The environmental damage in the gulf region has yet to be fully assessed. Completed environmental damage assessments serve as technical planning guidelines for cleanup and restoration—they are the most important first step to managing the environmental losses in the gulf region.

As a result of Saddam Hussein's destructiveness, the way of life for the people of the gulf region will be dramatically altered for generations to come. A full recording of damages to fisheries, grazing lands, crops, and other commercial interests has yet to be made. Public health injuries due to atmospheric, soil, and water pollution have yet to be treated.

For its part, the United States has already provided over \$10 million in technical assistance through 10 Federal Government agencies with expertise in environmental rehabilitation. As of September 30, the National Oceanic and Atmospheric Administration alone spent well over \$2 million, with plans to send a world-recognized scientific team and research vessel to help complete the damage assessments and launch the massive cleanup and restoration efforts necessary before the gulf war is behind us. To complete this huge task, the world scientific community must coordinate and lend both expertise and resources—quickly and efficiently—with some assurance of reimbursement.

First and foremost, we must meet the tragic humanitarian needs of the people in the Middle East who continue to suffer in the aftermath of the gulf war. We must also heal the terrible wounds borne by the environment—a most startling consequence of this particular war—whose aftermath will affect human, animal, and plant life for generations, given the shocking extent of war-related damages to air, land, and sea.

It is my hope that this resolution will demonstrate to the United Nations that the United States views the environmental consequences of ecoterrorism in the Persian Gulf with horror and resolve. Completed damage assessments, cleanup, and restoration of the gulf's ravaged environment must now be accomplished. It is now time to close the vast wounds of this horrible war and halt ecoterrorism once and for all time.

Mr. FASCELL. Mr. Speaker, as an original cosponsor of House Concurrent Resolution 242, I wish to commend the author of the resolution, the gentleman from Michigan [Mr. HERTEL] for his initiative in this area. I also wish to thank two of my subcommittee chairmen, the gentleman from Pennsylvania [Mr. YATRON] and the gentleman from Indiana [Mr. HAMILTON] for expediting their consideration of this resolution so that it might be considered today.

Mr. Speaker, the world watched the television coverage of the cowardly act of terrorism that Saddam Hussein perpetrated upon the people and the environment in the Persian Gulf region and was aghast. The Sun obscured at high noon by the thick black smoke of the hundreds of oil well fires the oil slicks killing both fish and birds and covering beaches and important wetlands. We still do not know the total extent of the damage to both the health of the people and to the land and marine environment of the region. We do not yet know the cost of cleanup or in some cases even if a cleanup effort is feasible. As we could not let the military aggression of Saddam go unanswered we cannot allow his act of aggression against the environment to go without establishing the precedent that he will pay, at least a portion of the cost, of mitigating and restoring the damage to the environment of the region.

House Concurrent Resolution 242 urges that the United Nations set aside a special and substantial allocation from the Compensation Fund to be used for claims of environmental damage. This Compensation Fund is to receive 30 percent of the revenue derived from the sale of Iraqi oil. The resolution also

urges the nations affected by this ecoterrorism to take further steps to mitigate the environmental and public health damage. I urge my colleagues to support this resolution.

□ 2320

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

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

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). The question is on the motion offered by the gentleman from Utah [Mr. OWENS] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 242).

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

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

There was no objection.

#### NATIONAL GEOLOGIC MAPPING ACT OF 1991

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2763) to enhance geologic mapping of the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2763

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

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Geologic Mapping Act of 1991."

##### SECTION 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) during the past 2 decades, the production of geologic maps has been drastically curtailed;

(2) geologic maps are the primary data base for virtually all applied and basic earth-science investigations, including—

(A) exploration for and development of mineral, energy, and water resources;

(B) screening and characterizing sites for toxic and nuclear waste disposal;

(C) land-use evaluation and planning for environmental development, preservation and quality;

(D) earthquake hazards reduction;

(E) predicting volcanic hazards;

(F) design and construction of infrastructure requirements such as utility lifelines, transportation corridors, and surface-water impoundments;

(G) reducing losses from landslides and other ground failures;

(H) mitigating effects of coastal and stream erosion;

(I) siting of critical facilities; and

(J) basic earth-science research;

(3) Federal agencies, State and local governments, private industry, and the general public depend on the information provided by geologic maps to determine the extent of potential environmental damage before embarking on projects that could lead to preventable, costly environmental problems or litigation;

(4) the combined capabilities of State, Federal, and academic groups to provide geologic mapping are not sufficient to meet the present and future needs of the United States for national security, environmental protection, and energy self-sufficiency of the Nation;

(5) States are willing to contribute 50 percent of the funding necessary to complete the mapping of the geology within the State;

(6) the lack of proper geologic maps has led to the poor design of such structures as dams and waste-disposal facilities;

(7) geologic maps have proven indispensable in the search for needed fossil-fuel and mineral resources; and

(8) a comprehensive nationwide program of geologic mapping is required in order to systematically build the Nation's geologic-map data base at a pace that responds to increasing demand.

(b) PURPOSE.—The purpose of this Act is to expedite the production of a geologic-map data base for the Nation, to be located within the United States Geological Survey, which can be applied to land-use management, assessment, and utilization, conservation of natural resources, groundwater management, and environmental protection.

##### SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "advisory committee" means the advisory committee established under section 5.

(2) The term "Director" means the Director of the United States Geological Survey.

(3) The term "geological mapping program" means the National Cooperative Geological Mapping Program established by section 4(a).

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "Survey" means the United States Geological Survey.

##### SEC. 4. GEOLOGIC MAPPING PROGRAM.

(a) ESTABLISHMENT.—There is established in the United States Geological Survey a National Cooperative Geologic Mapping Program. The geologic mapping program shall be developed in consultation with the advisory committee and shall be designed and administered to achieve the objectives set forth in subsection (c).

(b) RESPONSIBILITIES OF USGS.—(1) The Survey shall be the lead Federal agency responsible for planning, developing priorities, coordinating, and managing the geologic mapping program. In carrying out this paragraph, the Secretary, acting through the Director, shall—

(A) develop a geologic mapping program implementation plan in accordance with section 6, which plan shall be submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate within 210 days after the date of enactment of this Act;

(B) appoint, with the advice and consultation of the State geological surveys, the advisory committee within 90 days after the date of enactment of this Act in accordance with section 5; and

(C) promulgate regulations within 300 days after the date of enactment of this Act which describe—

(i) how the Survey will coordinate the development and implementation of the geologic mapping program;

(ii) how the Survey will establish goals, mapping priorities, and target dates for implementation of the geologic mapping program; and

(iii) how long-term staffing plans for the various components of the geologic mapping program will lead to successful implementation of the geologic mapping program.

(2) In addition to paragraph (1), the Secretary, acting through the Director, shall be responsible for developing, as soon as practicable—

(A) in cooperation with the State geological surveys, other Federal and State agencies, public and private sector organizations and academia, the geologic-map data base; and

(B) maps and mapping techniques which achieve the objectives specified in subsection (c).

(c) PROGRAM OBJECTIVES.—The objectives of the geologic mapping program shall include—

(1) determining the Nation's geologic framework through systematic development of geologic maps, to be contributed to the national geologic-map data base, at a scale of 1:100,000, with supplemental maps at scale appropriate to the geologic setting and the perceived applications;

(2) development of a complementary national geophysical-map data base, geochemical-map data base, and a geochronologic and paleontologic data base that provide value-added descriptive and interpretive information to the geologic-map data base;

(3) application of cost-effective mapping techniques that assemble, produce, translate and disseminate geologic-map information and that render such information of greater application and benefit to the public; and

(4) development of public awareness for the role and application of geologic-map information to the resolution of national issues of land use management.

(d) PROGRAM COMPONENTS.—The geologic mapping program shall include the following components:

(1) A Federal geologic mapping component, whose objective shall be determining the geologic framework of areas determined to be vital to the economic, social, or scientific welfare of the Nation. Mapping priorities shall be coordinated through the OMB Circular A-16 (Revised) Process and shall be based on—

(A) national requirements for geologic-map information in areas of multiple-issue need or areas of compelling single-issue need; and

(B) national requirements for geologic-map information in areas where mapping is required to solve critical earth-science problems.

(2) A geologic mapping support component, whose objective shall be providing interdisciplinary support for the Federal Geologic Mapping Component. Representative categories of interdisciplinary support shall include—

(A) establishment of a national geologic-map data base, established pursuant to section 7;

(B) studies that lead to the implementation of cost-effective digital methods for the acquisition, compilation, analysis, cartographic production, and dissemination of geologic-map information.

(C) paleontologic investigations that provide information critical to understanding

the age and positional environment of fossil-bearing geologic-map units, which investigations shall be contributed to a national paleontologic data base;

(D) geochronologic and isotopic investigations that (i) provide radiometric age dates for geologic-map units and (ii) fingerprint the geothermometry, geobarometry, and alteration history of geologic-map units, which investigations shall be contributed to a national geochronologic data base;

(E) geophysical investigations that assist in delineating and mapping the physical characteristics and three-dimensional distribution of geologic materials and geologic structures, which investigations shall be contributed to a national geophysical-map data base; and

(F) geochemical investigations and analytical operations that characterize the major and minor-element composition of geologic-map units, and that lead to the recognition of stable and anomalous geochemical signatures for geologic terrains, which investigations shall be contributed to a national geochemical-map data base.

(3) A State geologic mapping component, whose objective shall be determining the geologic framework of areas that the State geological surveys determine to be vital to the economic, social, or scientific welfare of individual States. Mapping priorities shall be determined by multirepresentational State panels and shall be integrated with national priorities established through the OMB Circular A-16 (Revised) process coordinated by the Survey. Federal funding for the State component shall be matched on a one-to-one basis with non-Federal funds.

(4) A geologic mapping education component, whose objective shall be—

(A) to develop the academic programs that teach earth-science students the fundamental principles of geologic mapping and field analysis; and

(B) to provide for board education in geologic mapping and field analysis through support of field teaching institutes.

Investigations conducted under the geologic mapping education component shall be integrated with the other mapping components of the geologic mapping program, and shall respond to priorities identified for those components.

#### SEC. 5. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Director and in consultation with the State geological surveys, shall appoint a 16-member advisory committee to advise the Director on planning and implementation of the geologic mapping program. The advisory committee shall consist of 4 representatives from the Survey (including the Chief Geologist, as Chairman), 4 representatives from the State geological surveys, 3 representatives from academia, 4 representatives from the private sector and a representative of the President's Office of Science and Technology.

(b) DUTIES.—The advisory committee shall—

(1) review and critique the draft implementation plan prepared by the Director pursuant to section 6;

(2) review the scientific progress of the geologic mapping program; and

(3) submit an annual report to the Secretary that evaluates the progress of the Federal and State mapping activities and evaluates the progress made toward fulfilling the purposes of this Act.

#### SEC. 6. GEOLOGIC MAPPING PROGRAM IMPLEMENTATION PLAN.

The Secretary, acting through the Director, shall, with the advice and review of the

advisory committee, prepare an implementation plan for the geologic mapping program. The plan shall identify the overall management structure and operation of the geologic mapping program and shall provide for—

(1) the role of the Survey in its capacity as overall management lead, including the responsibility for developing the national geologic mapping program that meets Federal needs while simultaneously fostering State needs;

(2) the responsibilities accruing to the State geological surveys, with particular emphasis on mechanisms that incorporate their needs, missions, capabilities, and requirements into the nationwide geologic mapping program;

(3) mechanisms for identifying short- and long-term priorities consistent with OMB Circular A-16 (Revised) for each component of the geologic mapping program, including—

(A) for the Federal geologic mapping component, a priority-setting mechanism that responds both to (i) Federal mission requirements for geologic-map information, and (ii) critical scientific problems that require geologic-map control for their resolution;

(B) for the geologic mapping support component, a strong interdisciplinary research program plan in isotopic and paleontologic geochronology, geophysical mapping, and process studies to provide data to and interpret results from geologic mapping;

(C) for the State geologic mapping component, a priority-setting mechanism that responds to (i) specific intrastate needs for geologic-map information, and (ii) interstate needs shared by adjacent entities that have common requirements; and

(D) for the geologic mapping education component a priority-setting mechanism that responds to requirements for geologic-map information that are driven by Federal and State mission requirements;

(4) a description of the degree to which geologic mapping activities traditionally funded by the Survey, including the use of commercially available aerial photography, geodesy, professional land surveying, photogrammetric mapping, cartography, photographic processing, and related services, can be contracted to professional private mapping firms;

(5) a mechanism for adopting scientific and technical map standards for preparing and publishing general-purpose and special-purpose geologic maps to (A) assure uniformity of cartographic and scientific conventions, and (B) provide a basis for judgment as to the comparability and quality of map products; and

(6) a mechanism for monitoring the inventory of published and current mapping investigations nationwide in order to facilitate planning and information exchange and to avoid redundancy.

#### SEC. 7. NATIONAL GEOLOGIC-MAP DATA BASE.

(a) ESTABLISHMENT.—The Survey shall establish a national geologic-map data base. Such data base shall be a national archive that includes all maps developed pursuant to this Act, the data bases developed pursuant to the investigations under sections (4)(d)(2)(C), (D), (E), and (F), and other maps and data as the Survey deems appropriate.

(b) STANDARDIZATION.—Geologic maps contributed to the national archives should have standardized format, symbols, and technical attributes so that archival information can be assimilated, manipulated, accessed, exchanged, and compared efficiently and accurately.

#### SEC. 8. ANNUAL REPORT.

The Secretary shall, within 90 days after the end of each fiscal year, submit an annual

report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate describing the status of the nationwide geologic mapping program, and describing and evaluating progress achieved during the preceding fiscal year in developing the national geologic-map data base. Each report shall include any recommendations for legislative or other action as the Secretary deems necessary and appropriate to fulfill the purposes of this Act.

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act the following:

(1) For Federal mapping activities under this Act, \$11,500,000 for fiscal year 1993, \$14,000,000 for fiscal year 1994, \$16,000,000 for fiscal year 1995, and \$18,000,000 for fiscal year 1996.

(2) For Federal support activities under this Act, \$9,500,000 for fiscal year 1993, \$10,000,000 for fiscal year 1994, \$10,500,000 for fiscal year 1995, and \$11,000,000 for fiscal year 1996.

(3) For State mapping activities under this Act, \$15,000,000 for fiscal year 1993, \$18,000,000 for fiscal year 1994, \$21,000,000 for fiscal year 1995, and \$25,000,000 for fiscal year 1996.

(4) For educational support activities under this Act, \$500,000 for fiscal year 1993, \$750,000 for fiscal year 1994, \$1,000,000 for fiscal year 1995, and \$1,500,000 for fiscal year 1996.

#### SEC. 10. UNITED STATES GEOLOGICAL SURVEY AND UNITED STATES BUREAU OF MINES.

(a) UNITED STATES GEOLOGICAL SURVEY.—The Geological Survey established by the Act of March 3, 1879 (43 U.S.C. 31(a)), is designated as and shall hereafter be known as the United States Geological Survey.

(b) UNITED STATES BUREAU OF MINES.—The Bureau of Mines established by the Act of May 16, 1910 (30 U.S.C. 1), is designated as and shall hereafter be known as the United States Bureau of Mines.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia [Mr. RAHALL] will be recognized for 20 minutes, and the gentleman from Nevada [Mrs. VUCANOVICH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

#### GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, the National Geologic Mapping Act of 1991 is necessary in order to expedite and enhance the level of geologic mapping taking place in the United States.

As it stands today, less than 20 percent of the United States has been geologically mapped at a scale that provides an up-close, detailed view of a particular area. Even though the Geological Survey, the agency that is charged with mapping the geology of our country, was created 112 years ago,

we are still in the dark ages when it comes to the availability of large-scale geologic maps.

As a result, critical geologic information is often left out of local, State and National policy decisions that affect the environment, our energy options, and even our health and safety.

Geologic maps are invaluable tools. They provide essential information on the assessment of mineral, energy, and water resources; locating potential sites for the safe disposal of hazardous and nonhazardous waste; land-use planning; earthquake-hazard reduction; predicting volcanic hazards; reducing losses from landslides and other ground failures and mitigating effects of coastal and stream erosion.

Despite the importance of geologic maps to the Nation, however, the level of large-scale geologic mapping conducted by the survey does not meet the demands for geologic maps on the State and local levels. The National Geologic Mapping Act of 1991 would remedy this situation.

H.R. 2763 would establish a National Cooperative Geologic Mapping Program within the Department of the Interior's Geological Survey. This program would be comprised of a geologic mapping component, a Federal-State cooperative geologic mapping component, a support map component and an education component.

Each component would provide for enhanced geologic mapping based on the needs of society. In addition, each of these components would be funded at a level considered suitable in meeting the goal of the legislation.

One additional purpose of the legislation is to provide a framework from which the survey can launch the National Cooperative Geologic Mapping Program. The legislation would require that an advisory committee be formed that includes representatives from academia, State geological surveys and the private sector so that the program is based on well thought out ideas from those who not only have the experience in geologic mapping, but who are the users of these maps.

All of the maps from the program will be included in a geologic-map data base that will be a national archive for local, State, national, and private use.

That concludes my explanation of the pending matter.

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

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

Mr. Speaker, I rise to join with the subcommittee chairman, in supporting H.R. 2763—the National Geologic Mapping Act of 1991. I am proud to be an original cosponsor of this bill, and I note that 42 Members are now signed on.

Briefly, this bill would address the concerns of the National Academy of

Sciences as to the inadequacy of basic geologic mapping efforts in this country. In 1988 the Academy reported this need to Congress. Implementation of the expanded mapping program authorized in H.R. 2763 would allow the States to participate in this effort to a far greater degree than they are currently able.

Mr. Speaker, I believe it is in the National interest to expedite detailed mapping of the foundation of our country—its geological make-up. With information gained from such mapping, Federal, State, and local government officials will have the knowledge necessary to make better decisions regarding mineral resource potential, earthquake and other natural hazards prediction, the stability of bridge and dam sites, and other natural resource dependent questions.

Mr. Speaker, the U.S. Geological Survey is a fine organization in which I have great faith. It's scientific acumen is unchallenged. But, the U.S. Geological Survey can never get this job done alone, certainly not with the urgency recommended by the National Academy of Sciences. H.R. 2763 would direct the U.S. Geological Survey to increase its cooperative program with the various State geological surveys so that the job can be completed.

I'm sure that every Member in this body has an example of loss to his or her constituents that arose because we simply didn't know enough about natural hazards or resources that could be predicted if the proper information were available.

Mr. Speaker, I urge my colleagues to support the National Geologic Mapping Act so that we can reduce the chance of such loss in the future.

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

Mr. RAHALL. 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 West Virginia [Mr. RAHALL] that the House suspend the rules and pass the bill, H.R. 2763, as amended.

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

A motion to reconsider was laid on the table.

#### CAVE CREEK CANYON PROTECTION ACT OF 1991

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2790) to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes, as amended.

The Clerk read as follows:

#### H.R. 2790

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Cave Creek Canyon Protection Act of 1991".

**SEC. 2. WITHDRAWAL OF LANDS WITHIN CAVE CREEK CANYON DRAINAGE.**

(a) **WITHDRAWAL.**—(1) Subject to valid existing rights, after the date of enactment of this Act lands within the Cave Creek Canyon Drainage are withdrawn from location under the general mining laws, the operation of the mineral and geothermal leasing laws and the mineral material disposal laws.

(2) As used in this subsection, the term "valid existing rights" in reference to the general mining laws means that a mining claim located on lands within the Cave Creek Canyon Drainage was properly located and maintained under the general mining laws prior to the date of enactment of this Act, was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this Act, and that such claim continues to be valid.

(b) **LIMITATION ON PATENT ISSUANCE.**—(1) After the date of enactment of this Act no patent shall be issued by the United States for any mining claim located under the general mining laws within the Cave Creek Canyon Drainage unless the Secretary of the Interior determines that, for the claim concerned—

(A) a patent application was filed with the Secretary on or before the date of enactment of this Act; and

(B) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims were fully complied with by that date.

If the Secretary makes the determinations referred to in subparagraphs (A) and (B) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(2) **MILL SITES.**—After the date of enactment of this Act no patent shall be issued by the United States for any mill site located under the general mining laws within the Cave Creek Canyon Drainage unless the Secretary of the Interior determines that, for the mill site concerned—

(A) a patent application was filed with the Secretary on or before the date of enactment of this Act; and

(B) all requirements applicable to such patent application were fully complied with by that date.

If the Secretary makes the determinations referred to in subparagraphs (A) and (B) for any mill site, the holder of the mill site shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(c) **VALIDITY REVIEW.**—The Secretary of the Interior shall undertake an expedited program to determine the validity of all unpatented mining claims located within the Cave Creek Canyon Drainage. The expedited program shall include an examination of all unpatented mining claims, including those for which a patent application or a plan of operations have not been filed. If a claim is

determined to be invalid, the Secretary shall promptly declare the claim to be null and void.

(d) **DEFINITION.**—For the purposes of this Act, the term "Cave Creek Canyon Drainage" means lands and interest in lands owned by the United States within the area depicted on the map of record entitled "Cave Creek Mineral Withdrawal", dated November 1, 1991. The map shall be on file and available for public inspection in the offices of the Forest Service, Department of Agriculture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia [Mr. RAHALL] will be recognized for 20 minutes, and the gentleman from Nevada [Mrs. VUCANOVICH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

**GENERAL LEAVE**

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2790, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, the Cave Creek Canyon Protection Act of 1991 was introduced by the gentleman from Arizona, Representative JIM KOLBE, and would permanently withdraw this area from mining activities. I would like to commend my colleague on the other side of the aisle for introducing this legislation.

Cave Creek Canyon is located in southeastern Arizona in the Coronado National Forest. It holds a unique place in the hearts of many who have visited Cave Creek Canyon because it is home to hundreds of rare and endangered species of plants and animals.

Furthermore, Cave Creek is one of the few permanent streams that flow year-round in southeastern Arizona. Many varieties of plants and animals are dependent on the unusual ecosystem of Cave Creek Canyon and, as such, any threat to Cave Creek Canyon is a direct threat to the survival of these species.

The threat to the outstanding resources in Cave Creek Canyon is real. Last year, Newmont Mining Corp. conducted surface exploration in the area and submitted a mining plan to the Forest Service. This mining plan was subsequently approved and would have resulted in additional and more disturbing exploration activities.

Finding itself in the middle of a national and international environmental controversy, Newmont volunteered to hold off on exploration for a year. Newmont eventually withdrew its plans after hearing about a Forest Service plan to study Cave Creek Canyon and several other areas as possible inclusion in a national recreation area.

The good will of Newmont does not guarantee that Cave Creek Canyon will be permanently protected against mining. It is possible that after the 2-year study, the Forest Service will not recommend all 95,000 areas for national recreation area status. Or, even if the Forest Service does recommend a portion of this area for national recreation area status, there is no guarantee that Cave Creek Canyon would be included.

Finally, any national recreation area proposal is subject to approval by Congress. Again, there is no guarantee that Congress would approve this recommendation.

There is only one way to ensure that Cave Creek Canyon is permanently protected and that is for Congress to withdraw it, subject to valid existing rights, from the location under the general mining laws, and from the operation of the mineral and geothermal leasing laws and the mineral material disposal laws. The Cave Creek Canyon Protection Act of 1991 accomplishes this goal.

That concludes my explanation of the pending matter.

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

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

Mr. Speaker, I join with the subcommittee chairman in urging the adoption of H.R. 2790. This bill would withdraw from the operation of the mining and mineral leasing acts approximately 13,000 acres of public land managed by the U.S. Forest Service in southeastern Arizona.

Mr. Speaker, I believe there is no stronger advocate for the retention of the mining law of 1872, as amended, in this body. Despite the assault on public opinion being made through the popular press today, my constituents and I believe the mining law is working well and does not need major revision.

Mr. Speaker, I say this recognizing that some may view this bill as an example of why generic reform is needed. On the contrary, I view this bill as an example of the proper way to foreclose incompatible public land mineral development.

Under current law, Federal land managers are charged with ensuring compliance with environmental requirements under the Clean Air, Clean Water, Threatened and Endangered Species Act, and other environmental statutes. If a proposed operation under the mining law does not satisfy these requirements, it will be denied. But, if such a proposal would not cause impacts exceeding the thresholds of law, the Federal Government cannot "just say no."

This is true at Cave Creek Canyon. No one has seriously suggested that the proposed drilling program that prompted this bill would violate Federal law. However, this area is a unique

treasure of biological diversity. The American Museum of Natural History recognized this several decades ago and established a field station there.

Mr. Speaker, I agree with the many people from around the country and the world, who support special protection for Cave Creek Canyon. I note, also, that the Member who represents the subject area is seeking this withdrawal. We should give great weight to his judgment on this issue.

With that I urge my colleagues' support of H.R. 2790.

Mr. Speaker, I yield to the distinguished gentleman from Arizona [Mr. KOLBE], the original cosponsor of the bill.

Mr. KOLBE. Mr. Speaker, I rise in strong support of H.R. 2790, the Cave Creek Canyon Protection Act. This bill would protect from mineral activity designated Federal lands in southeastern Arizona. I grew up in this part of Arizona, and for years have enjoyed the spectacular beauty of the Chiricahua Mountains, particularly this area around Portal on the north slope of the range. Even so, Cave Creek and Portal have been, until now, one of the best kept secrets among the many natural wonders in this country. I invite my colleagues to visit Cave Creek. It is not easy to get to, but once you do, I suspect your reaction will be similar to mine and others before me: "This place really is magnificent."

What makes this area special? Simply put, Cave Creek Canyon is unparalleled in its diversity of species and plant life, its value to scientific researchers and recreational users, and its breathtaking beauty.

Although a complete description of the special values found in Cave Creek would take most of the day, I would like to take a few minutes to give my colleagues a sample.

Let me begin with its biodiversity. Cave Creek is home to endangered species such as the peregrine falcon, the desert tortoise, and the sanborn long-nosed bat. Javelina, jaguar, and jaguarundi are known to frequent the area. Birds of all stripes and color also call Cave Creek home.

There are 13 species of hummingbirds and 12 species of owls, alone. That is more variety of hummingbirds than found anywhere else in the United States. The 50 trogons that use the canyon for breeding comprise half the U.S. population of this colorful tropic species. Thick-billed parrots, not found anywhere else in the United States are flourishing in the friendly confines of the canyon. Over 330 species of birds have been recorded in the area. This area is considered by many to be the single best birding spot in the country.

But we do not have to look to the sky over Cave Creek to find unusual, astonishing animal species. There are the exotic chiricahua leopard frogs, the green rat snakes, the yaacqui black-

headed snakes, and the blue-throated hummingbirds that occupy the canyon \* \* \* and on and on. Studying the area's plant and animal life is like looking in a Who's Who of rare and exotic species.

There is more to the canyon than rare and exotic plants and animals. The scientific value of the region is immeasurable, resulting in almost 1,000 disparate scientific publications, many outlining new discoveries in ecology, toxicology, and evolutionary biology. For example, research on scorpion venom is being conducted at Cave Creek to determine its possible use in treating human neurological diseases. The presence of the Southwestern Research Station of the American Museum of Natural History has played a significant role in much of this research. It is not a stretch to say that this region has produced more scientific discovery and achievement than any other area in the world of comparable size.

The scenic values are also spectacular. Perhaps A.B. Gray summed up the beauty of the canyon in 1854 when he wrote in this journal:

The view of this canon[sic] in the morning, with the sunlight reflected from its deep recesses, and upright wall rising majestically on all sides to a height of several thousand feet, tapering like spires amid the clouds, presented a scene of grandeur and beauty.

This land is truly magnificent. But a lot of other public lands fit this description as well. That does not mean beautiful scenery should automatically preclude other, productive uses of land. That is why I support multiple use of public lands. I believe that mining, grazing, recreation, among others, are valuable and legitimate uses for public lands. However, we should recognize there are some lands so unique and so special that mining activity, with its physical scarring and ecological disruption, would be inappropriate. Cave Creek is such an area.

The impetus for H.R. 2790 stems from Forest Service approval of a plan of operations for exploratory drilling in the Cave Creek area. The plan was approved November 23, 1990, and subsequently appealed on January 7, 1991, by the Portal Mining Action Coalition. On December 21, 1990, before the appeal, Newmont decided to defer mineral activity for 1 year in order to allow interested parties to seek a withdrawal from mining activities of the area.

At the request of local residents and others in southeastern Arizona, as well as hundreds of people from around the country, I introduced H.R. 2790 last June to accomplish a legislative withdrawal of the Cave Creek area. The bill is the product of extensive discussions with the various interested parties and would prevent only mining activity in the area.

Other uses would be unaffected. Following the introduction of this bill, the Forest Service announced its

own administrative withdrawal of Cave Creek for 2 years to allow consideration of its proposal to establish a national recreation area in the Coronado National Forest. Its proposal includes the area proposed for withdrawal in H.R. 2790. Subsequent to that announcement, Newmont withdrew its request for exploratory drilling operations in the area.

Despite Forest Service withdrawal and Newmont's decision, this legislation is still necessary. For one thing, the administrative withdrawal is only temporary. After 2 years—or any time during that period—the land could lose its protected status and be reopened to mineral exploration. Moreover, the Forest Service could choose not to pursue their national recreation bill or not include the area in question in this bill. Third, national recreation legislation could fail or not contain the necessary withdrawal provision upon passage. Finally, passage of the Forest Service proposal may take longer to achieve than the 2-year segregation period. Accordingly, the only way to assure permanent protection for Cave Creek Canyon is through H.R. 2790.

This bill has traversed the legislative labyrinth of the House relatively quickly. More than anything, I think this is a reflection of the merits of this bill. But it would not have been possible without the leadership, and support of the distinguished chairman of the Mining and Natural Resources Subcommittee, Mr. RAHALL. Similarly, I would like to thank the distinguished ranking member of the subcommittee, BARBARA VUCANOVICH, and my colleague from Arizona, JAY RHODES, for their guidance and support.

But most of the credit for this legislation goes to those public citizens who came together at the grassroots level to raise their voices in support of protection for Cave Creek Canyon. I commend the many people from around the country and southern Arizona, including the Portal Mining Action Coalition and the Friends of Cave Creek, for their efforts. Your voices are heard—we know how special this land is to you. And you have made the rest of us aware of its special nature as well. A similar salute goes to the Newmont Mining Co. for its environmental sensitivity.

Mr. Speaker, if you believe in protecting unique and spectacular areas, this bill is for you. I ask for your support so that this national treasure can be preserved for future generations.

Mrs. VUCANOVICH. Mr. Speaker, I would like to urge my colleagues to support H.R. 2790, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). The question is on the motion offered by the gentleman from West Virginia [Mr. RAHALL] that

the House suspend the rules and pass the bill, H.R. 2790, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed. A motion to reconsider was laid on the table.

#### A TRIBUTE TO JOHN A. PALUMBO III

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

Mr. HUBBARD. Mr. Speaker, I take this opportunity to pay tribute to my friend John A. Palumbo III, who died yesterday in Lexington, KY, at age 16.

The untimely and tragic death of this popular Lexington teenager was a shock to his family and his many friends.

Officials at Lexington's Sayre School, where Johnny was a junior, had counselors on hand to help students and faculty deal with the death yesterday, Sayre headmaster Clayton Chambliss said.

"Sayre is very small and very family and community oriented, and he had been with us since kindergarten," Chambliss added.

At Sayre, Johnny had lettered in soccer and basketball and was a member of the Spanish Club. Active at Lexington's historic Calvary Baptist Church, he had been involved in a church youth group, and had been a youth leader on mission trips, and a member of a church basketball team. He also had been a member of the Lexington County Club swim team.

Johnny Palumbo and 18 other Sayre School Students visited Washington, DC, November 5.

I spoke by telephone with my friend Johnny Palumbo on November 11, to express my regrets that I missed him and his classmates during their recent visit.

John A. Palumbo III is survived by outstanding parents. His mother is Kentucky State Representative Ruth Ann Palumbo, a popular Lexington legislator who represents Kentucky's 76th House District. Johnny's father, John A. Palumbo II, is a successful and well-known Lexington businessman.

My late father, Dr. Carroll Hubbard, Sr., and I attended the elegant wedding of Ruth Ann Baker and John A. Palumbo II at Calvary Baptist Church on June 29, 1974.

Other survivors are Johnny's three younger brothers—Joseph Edward Palumbo, James Thomas Palumbo, and Stephen Baker Palumbo; his maternal grandparents, James K. and Dorothy C. Baker; and his paternal grandparents, John A. and Nancyetta S. Palumbo, all of Lexington.

The funeral will be at 11 a.m. tomorrow at Calvary Baptist Church.

My wife Carol and I extend to John and Ruth Ann Palumbo and other

members of Johnny's family our sympathy.

#### REPRESENTATIVE BENNETT PRESENTED VICTORY AWARD

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

Mr. MONTGOMERY. Mr. Speaker, I rise to pay tribute today to our colleague, Representative CHARLIE BENNETT of Florida, who was one of seven Americans honored this week as 1991 recipients of the Victory Award.

Now in its sixth year, the Victory Awards are presented to individuals who best exhibit exceptional strength and courage in the face of adversity. They are sponsored by the National Rehabilitation Hospital. The men and women who have been cited for this honor over the years have overcome adversity to succeed in the fields of arts and entertainment, sports, and politics. Their stories should be an inspiration to all of us.

This year's recipients include California Angels pitcher Jim Abbott, actor Billy Barty, Army Maj. Rhonda Cornum, comedian Norm Crosby, actress Sandy Duncan, singer Gloria Estefan, and CHARLIE BENNETT.

Credit should go to Victory Award Gala chairman, Walter Ganzi, Jr., and co-chairs Edward Eckenhoff, James Mullins, Donald Phillips, and Linda Mallinger. I also want to mention the work of Doro LeBlond on the Victory Awards Program. She served this year as coordinator of special audiences.

I know everyone in this House joins with me in saluting all of these award winners and especially our friend and colleague, CHARLIE BENNETT.

#### DENIAL OF TAX BREAKS FOR DRUGMAKERS WHO INFLATE PRICES TOO MUCH

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

Mr. STARK. Mr. Speaker, the cost of prescription drugs regularly increases two to three times faster than the rest of the economy. The Bureau of Labor Statistics reports that drug prices rose 10.2 percent in the 12 months ending in August—nearly triple the 3.8 percent increase in the CPI during that period. To add insult to this injury, according to a 1991 Department of Health and Human Services Office of Inspector General report, the average American pays 62 percent more for prescription drugs than the average Canadian and 54 percent more than the average European.

I would like to note here, Mr. Speaker, the single exception of Merck & Co., whose CEO, Dr. P. Roy Vagelos, has pledged to hold price increases below the annual growth rate in consumer prices. They are the outstanding bright spot in the otherwise dismal picture of greed that marks this industry.

The drug companies like to claim that prices increase so much because of the heavy costs of research. Baloney. Their sales force costs and administrative costs regularly increase more than their R&D budgets. The Pharma-

ceutical Manufacturers Association's recent annual survey report noted that in 1989, its member firms increased the number of personnel involved in marketing-related activities 3,933 to 55,000—an increase of 7.7 percent. In the same time, PMA firms added 2,100 employees in Medical research and development for a total of 43,260—a 5 percent increase. So much for research as the driving force behind their outrageous inflation.

The industry is consistently the most profitable in our entire society. During the current recession, the drugmakers continue to make record profits. I've included an article from the Wall Street Journal of October 18, 1991, describing their latest quarterly profits.

Senator PRYOR, chairman of the Senate Aging Committee, recently released data on the industry that showed:

At a time when Americans are scrimping and saving to afford their medications, the drug industry's annual average 15.5 percent profit margin more than triples the 4.6 percent profit margin of the average Fortune 500 company.

Never have so few made such gross amounts of money from so many sick people.

Despite their outrageous price increases and consistent high profit levels, this industry constantly seeks tax breaks. At the present time, they are lobbying for a continuation of the R&D tax credit which is scheduled to expire at the end of the year. Not only does the industry gouge the consumer directly, but they like to feed, no questions asked, at the backdoor of the Treasury.

Therefore, I am introducing legislation to deny R&D tax credits to any pharmaceutical company whose new products increase in price more than 2 percent above the consumer price index. The bill also denies R&D tax credits for the expenses associated with developing a me-too or copycat drug that does not add a new medicine to the market. We should not reward inflators with tax breaks.

For the sake of the taxpayer and the consumer, we should use tax policy to encourage price stability in the industry.

[From the Wall Street Journal]

BRISTOL-MYERS, PFIZER POST RECORD NET, SCHERING, LILLY TWO-DIGIT PROFIT RISES  
(By Suein L. Hwang)

NEW YORK.—Four health care companies reported robust double-digit third quarter earnings gains despite the slightly negative effects from foreign currency adjustments.

Bristol-Myers Squibb Co. earnings rose 14%, Pfizer Inc., 13%, Schering-Plough Corp., 11%, and Eli Lilly & Co. rose 16%.

BRISTOL-MYERS SQUIBB CO.

The New York drug and consumer products company reported record earnings; profit growth outstripped sales gains by a significant margin. Sales rose a more modest 5% to \$2.76 billion. The company noted that excluding the sales of divested businesses and the effect of foreign exchange, sales growth was 8% for the quarter and 9% for the nine months. Exchange rate fluctuations had a slightly negative effect on sales of about 2% for the quarter and no effect for the nine months.

For the first nine months, Bristol-Myers sales rose 9% to \$8.22 billion from \$7.56 billion. On the New York Stock Exchange, Bristol-Myers shares closed at \$82.125 a share, down \$1.375 a share.

## PFIZER INC.

Fueled primarily by sales growth in the health care products segment, which was led by a number of new drugs, the New York company reported record earnings.

Net sales for the quarter rose 8% to \$1.77 billion from \$1.64 billion. Previous year's results were restated to reflect a 1991 two-for-one stock split.

Sales growth was dominated by the health care segment, which rose 16% compared to a 2% increase in consumer products and a 1% gain in the animal health division. Within the health care segment, pharmaceuticals sales increased 17% and hospital products sales rose 13%. Sales of specialty chemicals and minerals continue to be slow, declining 5%, excluding the company's divested citric acid business.

"Third quarter results reflected the success of our new pharmaceutical products and increased profitability in our consumer products business," said William C. Steere, Jr., president and chief executive officer. He noted that Pfizer's new pharmaceutical products accounted for 49% of total drug sales, up from 33% the year before. In particular, sales of cardiovascular drug Procardia XL and antifungal Diflucan jumped 84% and 55% respectively.

The company said three "significant" new drugs have been favorably reviewed by the Food and Drug Administration advisory committees: Zithromax, an antibiotic; Norvasc, a high blood pressure and angina treatment; and Zoloft, a depression treatment expected to compete with Eli Lilly & Co.'s big seller Prozac. It also noted that Advocin, an antibacterial for cattle, swine and poultry, is doing "very well" in early launch markets.

## SCHERING-PLOUGH CORP.

Schering-Plough Corp. attributed the 11% gain in third-quarter earnings to strong performances in its health care products segment.

Sales rose 12% to \$887.8 million from \$793.8 million. Excluding the impact of foreign currency exchange, third quarter sales would have risen 14%.

"Schering-Plough's continuing solid performance is the result of an outstanding mix of pharmaceutical and consumer products, both in-line and newer offerings," said Robert P. Luciano, chairman and chief executive officer. Third-quarter sales gains were led by the world-wide pharmaceutical business, which posted a 10% increase. Third-quarter sales for HealthCare Products was up to 18% compared with 1990.

The company cited U.S. drug sales growth to the Proventil and Vancanase lines of asthma drugs; Eulexin, a prostate cancer therapy; and K-Dur, a potassium supplement. Higher international sales was led by Claritin, an antihistamine and Losec, an ulcer treatment.

Mr. Luciano said he expects continued growth in the fourth quarter and reiterated his projection that full year earnings per share should increase between 18% and 20%.

## ELI LILLY &amp; CO.

The Indianapolis pharmaceutical giant said sales rose 5% to \$1.34 billion, reflecting sales growth in the company's three major divisions.

World-wide sales of such pharmaceutical products as Axid, Lilly's anti-ulcer drug; cardiovascular product Dobutrex; and its Humatrope growth hormone, continued to be strong contributors. Lilly also cited improved sales of Prozac, the anti-depressant drug that has been recently the subject of controversy.

Additionally, the company said that its medical devices and diagnostics division continued to show sales growth, led by the division's Cardiac Pacemakers Inc., Devices for Vascular Coronary AtheroCath, and Hybritech Inc. Lilly also said sales in its animal health products division was "balanced across the product line."

Lilly said manufacturing costs and operating expenses increased at a slower rate than sales growth, resulting in a 12% gain in operating income. The company's third-quarter net income of \$1.01 fell on the low end of analyst expectations for \$1.10 to \$1.09 a share, according to Zachs Investment Research Inc.

## THE FUTURE OF OUR ANCIENT FORESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. JONTZ] is recognized for 60 minutes.

Mr. JONTZ. Mr. Speaker, the hour is late, but I rise this evening to speak for at least a few minutes on a subject of concern to millions of Americans in this country, and that is the future of our ancient forests, particularly these ancient forests in the Pacific Northwest.

Mr. Speaker, I am honored to be the author of the Ancient Forest Protection Act and to be joined by 120 cosponsors, Members of this House, who share the concern that we have about seeing that these forests are left for the benefit and well-being of the future generations as well as our own.

I was to have been joined this evening by several of our colleagues to speak in this special order about the need to protect our ancient forests, but the hour being late, they were unable to attend.

Mr. Speaker, two of my colleagues who would have joined me this evening are the gentleman from Minnesota [Mr. VENTO], chairman of our Subcommittee on National Parks and Public Lands in the House Committee on Interior and Insular Affairs, one of the subcommittees with jurisdiction over this issue, and the gentleman from Minnesota [Mr. VENTO] is the author of another bill that would seek to protect our ancient forests. He has given this subject a great deal of attention and has some very thoughtful statements to make on the subject.

Also the gentleman from Minnesota [Mr. SIKORSKI] has taken a special interest in the personnel in the agencies of the Federal Government who are responsible for the management of these forests, some of the problems they have faced because of political pressures that have come from Washington.

Mr. Speaker, let me make several points about the great ancient forests of our country. First of all, these forests are extraordinarily valuable to the American people. These forests of course produce timber, which is part of the reason that we have a controversy over protecting the forests. But there are many other values in these forests as well.

Mr. Speaker, they protect watersheds, insuring quality water for the use of people in the cities and communities in the Pacific Northwest. They provide wildlife habitat for a wide range of species. They provide a number of scientific benefits to all of the people of our country.

We have only recently become aware of the extent to which these great forests protect us from global warming by serving as sinks for carbon. They also serve very valuable purposes as conservators of biological diversity, which is to say the diversity of life at the genetic, the species, and community levels.

We may think of scientific values like biological diversity as being extraneous, but in fact they have very important economic significance.

We could see in centuries to come changes in climate in North America. We may need the genetic resources which now exist in these ancient forests in order to be able to maintain in other locations a viable forestry.

So these forests serve a variety of environmental, recreational, social, and economic values that are extraordinarily important to all the people of our country.

Many people would say these forests also serve an important spiritual value. To go into one of these forests is to be reminded of the beauty of God's creation, to be reminded that these living trees have been in place there for hundreds of years, a living link, if you will, to the Middle Ages on our planet.

So there are many, many ways that all the people of this country benefit from the ancient forests in the Pacific Northwest. At the same time that these forests are extremely valuable, and I would say are becoming more valuable every day, the ancient forests of our country are also threatened. Nationwide of course most of the forests of our country have been cut. Only 5 percent of the native forests of the United States from coast to coast remain.

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Mr. Speaker, in the Pacific Northwest less than 15 percent of the forests are uncut. At one time there were some 30 million acres of ancient forests which stretched up the coast through California into Oregon and Washington State, and then further north into Canada. Most of those have been cut, less than 15 percent remain, and almost all of what is left today that is true ancient forest is owned by us as the U.S. citizens and taxpayers of this country. It is Federal land under the ownership and management of the U.S. Forest Service or, in some cases, under the Bureau of Land Management.

Many people in this country I think believe mistakenly that, when a forest is a national forest, that it is safe, that it is not subject to being cut, but that

is not true. In fact, we are cutting these great ancient forests of the Pacific Northwest at a rate faster than the Brazilian rain forest is being cut. Most Americans are aware of the destruction of the rain forests in Central America and South America, but they may not be aware that the forests of our own country, the rain forests in the Pacific Northwest, are being cut at a faster rate.

So, we have reason to be concerned about the future of these forests. If the cutting of our forests continues at the same rate that it has during the 1980's, within a decade or two the ability of these forests to function as viable ecological systems will be gone, and we will see the benefits of these forests go forever as well.

One point that I would like to make in this regard is that we do have wilderness areas and national parks in our country in the Pacific Northwest region, but by themselves these areas do not provide adequate protection for our ancient forests. Less than 1 million acres of ancient forests are currently protected under national parks or wilderness areas. This is because these areas were usually set aside, not for their specific ecological function, but rather because the areas are scenic, or have recreational value, or are remote. Many wilderness areas are high elevation, rock and ice, and in fact were designated as wilderness because they do not have merchantable timber.

So, we do have areas in wilderness, we do have areas that are in national parks, and there are some ancient forests on these very valuable wilderness areas in national parks, but these areas were not set aside based on our current understanding of how forests function as ecological systems, and they do not by themselves provide us very much assurance that the ancient forests will continue for the benefit of future generations.

Mr. Speaker, scientists believe that much of the 3 million acres of ancient forests that remain outside of existing parks and wilderness must be protected if we are to sustain these forests for the benefit of future generations, and that is why we see legislation introduced in the Congress to provide for the long-term protection of these forests.

The Ancient Forest Protection Act, which I introduced, is different from existing laws that we have because it is an ecosystem-based law. We have a lot of very important environmental laws in this country. We have the Wilderness Act. We have the Endangered Species Act, we have the National Forests Management Act. These are very important and very necessary laws. But none of them really provides for the protection of forests as ecosystems.

Mr. Speaker, the Ancient Forests Protection Act for the first time would require that the Federal Government

manage these very valuable forests in the Pacific Northwest, these unique and irreplaceable forests, so that they can be sustained over long periods of time as viable ecological systems.

The important fact which must be understood is that our scientific knowledge about forests has grown very rapidly in the last decade or two. There are many scientists who are working for our Government agencies like the Forest Service that have brought about a new understanding of how forests function in an ecological sense. We used to think that the dead trees in the forests were waste. We used to believe that we ought to be taking out the downed logs and cutting the snags because they were not valuable. Well, research done in our forests indicates that these downed logs and these snags are a critical part of the health of the forest, and they are a part of the biological legacy which makes it possible for the forests to sustain themselves over hundreds and thousands of years, and, unfortunately, our laws today do not reflect our current scientific understanding of forests.

So, it is not that the Endangered Species Act, or the National Forest Management Act, or the Wilderness Act are bad laws. They are very good laws, but they do not go far enough. That is why we need an ecosystem-based law to insure that above all else these forests can sustain themselves over time and be of benefit to those who come after us, as well as our current generation.

At the same time it is important that I emphasize that the existing management of our national forests, the existing management plans that each national forest has, do not adequately protect the old-growth forests and the various species of wildlife which depend on them.

During the last few months a study was done for our House Committee on Agriculture and the House Committee on Merchant Marine and Fisheries under the direction of some very well-known scientists, Dr. Jerry Franklin and Dr. Jack Ward Thomas being two who have a long and distinguished record of service to our Federal Government. The study which they did, in my opinion, shows very clearly that management of our national forests in Oregon, Washington, and northern California under the existing forest plans will not provide any reasonable level of assurance that these old-growth forests and the wildlife species which depend on them can be sustained. This study makes clear in my opinion the necessity of action by the Congress if our ancient forests and the various wildlife species which are dependent on them are to be protected.

We look at the forest plans for the different national forests of the Pacific Northwest and see many good things. These plans are better than the plans

that were in place a few years ago. But none of these plans were written on an ecosystem basis. None of them took a regional look at what is necessary to sustain ancient forests, or fish or other wildlife species, and so in that way they are inadequate, and it is true that a great deal of work was put into those forest plans. But nonetheless, if our objective is to provide for the sustenance of ancient forests as ecological systems and the different wildlife species that depend on them in the long term, we cannot continue on the present course. The existing forest plans allow too much timber cutting and are, in that way, taking us down a path where we will produce lots of commodities for a short term, but we will be sacrificing in the long term the well-being of these forests.

Another very important point which I would like to make this evening is that the protection of ancient forests and a viable wood products economy can coexist. We do not have to make a choice in this country whether we are going to protect the last of our ancient forests or whether we will have wood products for the people of our Nation to enjoy. If we use a reasoned, well-balanced approach, we can provide for the protection of our forests and at the same time insure that there are wood products available for our use and there are jobs in the Pacific Northwest in the wood products industry. The fact is that it is inevitable that there will be a transition of the wood products industry in the Pacific Northwest to smaller trees, trees that one would call second growth, because they are trees which have come up and grown after the original ancient forests were cut or, in some cases, burned. Logically we know that the supply of the ancient forest trees, the big trees that are several hundred years old, is limited. Sooner or later those trees will be gone.#

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Sooner or later the industry must switch to second growth trees which are smaller trees. In fact, the industry is switching.

There is very little that must be manufactured from a 400-year-old tree. You can use a smaller second growth tree to make two-by-fours, to make veneer plywood. The future of the wood products industry in the Pacific Northwest or in our country at large is not dependent on trees which are 400- or 500-years-old. If it were, we would have a very bleak future, because those trees, even if we cut the last one, are not going to last forever.

My argument is this: If we must make the transition from a wood products industry based on large 400-year-old trees to one based on younger, smaller trees, would it not be smart to make the transition now, instead of later? If we make the transition now,

we can set aside the last of the great ancient forests for their other benefits, their environmental benefits, recreation, spiritual benefits, the benefits I spoke to earlier this evening. We can see that those forests are providing us benefits on a sustainable basis for generation after generation after generation, and we can have a viable wood products industry at the same time.

One of the challenges that we face in making this transition is redesigning the way timber sales are made on the national forests in the Pacific Northwest. The Forest Service without passage of any legislation at all for that matter or at the direction of the Congress could greatly reduce the impact of existing timber sales on the ancient forests in Oregon, Washington, and northern California.

The way the Forest Service now lays out timber sales and has been laying out timber sales for several years hastens the degradation of the forests as an ecosystem. What has been the practice in the past is the various clearcuts are placed in roadless areas and unnecessary fragmentation of the forest has occurred.

We have caused the necessity of building roads into the forest to reach these areas where the clearcuts are made in the roadless areas, and this has all had much more adverse impact on the environment and on wildlife than what is necessary.

What we need to do is redesign the entire timber sales program for these areas to the less ecologically sensitive areas. We can be cutting some of the smaller isolated groves. We can be thinning out forests that need that sort of attention for their long-term productivity. We can do more to cut in second growth.

We can produce timber from our national forests in the Pacific Northwest in a much more environmentally sensitive way than we are doing right now. If we do use our knowledge and are sensitive to environmental concerns, we can ease the transition for the specific communities and the specific mills in the Northwest that are now dependent on Federal timber.

When we take a look at the big picture, the supply of wood products nationwide, it is very clear that we do not need to and should not suffer any shortage from protecting our ancient forests, and that is because at the present time even during the last decade when we were cutting and have been cutting our ancient forests at such a rapid pace, we are only supplying a very small fraction of the total timber needs of this country from those magnificent forests.

Total timber production in the United States, an average figure that I might quote, would be in the vicinity of 45 or 50 billion board feet a year. Of that total lumber, less than 20 percent of it comes from all the national for-

ests together, and only about 3 billion board feet of it, a little bit more in some years, a little bit less this last year, has been coming from the national forests in Oregon and Washington State.

The vast majority of the timberlands in our country, some 60 percent of our Nation's forests, are privately owned, either by corporations or by industries. These forests can clearly make up the production that would be lost were we to reduce the amount of timber sold from our national forests in the Pacific Northwest, because these private lands are extraordinarily productive lands.

If we as a nation were to invest more in their productivity, we would more than make up the difference. There is no need to fear any shortage of wood products as a result of protecting our ancient forests.

There are certainly local economic impacts that we must be concerned about in the current situation in the Pacific Northwest, whether ancient forest legislation passes or not. Certainly if legislation is to pass the Congress, in my opinion economic provisions must be a part of it to assist the communities and assist the individuals in those countries who are now being and would be adversely impacted.

Let me suggest one item among many that could be pursued if our objective is to address the economic problems facing communities in the Pacific Northwest.

Simply by enacting a temporary ban on the export of raw logs from the Pacific Northwest, we would more than compensate for the supply of timber and the number of jobs which would be affected by legislation to protect ancient forests. In ancient years as much as 4 billion board feet of timber has been exported from Oregon and Washington States alone as raw logs, unfinished. These are not providing jobs to American citizens. They are being shipped overseas and providing jobs in Japan, Korea, or these countries, but not the United States.

I wish that every citizen in our country could travel to the Pacific Northwest and see the docks and see the row after row of logs that are being sent to Japan as raw logs, and see the logs being loaded onto the ships. Quite literally, trees are being cut and sent down the highway, past mills in our country which are closed because they do not have an adequate supply of logs, and the logs are being taken to the docks, the log yards, occupying acre after acre after acre in the various port communities in the Pacific Northwest, and they are being loaded onto ships and being shipped off to Japan.

If we could take every Member of this House and every citizen of this country up in an airplane and, first of all fly them over our forests in the Pacific Northwest that are being clearcut to show them the ugly clearcut in the

Olympic National Forest or many other national forests, and then fly them to the docks of the various communities on the coast where these raw logs are sitting there ready to be shipped to Japan, I daresay that every Member of this House would be a supporter and every citizen of this country would be a supporter of this type of legislation.

I might be careful to clarify that we do not directly export logs from our Federal forests, but the volume of logs which are exported from privately owned forest in the Pacific Northwest, some 4 billion board feet a year, recently, is more than the total volume of timber which we are producing from the national forests. In fact, exports from Washington State alone since 1979 of raw logs have amounted to more than 20 billion board feet, enough to build 7.5 million homes.

So there is no question that there are steps which we can take to address the economic needs in those communities.

There are many other things we can do now. We can help to retool the mills. We can work for diversity in the local economies. We can provide for retaining of workers. There are many steps which can be taken to address these economic problems which are very real for the different communities.

I want to add that these communities are going through a transition now, whether ancient forest legislation is passed or not. The trends in the wood products industry in recent years have been to modernize. As has been the case in many of our industries, when mills are retooled, they become more efficient and fewer workers are needed to produce the same volume of timber.

During the decade of the eighties, we saw the number of individuals employed in the industry decline on a per unit basis of wood produced and on a total number, because of increased efficiency, and also because of the export issue that I have been speaking to this evening.

So we have very real economic problems as a result today. Not nearly so much from environmental concerns, but rather from the trend that the industry is going through. We need to be straightforward, I think, and understand that there is regional competition in the United States in the wood products industry. Many of the major wood products companies in our Nation have been investing more of their resources in the South.

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And the share of our total timber production that comes from the South has been increasing at the expense of the Pacific Northwest. I am not saying that that is necessarily a good thing or a bad thing. It is simply the trend which has been going on for sometime. It probably will continue because eco-

nomics of production in the South for different reasons are in some cases better. So the major timber companies have been investing in mills in the South. They have closed mills in the Northwest.

This is not a good thing for the people who live in the Pacific Northwest, but it is not the result of the spotted owl. It is not the result of ancient forest legislation. It is not a result of the environmental community. It is the result of trends in the wood products industry.

Mr. Speaker, I want to take just a minute to outline at least the major points of the legislation which I have introduced, the Ancient Forests Protection Act, that would address this problem. The most important thing about my legislation, H.R. 842, the Ancient Forests Protection Act, is that it is based on science. The keystone of this legislation would be the creation of a scientific committee under the auspices of the Council on Environmental Quality that the President appoints to examine what is happening in our ancient forests in Oregon, Washington, and northern California and prepare a plan, a reasonable, thoughtful plan for consideration by the Congress of the United States about what steps need to be taken to sustain these forests over the long term.

There are many scientists in this country, some of whom work for the Government, some of whom are in the academic community, some of whom work for industry, that could be recruited to serve on a committee like this. They can survey the existing scholarship and the existing studies that have been done, and I think in a reasonable period, perhaps a year, come up with a plan for consideration by the Congress.

Our legislation then gives authority to the Congress to create what we call forest reserves, ancient forest reserves, to set aside land over the long term for the protection of these ecological systems.

As I mentioned earlier this evening, I think virtually all scientists would say that the existing land that we have put in wilderness, in the National Parks is important, but by itself will not sustain the ancient forest ecological system. So we need to create ancient forest reserves that would complement existing wilderness areas or national parks and provide for a system of ancient forests which could be sustained over time.

One illustration I might use is the necessity of including some lower elevation areas in our ancient forest reserves. Many of the wilderness areas have very high elevation. There is not much ancient forest left on low elevation areas. Those low elevation areas are very important because from the standpoint of wildlife, they tend to be better places to live. They tend to be

more productive from the standpoint of growing trees, and for that reason more of them have been cut.

So I would imagine that a group of scientists looking at our forests in the Pacific Northwest would identify many areas that are more low elevation forests than are not now parks, not now wilderness that would be in their recommendations to necessitate to protect if we are to sustain these ancient forests as ecological systems.

I might add that the charge or the mission that would be given to the scientists would not be just to look at setting aside land, although that is very important, but also how we manage other forests in the Pacific Northwest. We cannot just set aside land and hope that by itself that will sustain our forests.

In some areas, it is necessary to engage in recovery of forests. We have areas that are extraordinarily cut over. We have watersheds that have been destroyed, fisheries that have been rapidly diminished.

I believe that scientists will recommend in several instances the restoration of ecological systems, and they will also recommend perhaps that we be more careful in how we produce timber in other areas in the forests that they would not recommend be set aside as ancient forest reserves.

The legislation would give the Congress the authority, set up the means through these ancient forest reserves, to protect additional areas. The Congress might see fit to identify some of those areas now. The Congress could certainly, upon the recommendation of this scientific group, identify other areas.

The third important element of the legislation that is certainly the controversial element of it is that the bill would provide for interim protection for our ancient forests that now remain while this study was going on, while this scientific group was meeting to come up with a plan. And this interim protection would continue until such time as the Congress would act.

My argument is that it would be foolish to cut very valuable ancient forests while the scientists are studying which forests need to be protected for the long run.

The first rule of tinkering is do not throw away the pieces. The unfortunate situation we face is we could be throwing away the pieces that are necessary to protect out ancient forests over the long term if we allow clear-cutting to continue in these forests at the rate that it has into the next 2 years.

Our legislation would say the existing ancient forests as defined in different scientific ways plus other forests which might be important to the sustenance of these forests long term, as an ecological system, would be protected in the interim while the study is ongoing.

I think that there is room during this transition period to work out a balanced approach that would continue to produce timber from these forests at lower levels than what has been the case historically, but at least in adequate quantities to allow for a reasonable transition. I think that if we are thoughtful in the way that we design an interim package of protection, that we can provide for a reasonable level of timber sales in this interim period, whether it is 1 year, 2 years, 3 years, whatever, and at the same time protect the most valuable of our remaining ancient forests, at least in interim status so that when the scientists finish their work and they come back to the Congress and say, "Here is what we recommend should be done," we can have the greatest number of options.

I might take a moment, Mr. Speaker, to explain that when we talk about protecting ancient forest ecosystems, it is not like we are taking a photograph of what exists right now that one would put on a piece of paper and say, this is the way it will be forever. These forests are dynamic systems. They inevitably will change over time.

Many things that we think of as cataclysmic events, such as fire and wind-storm and disease and volcanic activity, are a very natural part of our forests in the way we have evolved.

When one thinks about it, the history of forests over hundreds of years and thousands of years, we know that forests are subject to disease on a periodic basis.

We know that insect infestations occur. We know that fire occurs.

Some fires are big. Some fires are small. Fires have been part of these forests long before we ever thought about Smokey the Bear and volcanic activity like we saw with Mount St. Helens just a few years ago. These forests are dynamic systems.

They are also dynamic in that trees grow and die, there is a whole process of succession of vegetation and wildlife.

Really, more than protecting or preserving a certain thing that is there right now, our legislation seeks to protect a process or a whole complex of processes. These are natural processes which we do not understand very well.

We are beginning to understand them. They are natural processes which we cannot improve on. We thought that when we went out and clear-cut the forests, we were improving on the natural process of how fire comes and takes out some of the big trees, perhaps, or the underbrush in other cases, and provides an opening in the forest. Well, clear-cutting does not replicate by any means perfectly these natural processes.

We have found there are a lot of problems that we did not understand, and now we do know that forests function in a certain way. And the objective of

our legislation is at least in those remaining ancient forests which are virtually irreplaceable; we must maintain these processes.

One important distinction to make that is critical to understanding why we need to protect ancient forests is the distinction between a tree farm and an ancient forest.

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I think tree farms are good things. We need tree farms to produce wood products. There are millions of acres of tree farms in our country on private land, and in some ways we manage certain portions of our national forest as tree farms. I am not opposed to that, but what I think is a mistake is to take the last of the ancient forests, which are not tree farms, and turn them into tree farms.

The ancient forests are complex webs of life, interdependent on each other, that have evolved over thousands of years, and that is not the description of a tree farm. Coming from the Midwest, I know what a corn field looks like, and corn fields are good things to produce corn. And we can grow trees on the same basis. We can plant trees. They grow. We cut them in 40 years or 60 years or whatever, and then we plant new trees, and we can do that. But we should not mistake a tree farm for an ancient forest, because when you cut a 400-year-old ancient forest and plant a tiny seedling where a giant tree was, you are not replacing an ancient forest with something which is comparable. You have destroyed the ecological balance, you have taken a system which is rare and disappearing in our country and made it disappear even faster.

We just cannot re-create these forests. It is almost like we are mining these forests instead of cultivating them in an agricultural sense. So it is a question of understanding the difference between where we should be planting trees to grow them for timber as tree farms and where we have ancient forests that are unique, valuable, irreplaceable, and should be protected.

I would say that the analogy is something like the choice that we would make if we were sitting in our living room tonight and perhaps had a fire going in the fireplace and we saw the fire was growing dimmer, and we knew we had to put some more wood on the fire. We could go out to the garage and pick up a couple of oak logs that had come from the back 40, bring them into the house, put them on the fire, and sustain the fire that way. Or we could turn around in our living room and walk over to be a beautiful piece of furniture, perhaps a table or a desk or a piano, a beautiful piece of furniture which had been in the family for several generations, and we could take an ax to that beautiful piece of furniture and chop it up into little tiny pieces and throw it on the fire to sustain the fire in that way.

There is no question what decision we would make. We would bring in the oak log from the garage and put that on the fire because we can produce oak logs for a long time. We would not take an ax to a beautiful piece of furniture to put that wood on the fire. Yet that is in essence what we are doing with our ancient forests. We are taking something which is very rare, very valuable, unique, and we are using it for a purpose which is more commonplace and which is not necessary. We should recognize the difference between tree farms and forests that are true ancient forests.

If we make the decision and understand the difference, we can have a viable wood products industry, we can meet the needs of this country for wood products, and we can provide jobs in those communities, and at the same time we can protect those ancient forests which are extraordinarily valuable and ought to be set aside for the benefit of future generations.

Let me make just a few more points, if I could, about the direction that I hope that we go in this country with regard to our forests in the Pacific Northwest, certainly, but all of the forests in our country, because we have valuable forests throughout our Nation.

By focusing on the ancient forests tonight, I do not wish to detract from the importance of other forests and the need to engage in sound policies to conserve our forests no matter where they may exist.

I believe that Americans are becoming increasingly aware of the overcutting of our forests in the Pacific Northwest and in other places, too, and Americans increasingly believe that the overcutting of our forests is one of the major environmental issues facing this Nation. No question about it, there has been more awareness on the part of the public of these forest issues recently.

We have seen newspaper articles about how a forest supervisor in Montana is in essence forced to quit because he was not willing to give in to the political pressures to cut more timber in those forests. We have seen a Federal court judge in the Pacific Northwest conclude that the Forest Service engaged in systematic and deliberate violation of the environmental laws of our country. We have seen the coverage of the spotted owl as an endangered species as an indicator that the forest health is not in good shape. So we have seen lots of media coverage of what has happened to our forests, and I think the public is becoming more aware of the extent to which they are mismanaged.

There is no question that today we have magnificent forests in this country, magnificent ancient forests in the Pacific Northwest, but they are disappearing. Our generation is enjoying

the benefits of these forests, but what about future generations? What about our children and our grandchildren? Are they going to be able to benefit from our forests as we have? I do not think that question has a clear answer today.

The decision about whether our children and their children and future generations will enjoy the benefits of our forests is a decision that we will make. We will make that here in this Congress with regard to the ancient forests of the Pacific Northwest, and I predict that we will make it within a year or two, because if we do not we will see the choices that we have diminished. Our children will not have any decision to make. We will have already made it for them.

I think the key in our policy with regard to forests overall, and certainly with regard to forests of the Pacific Northwest, is balance. We must develop a plan to protect our ancient forests, a balanced and reasonable plan based on science. That is exactly what we would propose to do in H.R. 842, the Ancient Forest Protection Act.

As I have mentioned earlier this evening, over 95 percent of our forests have already been cut in this country. Given that fact, I would argue that balance means protecting most if not virtually all of the existing ancient forests which remain. Now, I am not saying we are going to protect every tree in this country. We are going to cut timber in our national forests for the use of the people of this Nation, and my personal opinion is that we can and should do that, but where it can be done without environmental impacts which we would later regret.

Certainly the ancient forests have been overcut. The clear cutting which is continuing in them threatens their very existence. The issue is not protecting every tree in this country. The problem is that a very special part of our national heritage, our ancient forests, is disappearing. I would argue that the ancient forests of the Pacific Northwest are as much a part of our Nation's heritage as Yosemite, as Yellowstone, as Mount Vernon, or Monticello. These are a part of the history of our country. These forests are something that we want to leave to our children.

These are not ordinary trees, they are very special trees. They are America's rain forests. They are the most magnificent coniferous forests in the world. They are forests which inspire us when we walk into an ancient forest. There is a feeling of awe, understanding that these magnificent trees were there long before our country existed, and in some cases before white men settled this country.

If we could only set aside every tree that is older than the United States of America, older than the United States of America, we would protect virtually

all of the ancient forests of the Pacific Northwest. Think about that. These were trees that were growing in our forests, publicly owned forests, that were there before our country, a unique and disappearing resource. Ninety-five percent of the trees of the ancient forests, the native forests, virgin forests in this country, are gone. We have 5 percent left. We are going to make a decision as to what the future of those forests is.

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No question in my mind, clear cutting the last of these ancient forests is not a moderate balanced policy. In fact, as we have said earlier this evening, clear cutting is not necessary in these ancient forests. We are exporting all these logs to Japan from the private lands. We could be milling these logs here in our own country. It is not like we face a choice where we have to clear cut our ancient forests.

You know, when we raise the issue to various countries like Brazil and other countries of South and Central America about what is happening to their rain forests, they quite properly turn to us and say, "Well, what are you doing to your own forests, your own forests that you are cutting and then shipping off to Japan? You, the United States of America, are a very rich country, the richest country in the world, and if you cannot afford to protect your own rain forest, why do you think a developing country in Central America or South America can?"

Well, their argument, I think, is very logical. We do not have to clear cut the last of our remaining ancient forests. We do not have to be shipping 3 billion board feet of logs to Japan each year.

I would say that the reason that we are doing this, the reason that the various timber companies are exporting these trees and clear cutting our national forests, is one reason and one reason only, and that is profits. The real interest of the timber companies in the Pacific Northwest is to make money, which I do not fault them for. That is why we have businesses in this country. The timber companies do a lot of advertising, talking about conservation, they do a lot of advertising, talking about jobs, but we know what the history of this industry is. They will cut over a certain region. They will move on. It does not make any difference what happens to the people there.

I do not mean to be critical of individuals within the industry. I know many of them and they are good people, but the fact is that the history of the industry in our country is well known. If we want to do what is right for the environment and what is right for jobs, we will look at something more than the profits of the timber companies.

The timber companies have their own lands. They can grow trees there on a sustained basis if they choose to.

The fact is that a lot of those private lands have been overcut, even though they are the most productive lands, but they belong to these companies and they can cut them for trees and cut them for lumber and manage them as they see fit because they are private lands, of course subject to the different forest practices and acts of the individual states.

But I think it is something else when you get to our national forests which we all own. We should not be managing the national forests of our country just for the profit of a few companies or for anyone, for that matter. These are forests which must be managed for the well-being of all the people of our country. That is the reason they were created in the first place.

I think that the people of our Nation understand that to have a long-term viable economy, we must at the same time have an economy which is sustainable ecologically over a long period of time. We cannot continue to extract resources and expect that that is a sustainable activity.

If we are going to have jobs here, not just today, but 10 years from today, 20 years from now, 100 years from now, we have to be cutting timber on a sustainable basis, and the fact is that is not happening. We have believed that it is happening, but it is not. Now we ought to understand what has been going on.

The Forest Service has come to the Congress and said, well, if you take certain things into account and made certain assumptions, then we can produce  $x$  million board feet of timber, but we have come to understand that the Forest Service has not told us the whole story.

A recent study done by the scientists that I mentioned makes it very clear that if we continue the way we have been cutting trees in the Pacific Northwest, clear cutting our ancient forests, they are going to be gone and so are the wildlife species that depend on them. It is not a sustainable approach and in the long run it will not provide for a sustainable economy, either.

I think we need to insist that there be wise planning and management for the long term, not just for the short term, that will produce jobs and protect the environment for the long term.

What we need in our laws is to say that the first objective of the management of our forests, our public forests, owned by the U.S. taxpayers, whether it is citizens from Indiana or from New Jersey or from Texas or from Oregon, owned by all of us, that these forests will be managed for the benefit of the entire country over the long term, and the first objective should be to sustain these ecological systems, and if after we have met the requirements of the systems for their ongoing maintenance, we can produce timber or minerals or some other commodity, so be

it, that is OK, but it ought to be done within the context of sustaining these forests as ecological systems.

Mr. Speaker, this year, 1991, marks the 100th anniversary of the passage of legislation by this Congress that gave the President of the United States the authority to set aside what was then called forest reserves. It just happens it was a Member of Congress from Indiana who wrote some of this language after he had traveled out to the West on various congressional matters and came back to Washington and realized that something had to be done. Some step had to be taken to make sure that these magnificent forests in the Pacific Northwest and other parts of our country would be there for future generations. This was long before people knew what ecology was or what endangered species were, but the Congress recognized the wisdom of being good stewards, of looking ahead, of setting aside lands from the public domain, lands that were publicly owned as forest reserves.

So President Benjamin Harrison from Indiana, President McKinley, President Cleveland, President Roosevelt, set aside tens of millions of acres under this law which eventually became our national forests.

Many people ask me as a Member of Congress from Indiana, why would I be involved with legislation protecting the Nation's forests in the Pacific Northwest? I think going back 100 years to the passage of that legislation by the Congress which set up the first forest reserves, we should recognize that these forests are properly the concern of all the people in this country, and they ought to be managed not just for the benefit of a few, but for the benefit of everyone.

It is not that we should be insensitive to the needs of people in the communities where these forests exist. We need to be concerned about their schools. We need to be concerned about their jobs. We need to be concerned about the economic and social well-being of those individuals.

I think if we pass ancient forest legislation to provide for the sustainability of forests ecologically, we are doing the best thing for the economic well-being of those communities in the long run as well, and that ought to be the objective of our legislation.

We in the Congress have a decision to make. We can either continue the current policies which will result in the waste of these ancient forests for future generations, the loss of our heritage, an unbalanced approach, clear cutting the last of these forests, or we can decide that we are going to manage these forests based on current scientific understanding, based on what we know has to be done to maintain these forests over a long period of time.

I believe, Mr. Speaker, that the Congress will make the right choice. We

will make the choice that looks not at what is best for the short term, but rather what is best for the long term. I have every confidence that if not H.R. 842, the Ancient Forest Protection Act, that some other legislation produced by the Interior and Agriculture Committees will be brought to the floor of this House and will be passed, because we understand that above all else we are responsible to the people of this country as stewards of this land. The wealth of our country ultimately can be traced to only two places, to the people of our country and to our lands. If we do not wisely manage the land, the forests upon them, if we do not manage them in a way that considers not just that interests of us today, but those who will come after us, we are not fulfilling our obligation as Members of this body. We are not fulfilling our obligation as American citizens to see that we pass on this planet, this great Nation, in better shape than we found it.

Mr. RAVENEL. Mr. Speaker, as the 100th anniversary of the Forest Service is upon us, I must say that I have watched with dismay the events going on in the Pacific Northwest and here in Washington with regard to the northern spotted owl and the remaining ancient forests. As a member of the subcommittee with jurisdiction over the Endangered Species Act and as one who has long supported the conservation of endangered species in my own district, I am troubled by the bureaucratic contortions that have taken place as the Bureau of Land Management, the Forest Service, and at times even the Fish and Wildlife Service had sought to avoid protecting the spotted owl and the last remnants of the magnificent cathedrals of the Northwest, the ancient forests. And as a member of the party of Roosevelt, Teddy Roosevelt, I am troubled by those who have orchestrated these anticonservation policies.

Over the past few years, we have seen the Fish and Wildlife Service attempt to keep the spotted owl off the endangered species list. We have seen the Forest Service and the Bureau of Land Management attempt to avoid developing and implementing the necessary plans for protecting the spotted owl and other wildlife dependent on ancient forests. And more recently we have seen the BLM, with the aid of the Secretary of the Interior, refusing to even consider reasonable and prudent alternatives to logging within the habitat of the spotted owl. Instead the BLM, with the Secretary's help, is asking the so-called god-squad to exempt it from the requirements of the Endangered Species Act for timber sales. What the BLM has done is throw up its hands and say "We don't want to play by the rules, so we're going to change the rules."

Mr. Speaker, I have seen this happen before. A couple of years ago, the Commerce Department took a similar course with regard to endangered sea turtles and the turtle excluder device [TED] regulations. Instead of trying to make TED's work, the Secretary of Commerce wavered back and forth on whether he was going to enforce the TED regulations. And in the summer of 1989, the environ-

mental community had to sue the Secretary of Commerce to get the TED requirements put back in place. I believe that the Department of Commerce has learned from that experience. The following year, during the summer of 1990, the Commerce Department and the Coast Guard got serious about enforcing TED regulations. And what happened? Shrimpers began to comply with the law. I can tell you with great pride that this year on the beaches of South Carolina, with virtual total compliance by the shrimping community, the number of turtle strandings was at a record low. Detractors of the Endangered Species Act often accuse it of being inflexible, yet the experience with TED regulations in South Carolina demonstrated the act's flexibility.

Mr. Speaker, in a report that we here in Congress asked for, the National Academy of Sciences concluded that the best way to save endangered sea turtles is to stop shrimping all together. I can tell you from personal experience, that in the low country of South Carolina, this is a very dangerous concept and can put its proponent in a very precarious situation. Well, we all know, and the NAS recognized, that this is neither a realistic nor a desirable option. The experience of the past 2 years has illustrated the basic fact that TED's save turtles without eliminating the livelihood of shrimp fishermen.

In its 20 years of existence, the Endangered Species Act has proven remarkably flexible in accommodating both the conservation needs of endangered species and the economic needs of the Nation. In those 20 years, with tens of thousands of activities reviewed for possible harm to endangered species, how many conflicts have been so irreconcilable that an exemption has been sought from the god squad? Exactly three. I can think of no more persuasive evidence than this single fact to demonstrate that the Endangered Species Act is a remarkable tool for striking the necessary balance between conservation and development.

In the coming year, as we begin hearings on reauthorization of the Endangered Species Act, I'm sure we'll be hearing lots of charges and countercharges about the act. It's going to be important for us to separate the wheat from the chaff, the myth from the facts. We're going to have to look at what the experience has been under the Endangered Species Act and draw lessons from that experience.

So what does this experience with TED's teach us in deciding how to deal with spotted owls in the Northwest? It teaches us that weakness and vacillation by Federal officials, Congress included, in their commitment to conserving endangered species will lead to more lawbreaking, more lawsuits, and more problems. And it teaches us that when we demonstrate a commitment to work toward solutions to these sometime thorny conflicts between conservation and use of natural resources, within the flexible framework of the Endangered Species Act, everyone benefits. Now I'm not going to stand here and say that it's not going to be painless, but as any South Carolinian will tell you, anything worth having is absolutely worth fighting for. This has been the experience in my State and I'm confident it will be so in Oregon, Washington, and every other place where these issues must be faced.

This will take leadership, Mr. Speaker. The agencies and officials responsible for resolving these questions must courageously work to solve these problems. If not, we will have left this beautiful Earth of ours a poorer place for grandchildren.

Mr. EDWARDS. Mr. Speaker, I rise today to express my strong support for efforts to protect the ancient forests of the Pacific Northwest.

Over the past 100 years, ancient forests have been systematically destroyed by steady logging to the point that only 10 percent of these original forests remain. We have reached a critical point in time; significant portions of forests must be set aside for protection now before they are irreversibly damaged.

As one who has experienced firsthand the remarkable beauty of the Sierra Nevada range, I feel compelled to be involved in the fight to preserve this natural wonder. Many of my comments today will focus on the unique characteristics of the Sierra Nevada ancient forests.

Most of the recent attention on the ancient forest protection issue has centered on preserving habitat for the endangered northern spotted owl. But this is only one of many creatures whose survival is threatened by the decline of ancient forest habitat. In the Sierra Nevada forests, at least 112 species of birds and animals depend on old-growth forest habitat for survival. Included in this group are several species whose populations are in dangerous decline, such as the very rare Pacific fisher, frogs, and salamanders, the Sierra Nevada red fox, wolverine, and the pine marten. The Sierras also support one of the most diverse populations of bird species in North America.

Although portions of the ancient forest are under Federal protection they alone do not provide enough habitat for species that must travel over a wide area for food and breeding purposes. For example, the Pacific fisher requires more than 8,000 acres per pair to maintain the species and studies have shown the California spotted owl uses 3,400 to 4,700 acres per pair for their home range.

Fish populations have also been affected by intense logging along the creekbeds of the Sierra Nevada and other parts of the Pacific Northwest. The old trees provide a shade canopy above the water. When the trees are removed, water temperatures in the creekbed are raised, putting many species of fish at risk. This is made more serious by the fact that many rare and endangered fish species depend on the remaining undisturbed watersheds and river canyons in the Sierra Nevada.

Clearcutting of ancient forests also has the effect of increasing siltation of streams and rivers. This results in the loss of valuable topsoil, pollutes the water, and harms fish habitat. In the Sierra Nevada, logging has contributed to landslides and soil loss as much as 500 to 2,000 percent over natural levels. This has degraded fish spawning and rearing sites.

The Sierra Nevada forests perform many important functions beside sustaining fish and wildlife populations. Old growth forests help regulate and sustain water quality and supply. They act as filters, holding soil in place and purifying the water supplying the rivers and

streams of the Sierra. These streams in turn provide drinking water for many Californians and irrigation water for the Central Valley.

Forests also generate oxygen and help maintain moisture and control heat. The destruction of all types of forests will have a serious impact on global warming. Forests also hold water in the form of snow longer, controlling evaporation and preventing flooding.

The Sierra Nevada forests are famous for the vast array of recreational activities they provide. Over 37 million people visit the Sierra Nevada forests every year. They provide a spectacular forum for hiking, skiing, camping, rafting, horseback riding, kayaking, hunting, fishing, and photography. The popularity of Yosemite National Park alone is an indication of the enormous public support for maintaining significant portions of our forests in their natural state. Yosemite is under strain from overuse; its popularity clearly indicates the demand for protection of more forests throughout the Sierra Nevada.

The survival of the unique diversity of wildlife found in ancient forests depends on a plan that will protect forest ecosystems. This requires protection of large tracts of contiguous forest land. Once old-growth forests are destroyed, the biodiversity of this habitat is gone forever. Forests replanted through tree farms will not develop into the rich ecosystem that ancient forests sustain. Hundreds of years were required to develop the rich diversity characteristic of these forests.

I am also very concerned about restrictions enacted in the past that limited the rights of citizens to obtain judicial review of forest management plans. Between 1984 and 1990, nine separate riders were attached to annual spending bills that either limited or completely eliminated judicial review of Federal activities affecting the Nation's public lands. Since 1990, we have been more successful in defeating such attacks on citizens' access to the courts.

It is outrageous that this legitimate tool to ensure enforcement of environmental laws has been under attack. No Government agency is above the law, and the role of the judiciary to guarantee compliance is fundamental to our democratic government.

The need for judicial review of forest management decisions is especially strong. There is clear evidence that the executive branch has been deliberately ignoring environmental laws. If there are legitimate problems with our environmental protection laws, the solution should be to focus on revising the law, not restricting access to the courts.

To put an end to the 6-year-long trend of limiting judicial review through the Interior appropriations bill, I joined former Representative BOB KASTENMEIER last year in a battle to put an end to these restrictions. Seventy-seven other members joined Representative BOB KASTENMEIER and I in signing a letter of protest, indicating the overwhelming disapproval in the House of limiting citizens' access to the courts. I have no doubt this sentiment holds true in the House today, and I will continue to oppose any new efforts to restrict judicial review this year.

The need for protection of ancient forests has reached a critical point, and it is imperative that ancient forest legislation be passed

this Congress. I support the efforts of my colleague, Congressman JIM JONTZ, and was proud to sign on as an original cosponsor of his bill, H.R. 842, the Ancient Forest Protection Act. This bill will provide the level of protection necessary to ensure the continued existence of old growth forests and their unique ecosystems. I hope it can be enacted in this Congress.

#### GENERAL LEAVE

Mr. JONTZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the subject of my special order this evening.

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

There was no objection.

#### SPECIAL ORDERS GRANTED

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

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

Mr. KASICH, for 60 minutes, on November 21.

Mr. WEBER, for 60 minutes, on November 22, 23, 24, 25, and 26.

Mr. SMITH, of New Jersey, for 60 minutes, on November 22, 23, 24, 25, and 26.

Mr. HYDE, for 60 minutes, on November 22, 23, 24, 25, and 26.

Mr. HUNTER, for 60 minutes, on November 22, 23, 24, 25, and 26.

Mr. KYL, for 60 minutes, on November 22, 23, 24, 25, and 26.

Mr. WALKER, for 60 minutes, on November 22, 23, 24, 25, and 26.

Mr. MCEWEN, for 60 minutes, on November 21, 22, 23, 24, 25, and 26.

Mr. MILLER of Ohio, for 60 minutes, on November 21.

Mr. SCHAEFER, for 60 minutes, on November 20, 21, and 22.

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

Mr. PEASE, for 5 minutes, today.

Mr. HUBBARD, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. PEASE, for 5 minutes each day, on November 20, 21, 22, 23, and 24.

Mr. COOPER, for 60 minutes each day, on November 20, 21, 22, and 23.

Mr. LANTOS, for 60 minutes, on November 21.

Mr. GEJDENSON, for 5 minutes, on November 20.

Mr. OWENS of New York, for 60 minutes each day, on November 23 and 24.

Mr. STAGGERS, for 60 minutes, on November 20.

#### EXTENSION OF REMARKS

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

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

Mr. BAKER.

Mr. OXLEY in two instances.

Mr. FIELDS.

Mr. ROGERS.

Ms. MOLINARI.

Mr. LEWIS of California.

Mr. MCMILLAN of North Carolina.

Mr. BEREUTER.

Mr. ZIMMER.

Mr. DAVIS.

Mr. GEKAS.

Mr. MILLER of Ohio in three instances.

Ms. ROS-LEHTINEN in three instances.

Mr. KOLBE in two instances.

Mr. HYDE.

Mr. KLUG.

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

Mr. JONTZ.

Mr. HERTEL.

Mr. BONIOR.

Mr. GUARINI.

Mr. LEVIN of Michigan.

Mr. RAHALL.

Mr. JACOBS.

Mr. STARK.

Mr. PANETTA.

Mr. FUSTER.

Mr. LANTOS in two instances.

Mr. HARRIS.

Mr. HOYER.

Mr. SOLARZ.

Mr. MAZZOLI.

Mr. BRYANT.

Mr. ACKERMAN.

Mr. CLAY.

Mr. PALLONE.

Mr. LEVINE of California.

Mr. SERRANO in two instances.

Mr. RANGEL in two instances.

Mr. DIXON.

Mr. MATSUI.

Mr. ECKART.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1720. An act to amend Public Law 93-531 (25 U.S.C. 640d et seq.) to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program for fiscal years 1992, 1993, 1994, and 1995.

#### ADJOURNMENT

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

The motion was agreed to; accordingly (at 12 o'clock and 40 minutes a.m.), the House adjourned until today, Wednesday, November 20, 1991, at 10 a.m.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3409. A bill to prevent the proliferation of biological and chemical weapons with an amendment (Rept. 102-235, Pt. 1). Ordered to be printed.

Mr. ROSE: Committee on House Administration. House Resolution 258. Resolution creating a task force of members of the Foreign Affairs Committee to investigate certain allegations concerning the holding of Americans as hostages by Iran in 1980; with an amendment (Rept. 102-296, Pt. 2). Referred to the House Calendar.

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 3768. A bill to require the least-cost resolution of insured depository institutions, to improve supervision and examinations, to provide additional resources to the Bank Insurance Fund, and for other purposes; with an amendment (Rept. 102-330). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. House Resolution 285. Resolution waiving all points of order against the conference report on the bill (H.R. 2038) to authorize appropriations for fiscal year 1992 for the intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and against the consideration of such conference report (Rept. 102-331). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 286. Resolution waiving all points of order against the conference report on the bill (H.R. 2521) making appropriations for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes, and against consideration of such conference report (Rept. 102-332). Referred to the House Calendar.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2763. A bill to enhance geologic mapping of the United States, and for other purposes; with amendments (Rept. 102-333). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2790. A bill to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes; with an amendment (Rept. 102-334). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3031. A bill to provide a statutory charter, and to authorize appropriations, for the National Telecommunications and Information Administration, and for other purposes; with an amendment (Rept. 102-335). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3347. A bill to repeal the prohibition on the importation of gold coins from the Soviet Union (Rept. 102-336). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 661. A bill to provide special benefits for the Andean nations; with an amendment (Rept. 102-337). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.J. Res. 346. Resolution approv-

ing the extension of nondiscriminatory treatment with respect to the products of the Union of Soviet Socialist Republics (Rept. 102-338). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3313. A bill extending nondiscriminatory treatment (most-favored-nation treatment) to the products of Estonia, Latvia, and Lithuania, and for other purposes (Rept. 102-339). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSE: Committee on House Administration. H.R. 3750. A bill to amend the Federal Election Campaign Act of 1971 and related provisions of law to provide for a voluntary system of spending limits and benefits for House of Representatives election campaigns, and for other purposes; with amendments (Rept. 102-340, Pt. 1). Ordered to be printed.

#### 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. SWIFT: Committee on House Administration. H.R. 3644. A bill to provide that, in making payments from the Presidential Election Campaign Fund, including the Presidential Matching Payment Account, amounts estimated to be transferred to the Fund during the fiscal year before the fiscal year of the presidential election shall be taken into account; with amendments; referred to the Committee on Ways and Means for a period ending not later than November 20, 1991, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(v) of rule X (Rept. 102-329, 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. GIBBONS:

H.R. 3804. A bill to exclude from an individual's estate in bankruptcy any interest in certain qualified pension plans under the Internal Revenue Code of 1986; jointly, to the Committee on the Judiciary and Ways and Means.

By Mr. BARNARD (for himself and Mr. VENTO):

H.R. 3805. A bill to provide funding for the resolution of failed savings associations and working capital for the Resolution Trust Corporation, to restructure the Oversight Board and the Resolution Trust Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CHANDLER:

H.R. 3806. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient education services under part B of the Medicare Program for individuals with diabetes; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. FASCELL (for himself and Mr. BROOMFIELD):

H.R. 3807. A bill to amend the Arms Export Control Act to authorize the President to transfer battle tanks, artillery pieces, and armored combat vehicles to member countries of the North Atlantic Treaty Organiza-

tion in conjunction with implementations of the Treaty on Conventional Armed Forces in Europe; to the Committee on Foreign Affairs.

By Mrs. BYRON (for herself, Mr. MONTGOMERY, Mr. HOYER, Mr. BOEHLERT, Mr. WELDON, Mr. LENT, Mr. MCNULTY, Mr. HORTON, Mr. GEREN of Texas, Mr. MARTIN, Mr. MCGRATH, Mr. GILCHREST, Mr. RANGEL, Mr. LANCASTER, Mr. BATEMAN, Mr. WALSH, Mr. EVANS, Mr. GEKAS, Ms. KAPTUR, Mr. ZIMMER, Mr. SARPALIUS, Mr. PAYNE of Virginia, Mrs. MORELLA, Mr. LAFALCE, Mr. MCMILLEN of Maryland, Ms. NORTON, Mr. CARDIN, Mr. FRANKS of Connecticut, Mr. KOPETSKI, Mrs. BENTLEY, and Mr. FROST):

H.R. 3808. A bill to establish a National Fallen Firefighters Foundation; to the Committee on Science, Space, and Technology.

By Mrs. COLLINS of Illinois (for herself, Mr. ROWLAND, Mr. TOWNS, Mr. SWIFT, Mr. WYDEN, Mr. SIKORSKI, Ms. NORTON, and Mr. PALLONE):

H.R. 3809. A bill to protect children by directing the Consumer Product Safety Commission to provide for the labeling of certain toys and other articles under the Federal Hazardous Substance Act; to the Committee on Energy and Commerce.

By Mr. GUARINI (for himself and Mr. LEVIN of Michigan):

H.R. 3810. A bill to amend the Internal Revenue Code of 1986 to encourage investments in new manufacturing equipment by allowing an investment tax credit to taxpayers who increase the amount of such investments; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 3811. A bill to waive interest and administrative charges in connection with the collection of overpayments of pay and allowances of members of the Armed Forces who served in Operation Desert Storm; to the Committee on Armed Services.

H.R. 3812. A bill to establish a senior citizen consumer price index to compute the cost-of-living increase for certain benefits under the Social Security Act; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. LANTOS (for himself, Mr. SHAYS, Ms. DELAURO, and Mr. MARTINEZ):

H.R. 3813. A bill to amend the Internal Revenue Code of 1986 and the Revenue Act of 1978 to revise the procedures applicable to the determination of employment status, and to amend laws relating to Federal procurement to ensure proper classification of employees and independent contractors of persons awarded Federal procurement contracts; jointly, to the Committees on Ways and Means, Government Operations, and Armed Services.

By Mr. LIPINSKI:

H.R. 3814. A bill to amend the Internal Revenue Code of 1986 to allow tax-free withdrawals from individual retirement accounts for educational expenses; to the Committee on Ways and Means.

H.R. 3815. A bill to amend the Internal Revenue Code of 1986 to allow tax-free withdrawals from individual retirement accounts for use in purchasing a first home; to the Committee on Ways and Means.

By Mr. LOWERY of California (for himself, Mr. PALLONE, Mr. COX of California, Mr. ALLEN, Mr. ANDERSON, Mr. ANDREWS of Texas, Mr. ARMEY, Mr. BACCHUS, Mr. BAKER, Mr. BARNARD,

Mr. BARTON of Texas, Mr. BENNETT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BOEHNER, Mr. BUNNING, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CAMP, Mr. CAMPBELL of Colorado, Mr. CHANDLER, Mr. CHAPMAN, Mr. COBLE, Mr. COLEMAN of Missouri, Mr. CONDT, Mr. COUGHLIN, Mr. CUNNINGHAM, Mr. DANNEMEYER, Mr. DARDEN, Mr. DELAY, Mr. DICKS, Mr. DONNELLY, Mr. DREIER of California, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. EWING, Mr. FAWELL, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Mr. GALLO, Mr. GEREN of Texas, Mr. GILMAN, Mr. GINGRICH, Mr. GOSS, Mr. GREEN of New York, Mr. GUNDERSON, Mr. HANCOCK, Mr. HASTERT, Mr. HAYES of Louisiana, Mr. HEFLEY, Mr. HENRY, Mr. HOLLOWAY, Mr. HUBBARD, Mr. HUCKABY, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. JACOBS, Mr. JENKINS, Mr. KASICH, Mr. KYL, Mr. LAGOMARSINO, Mr. LENT, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. MCCREY, Mr. MCCURDY, Mr. MCDADE, Mr. MCEWEN, Mr. MCGRATH, Mr. MCMILLAN of North Carolina, Mrs. MEYERS of Kansas, Mr. MILLER of Ohio, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MRAZEK, Mr. MYERS of Indiana, Mr. NEAL of North Carolina, Mr. OWENS of Utah, Mr. OXLEY, Mr. PACKARD, Mr. PAXON, Mr. PAYNE of Virginia, Mr. PENNY, Mr. PICKETT, Mr. PICKLE, Mr. PORTER, Mr. QUILLEN, Mr. RAMSTAD, Mr. RHODES, Mr. RIGGS, Mr. SAXTON, Mr. SCHAEFER, Mr. SCHIFF, Mr. SCHULZE, Mr. SHAW, Mr. SHAYS, Mr. SKEEN, Mr. SLATTERY, Mr. SMITH of New Jersey, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SOLOMON, Mr. STENHOLM, Mr. STUMP, Mr. SUNDQUIST, Mr. TALLON, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mr. TORRICELLI, Mr. UPTON, Mr. VALENTINE, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WALKER, Mr. WEBER, Mr. WILSON, Mr. YATRON, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. ZELIFF, Mr. ROHRABACHER, Mr. PURSELL, Mr. BEILENSEN, Mr. INHOPE, Mr. BROOMFIELD, Mr. THOMAS of Wyoming, Mr. HOBSON, Mr. LEACH, Mr. CAMPBELL of California, Ms. LONG, Mr. DOOLITTLE, Mr. REGULA, Mr. KOLBE, Mr. HALL of TEXAS, Mr. MCMILLEN of Maryland, Mr. BLILEY, Mr. DAVIS, and Mr. MURPHY):

H.R. 3816. A bill to establish a second national blue ribbon commission to eliminate waste in government; to the Committee on Government Operations.

By Mr. MCCOLLUM:

H.R. 3817. A bill to amend section 518 of the National Housing Act; to the Committee on Banking, Finance and Urban Affairs.

H.R. 3818. A bill to designate the building located at 80 North Hughey Avenue in Orlando, FL, as the "George C. Young U.S. Courthouse and Federal Building"; to the Committee on Public Works and Transportation.

By Mr. MRAZEK:

H.R. 3819. A bill to amend the Head Start Act to entitle certain eligible children to receive Head Start services, and for other purposes; to the Committee on Education and Labor.

By Mr. NEAL of Massachusetts:

H.R. 3820. A bill to amend the Truth in Lending Act to establish requirements for

the issuance of credit cards to dependent students between 18 and 21 years of age to prohibit the issuance of credit cards to dependents under 18 years of age; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PACKARD (for himself, Mr. RIGGS, Mr. CUNNINGHAM, Mr. LOWERY of California, Mr. DORNAN of California, Mr. DANNEMEYER, Mr. HUNTER, Mr. HERGER, Mr. GALLEGLY, Mr. ROHRABACHER, Mr. COX of California, and Mr. ANDERSON):

H.R. 3821. A bill to authorize the Secretary of the Army and the Administrator of the Environmental Protection Agency to conduct certain water projects for the purpose of improving water quality, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ROHRABACHER (for himself, Mr. DANNEMEYER, Mr. RIGGS, Mrs. BENTLEY, Mr. SPENCE, Mr. SMITH of New Jersey, Mr. DOOLITTLE, Mr. GALLEGLY, Mr. SOLOMON, Mr. COX of California, Mr. GOSS, Mr. EMERSON, and Mr. BURTON of Indiana):

H.R. 3822. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on the one-time exclusion of gain from sale of a principal residence by individuals who have attained age 55, to increase the amount of the unified estate and gift tax credits, and to reduce the tax on capital gains; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 3823. A bill to amend the Internal Revenue Code of 1986 to disallow the research credit for duplicative medications and excessively priced new therapeutic medications; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.J. Res. 376. Joint resolution designating December 1, 1991, as "World AIDS Day"; to the Committee on Post Office and Civil Service.

#### ADDITIONAL SPONSORS

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

H.R. 11: Mr. MFUME.  
 H.R. 75: Mr. AUCOIN.  
 H.R. 91: Mr. GORDON.  
 H.R. 107: Mr. SMITH of Florida.  
 H.R. 123: Mr. COBLE, Mr. CRANE, Mr. DERRICK, Mr. RAMSTAD, Mr. YOUNG of Alaska, Mr. COMBEST, Mr. SCHULZE, and Mr. BOEHNER.  
 H.R. 127: Mr. ROGERS.  
 H.R. 246: Mr. ARMEY.  
 H.R. 252: Mr. FLAKE.  
 H.R. 371: Mr. BURTON of Indiana.  
 H.R. 537: Mr. SMITH of Florida.  
 H.R. 608: Mr. TALLON and Mrs. BOXER.  
 H.R. 722: Mr. ESPY.  
 H.R. 747: Mr. DREIER of California and Mr. SENSENBRENNER.  
 H.R. 784: Ms. NORTON and Mr. PURSELL.  
 H.R. 793: Mr. OXLEY, Mr. GLICKMAN, Mr. GOSS, and Mr. CAMPBELL of California.  
 H.R. 815: Mr. MORAN and Mrs. MORELLA.  
 H.R. 841: Mr. HAYES of Louisiana.  
 H.R. 843: Mr. HAYES of Louisiana.  
 H.R. 962: Mr. TOWNS.  
 H.R. 1004: Mr. SANTORUM.  
 H.R. 1124: Mr. HAYES of Louisiana.  
 H.R. 1188: Mr. BONIOR and Mr. HOLLOWAY.  
 H.R. 1241: Mr. LEVINE of California and Mr. UPTON.  
 H.R. 1310: Mr. LAFALCE and Ms. NORTON.  
 H.R. 1311: Ms. NORTON, Mr. FROST, and Mr. PAXON.

H.R. 1312: Ms. NORTON, Mr. FROST, and Mr. PAXON.

H.R. 1385: Mr. PRICE, Mr. GONZALEZ, Mr. SARPALIUS, Mr. JONES of North Carolina, and Mr. ZELIFF.

H.R. 1422: Mr. MINETA.

H.R. 1523: Mr. VANDER JAGT.

H.R. 1546: Mr. PAXON.

H.R. 1547: Mr. PAXON.

H.R. 1730: Mr. ROEMER and Mr. ACKERMAN.

H.R. 1733: Mr. CRAMER.

H.R. 1761: Ms. OKAR.

H.R. 1790: Mr. YATES and Mr. COX of California.

H.R. 1930: Mr. COMBEST, Mr. ARMEY, Mr. ANTHONY, and Mr. KOPETSKI.

H.R. 1992: Mrs. VUCANOVICH and Mr. FORD of Michigan.

H.R. 2070: Mr. PERKINS.

H.R. 2185: Mr. EWING.

H.R. 2248: Mr. BATEMAN.

H.R. 2258: Mr. OLVER, Mr. POSHARD, and Mr. RAVENEL.

H.R. 2374: Ms. OKAR and Ms. WATERS.

H.R. 2453: Mr. LIGHTFOOT.

H.R. 2456: Mr. SMITH of Florida.

H.R. 2463: Mr. MARLENEE.

H.R. 2853: Mr. VANDER JAGT.

H.R. 2889: Ms. KAPTUR.

H.R. 2890: Mr. CHAPMAN, Mr. HAYES of Louisiana, and Mr. FISH.

H.R. 2943: Mr. ESPY and Mr. GEREN of Texas.

H.R. 2945: Mr. EVANS, Mr. FAZIO, Mr. HERTEL, Mr. BARNARD, and Mr. GINGRICH.

H.R. 3035: Mr. BILBRAY.

H.R. 3082: Mr. TOWNS, Mr. FROST, Ms. NORTON, Mr. HALL of Texas, Mr. ENGLISH, and Mr. GEJDENSON.

H.R. 3094: Mr. BURTON of Indiana.

H.R. 3235: Mr. MARTINEZ.

H.R. 3236: Mrs. SCHROEDER and Mr. BLAZ.

H.R. 3082: Mrs. BOXER, Mr. MONTGOMERY, Mr. FORD of Tennessee, Mr. SMITH of New Jersey, Mr. HOLLOWAY, Mr. FROST, and Mr. TRAFICANT.

H.R. 3380: Mr. HATCHER, Mr. NAGLE, Ms. KAPTUR, Mr. ALEXANDER, and Mr. HOLLOWAY.

H.R. 3413: Mr. MCCLOSKEY and Mrs. BOXER.

H.R. 3437: Mr. SHAYS.

H.R. 3454: Mr. LANCASTER, Mr. BRUCE, Mr. SLATTERY, Mr. GILLMOR, and Mr. HENRY.

H.R. 3461: Mr. BERMAN, Mr. MARKEY, Mr. OWENS of Utah, Ms. NORTON, Mr. FAZIO, Mr. FISH, and Mr. GUARINI.

H.R. 3462: Mr. TALLON, Mr. SAXTON, Mr. KOPETSKI, and Mr. GEJDENSON.

H.R. 3473: Mr. NEAL of Massachusetts and Mr. FROST.

H.R. 3487: Mr. ALLARD, Mr. ALLEN, and Mr. SISISKY.

H.R. 3518: Mrs. BOXER, Mr. VANDER JAGT, Ms. MOLINARI, and Mr. DOOLITTLE.

H.R. 3553: Mr. WEISS and Mr. FROST.

H.R. 3555: Mr. PAXON, Mr. MACHTLEY, and Mrs. BOXER.

H.R. 3601: Mr. TOWNS, Ms. KAPTUR, Mr. HAYES of Illinois, Mr. KOLTER, Ms. NORTON, Mr. TORRES, Mr. DELLUMS, Mr. FRANK of Massachusetts, Mr. MCNULTY, Mr. WHEAT, and Mr. RAHALL.

H.R. 3636: Ms. NORTON, Mr. PETERSON of Florida, Mr. HAMILTON, Mr. MATSUI, Mr. CARPER, Mr. FISH, Mr. FLAKE, Mr. DIXON, Mrs. MINK, Ms. HORN, Mr. MOAKLEY, Mr. TRAFICANT, Mr. DYMALLY, Mr. MCHUGH, Mr. LAFALCE, Mr. NEAL of North Carolina, Mr. REED, Mr. JOHNSON of South Dakota, Mr. KOLTER, Mr. RANGEL, Ms. LONG, Mr. KILDEE, Mr. JONTZ, Mr. BEILENSEN, Mr. FOGLIETTA, Mr. FALCOMAVAEGA, Mr. LAROCOCCO, Mr. ACKERMAN, Mr. YATES, Mr. NOWAK, Mr. HALL of Ohio, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. MURPHY, Mr. FORD of Tennessee, Mr. OWENS

of New York, Mr. SMITH of Florida, Mrs. COLLINS of Illinois, Mr. WHEAT, Mr. CLAY, Mr. LANTOS, Mr. RUSSO, Mr. MARTINEZ, Ms. OAKAR, Mr. MORAN, and Mr. POSHARD.  
 H.R. 3640: Mr. FAWELL.  
 H.R. 3649: Mr. DWYER of New Jersey.  
 H.R. 3678: Mr. DANNEMEYER.  
 H.R. 3702: Mr. SABO, Mr. BILBRAY, Mr. JOHNSON of South Dakota, and Mr. MCCLOSKEY.  
 H.R. 3718: Ms. MOLINARI, Mr. ROE, Mr. LIPINSKI, Mrs. MEYERS of Kansas, Mrs. BOXER, and Mr. OBERSTAR.  
 H.R. 3725: Mrs. SCHROEDER, Mr. SHAYS, Mr. DURBIN, and Mr. RUSSO.  
 H.R. 3730: Mr. WISE.  
 H.R. 3732: Mrs. MINK, Mrs. COLLINS of Illinois, Mr. ACKERMAN, Mr. DOWNEY, Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Ms. WATERS, Mr. MORAN, Ms. NORTON, Mr. NEAL of North Carolina, Mr. DELLUMS, Mr. STOKES, Mr. TRAXLER, Mr. SMITH of Iowa, Mr. OBEY, Mr. LEHMAN of Florida, Mr. HAYES of Illinois, Mr. MILLER of California, Mr. CLAY, Mr. DE LUGO, Mr. DURBIN, Mr. EVANS, Mr. MOODY, and Mrs. UNSOELD.  
 H.R. 3750: Mr. MORAN, Mr. DORGAN of North Dakota, and Mr. MFUME.  
 H.R. 3752: Mr. CHANDLER, Mr. CONYERS, Mr. MAZZOLI, Mr. DWYER of New Jersey, Mr. HENRY, Mr. PERKINS, Mr. NAGLE, Mr. MCEWEN, and Mr. GALLO.  
 H.R. 3798: Mr. LIVINGSTON and Mr. BOEHNER.  
 H.R. 3802: Mr. HOLLOWAY.  
 H.R. 3803: Mr. MARTINEZ.  
 H.J. Res. 22: Mr. GINGRICH.  
 H.J. Res. 81: Mr. TALLON.  
 H.J. Res. 113: Mr. VISCLOSKEY.  
 H.J. Res. 200: Mr. RIGGS, Mr. ESPY, Ms. NORTON, Mr. EVANS, and Mr. JACOBS.

H.J. Res. 283: Ms. MOLINARI.  
 H.J. Res. 300: Mr. INHOFE, Mr. PAXON, Mr. PICKETT, Mr. REGULA, Mr. KOPETSKI, Mr. TANNER, Mr. SWETT, and Mr. ALEXANDER.  
 H.J. Res. 342: Mr. ANDERSON, Mr. AUCCOIN, Mrs. BOXER, Mr. CARR, Mr. COX of California, Mr. DELAY, Mr. DELLUMS, Mr. EMERSON, Mr. FORD of Michigan, Mr. GALLEGLY, Mr. HEFNER, Mr. HYDE, Mr. JONES of North Carolina, Mr. KANJORSKI, Mrs. LOWEY of New York, Mr. MCDADE, Mr. MCDERMOTT, Mr. MOAKLEY, Ms. MOLINARI, Mr. MONTGOMERY, Mrs. MORELLA, Mr. PANETTA, Mr. PICKLE, Mr. ROHRBACHER, Mr. SARPALIUS, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. TAUZIN, Mr. WHEAT, Mr. WYDEN, Mr. COSTELLO, Mr. DIXON, Mr. FROST, Mr. HUTTO, Mr. QUILLEN, Mr. ROEMER, and Mr. WOLF.  
 H.J. Res. 343: Mr. ANDREWS of Maine, Mrs. BOXER, Mr. COBLE, Mr. FAWELL, Mr. FRANKS of Connecticut, Mr. GEKAS, Mr. GORDON, Mr. HAMMERSCHMIDT, Mr. MARLENEE, Mr. MCCLOSKEY, Mr. MCHUGH, Mr. PICKLE, Mr. RAMSTAD, Mr. ROBERTS, Mr. RUSSO, Mr. SPENCE, and Mrs. UNSOELD.  
 H.J. Res. 372: Mr. LIPINSKI, Mr. ROEMER, Mr. LEWIS of Florida, Mr. COBLE, Mr. FOGLETTA, Mr. MARKEY, Mr. WALSH, Mr. MINETA, Mr. BILBRAY, Mr. HAMILTON, Mr. DE LA GARZA, Mr. APPELGATE, Mr. SABO, Mr. RUSSO, and Mr. FIELDS.  
 H. Con. Res. 177: Ms. KAPTUR, Mr. LEHMAN of Florida, Mr. MACHTLEY, Mr. MARTINEZ, Mr. WYLIE, Mr. LEVINE of California, Mr. ABERCROMBIE, Ms. NORTON, and Mr. BACCHUS.  
 H. Con. Res. 180: Mr. MACHTLEY.  
 H. Con. Res. 208: Mr. GINGRICH.  
 H. Con. Res. 212: Mr. CAMP, Mr. NEAL of Massachusetts, Mr. GILMAN, Mr. SANTORUM, Mr. RAMSTAD, Mr. BURTON of Indiana, Mr. WALSH, and Mr. COYNE.

H. Con. Res. 232: Mr. MORAN, Mr. BACCHUS, Mr. MRAZEK, Mr. FRANK of Massachusetts, Mr. SOLARZ, Mr. FAWELL, Mr. NOWAK, Mr. WALSH, Mr. SCHUMER, and Mr. MCNUITY.  
 H. Con. Res. 236: Mr. DORNAN of California, Mr. SMITH of Oregon, Mrs. BENTLEY, Mr. BARNARD, Mr. DICKS, Mr. SMITH of New Jersey, Mr. LOWERY of California, Mr. MCCANDLESS, Mrs. MINK, Mr. BROWN, Mr. HYDE, Mr. NEAL of Massachusetts, Mr. HORTON, Mr. OBERSTAR, Mr. HOUCHEBRUECKNER, Mr. SKEEN, Mr. DERRICK, Mr. DICKINSON, Mr. DOOLITTLE, Mr. TOWNS, Mr. DOWNEY, Mr. VANDER JAGT, Mr. ESPY, Mr. PETERSON of Florida, Mr. McMILLEN of Maryland, Mr. LAGOMARSINO, and Mr. COSTELLO.  
 H. Con. Res. 240: Mr. ESPY, Mr. FRANK of Massachusetts, Mr. MCHUGH, Mr. MOAKLEY, Mr. MRAZEK, Mr. OWENS of Utah, Mr. REED, and Mr. WOLF.  
 H. Res. 155: Mr. PETERSON of Florida and Mr. KOLTER.  
 H. Res. 213: Mr. ANNUNZIO and Mr. LIVINGSTON.  
 H. Res. 272: Mr. BERMAN, Mr. SCHEUER, Mr. HAYES of Illinois, Ms. SLAUGHTER of New York, Mr. KOLTER, Mr. RANGEL, Mr. EMERSON, Mr. LIPINSKI, Mr. SMITH of Florida, Mr. CLAY, Mr. ANDREWS of Maine, Mr. CLEMENT, Mr. ANDERSON, and Mrs. BOXER.

**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. 1790: Mr. FAWELL.

*[This section contains extremely faint and illegible text, likely bleed-through from the reverse side of the page.]*