

## HOUSE OF REPRESENTATIVES—Thursday, March 14, 1991

The House met at 11 a.m.

The Rev. W. Douglas Tanner, Jr., Virginia Annual Conference of the United Methodist Church, offered the following prayer:

O Lord God, we open this session with snow and sleet falling outside on daffodils in full bloom, and we find ourselves conscious that there are times when the seasons of nature are unpredictable. Facing the aftermath of war in the Persian Gulf, we are reminded that there are times when the seasons of politics are also unpredictable.

So we pray on this day that this body might find wisdom to live into this new season, and that that wisdom might be marked by courage, and grace, and humility. Heal the wounds in our spirits that were sustained in the season of the war, and lead us to be instrumental in binding the wounds about us in this season of its cessation: those of our own troops and their friends and families; those of the many Iraqi soldiers who never chose to be on that battlefield, and their friends and families; those of Kuwaitis whose consequent rage tempts them to destructive vengeance; those of Israelis and Palestinians whose longstanding acquaintance with injustice and terror fosters fear and leaves little room for trust; and those of some of our own veterans of past wars living on the streets of our cities, without work, without homes, without hope.

Lead us likewise, we pray, to dare in this season to seek to become more fully respectful of each other, and to seek a generosity of spirit toward each other that might symbolize a new season.

These things we pray, that we might become who You call us to be. 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 Utah [Mr. OWENS] please come forward and lead the House in the Pledge of Allegiance.

Mr. OWENS of Utah 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 bills of the House of the following titles:

H.R. 1176. An act to provide authorizations for supplemental appropriations for fiscal year 1991 for the Department of State and the Agency for International Development for certain emergency costs associated with the Persian Gulf conflict, and for other purposes, and

H.R. 1284. An act to authorize emergency supplemental assistance for Israel for additional costs incurred as a result of the Persian Gulf conflict.

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

S. Con. Res. 11. Concurrent resolution to establish an Albert Einstein Congressional Fellowship Program.

### ADJOURNMENT TO MONDAY, MARCH 25, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

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

There was no objection.

### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

### ACHIEVING LASTING PEACE IN THE MIDDLE EAST

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

Mr. MAZZOLI. Mr. Speaker, I take this moment to commend the President of the United States, George Bush, and Secretary of State, James Baker, on their efforts around the world to secure a lasting peace in the Middle East. Certainly they are to be commended for the way Desert Storm, the effort to free Kuwait, was pros-

ecuted, and it looks like they are bringing the same zeal to bear in pursuing peace in the region.

However, Mr. Speaker, I am disquieted by one thing. It does appear the President has warmed toward the prospects of resuming arms sales to the nations of the Middle East, the very region in which weapons were used against our men and women. I hope that the President would reconsider.

This goal of parity of arms is very elusive and very difficult to achieve. I would like to think that better than parity is no sales at all for a while. Let the place cool down and then we can take up the cause of peace. I think we would have a better situation to achieve a lasting peace without arms sales than with them.

### OPERATION DEFICIT STORM

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

Mr. COBLE. Mr. Speaker, following President Bush's recent address to the joint session of Congress, I was asked by a member of the media: "What next?" I told her now that Operation Desert Storm has been resolved, we must focus our attention upon Operation Deficit Storm.

The guns of war have fallen silent in the desert, but the shrill, harsh sound of the guns of deficit spending and fiscal recklessness continue to be heard on Capitol Hill and across our country, continue in fact to plague us daily.

If we are to silence these guns, Mr. Speaker, if we are to resolve Operation Deficit Storm, we must demonstrate the dedication and discipline that was displayed in the gulf during Operation Desert Storm.

### SUPER-IRA

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

Mr. PICKLE. Mr. Speaker, earlier this week I joined with BILL THOMAS of California in introducing legislation to bring the individual retirement account [IRA] out of its premature retirement. This Super-IRA legislation, H.R. 1406, is the House companion to the bill introduced by Senator LLOYD BENTSEN and Senator WILLIAM ROTH and cosponsored by 75 Members of the other body. Mr. THOMAS and I have sent a "Dear Colleague" letter to each

□ 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.

of your offices, along with a summary of the bill's major provisions and the problems it seeks to address. We hope that you will join us by cosponsoring this measure.

The individual retirement account was a retirement plan once popular with a broad cross-section of Americans. However, in paring back the full tax deductibility of IRA's in 1986, Congress prematurely retired the IRA as an attractive retirement incentive. The legislation we have introduced will restore the universal availability of the fully tax deductible IRA.

This bill will improve on the traditional IRA by allowing people to choose between tax deductible contributions to traditional IRA's or contributions to new IRA's from which earnings would not be taxed when they are withdrawn. The bill would also allow penalty-free withdrawals from IRA's, 401(k), and 403(b) plans for first-time home purchases, higher education expenses, and devastating medical expenses.

This Super-IRA plan will not only restore incentives for individuals to save for retirement, but also for two of the biggest investments that people have to make during their lifetimes—purchasing a home and paying for their children's education. It will also correct the current situation in which a tax penalty is imposed on people who are forced to make withdrawals from their IRA to pay for costly medical expenses for themselves or a family member with a serious illness. We believe it is critical to address these needs.

Mr. Speaker, I hope my colleagues will take time to review the Pickle-Thomas Super-IRA bill. We plan to submit a list of additional cosponsors before the Easter recess, so if you would like to cosponsor this legislation or have any questions, please contact either my office or Mr. THOMAS' office.

#### FBI INVESTIGATION OF ABUSE OF AUTHORITY BY LAW ENFORCEMENT AGENCIES

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

Mr. BERMAN. Mr. Speaker, I rise to urge, to insist that the FBI immediately undertake an investigation of what I fear is systemic police brutality in Los Angeles.

Many of my colleagues saw the videotape of the relentless beating of a suspect by three police officers while a dozen others looked on. This particular disgraceful incident happened to occur in the congressional district I represent, and it happened to have been videotaped. But I have the awful sense that it was not an isolated aberration.

While the victim of police abuse may indeed have committed a crime, that is not the point. Police lawlessness is par-

ticularly heinous because it is cloaked with the authority of the State.

We treat with special severity crimes against police officers because of the risk they take on our behalf. By the same token, when police abuse their authority, punishment must be swift and severe.

For the Director of the FBI to say, as Judge Sessions did recently, that he lacks authority to conduct systemic investigations is unadulterated hogwash. The FBI clearly has the authority to investigate allegations of patterns of deprivation of civil rights, civil rights which have been protected since the passage of the 14th amendment and since the passage of the Civil Rights Act of the 1860's.

While most police officers in Los Angeles are law abiding, respectful of their role and their authority and risk their lives on our behalf, what happened to Rodney King is a blot on Los Angeles and on this Nation. We must see that it never happens again.

□ 1110

#### REINTRODUCTION OF THE UTAH BLM WILDERNESS ACT

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

Mr. OWENS of Utah. Mr. Speaker, in these Halls, we often take actions with impacts thousands of miles away—an intimidating and inspiring responsibility. Today, I am reintroducing the Utah BLM Wilderness Act, H.R. 1500, which will affect the way the public lands will be managed in Utah for generations to come. I anticipate a long struggle to secure final passage of wilderness legislation in Utah, and I want to take a few minutes today and explain just why I am willing to make the effort.

Fifteen million years ago, the sea receded from what is now the Western United States for the final time. The land began to rise, eventually forming the Colorado Plateau, over a mile high, and the Rocky Mountains. Since that time, erosion has turned this 100,000-square-mile area into one of the scenic wonderlands of our planet. The Grand Canyon is here. So are Zion National Park, Canyonlands, Bryce Canyon, Capitol Reef, and countless other canyons and landmarks. Bob Marshall, the founder of our Government's wilderness preservation system, once said Utah was second "only to Alaska in its beauty and majesty." As much as I love Alaska, I'm not sure I would put Utah second. This spectacular plateau region of national treasures needs more protection than it has so far received. Fifty years ago, an inventory of Utah wilderness found about 18 million acres of de facto wilderness. Today, that number has been reduced by more than

two-thirds. In 10 more years, we will see further significant loss of wilderness-quality lands. As the reservoir of wilderness lands becomes more restricted, the value of each parcel will increase. If we are going to preserve these lands, we must do so quickly. We will most likely never have any more wilderness-quality lands in our Nation than we have at this moment today and we must carefully evaluate what we are willing to lose.

Wilderness is lost gradually, through attrition, almost unnoticeably, an unnecessary new road here, a new mining claim there. Only our children will notice just how much has been lost. Most of this development would have little to do with the economic vitality of surrounding communities. The Utah BLM wilderness bill is an attempt to preserve and protect the best of the wilderness that remains in Utah. I am proposing 5.4 million acres of BLM wilderness in Utah, about 10 percent of the State. I do not expect to see all these areas permanently protected as wilderness and I am ready for the give-and-take of informed negotiation. But the reintroduction of this bill will at least allow Congress the opportunity which was taken from it during the Watt and Reagan years to objectively review the wilderness quality of these lands and balance that against potential economic development. For nearly half of these lands, that was never done.

The bill will preserve the most outstanding wildlands which remain of Utah's 32 million acre public domain. Presently only 800,000 acres of Forest Service lands receive wilderness protection in Utah. Most of this proposed wilderness lies within the drainage systems of the Colorado River, where the erosional carving tools of nature have already led to the establishment of seven national parks. The rest is located in the unique desert island ecosystems of Utah's Great Basin. These are wildlands of extraordinary diversity and splendor, from ponderosa forests to parched badlands, rugged desert mountains to wild rivers, and rainbow-hued canyons with plunge pools and waterfalls to red sandstone mesas, monoliths, and arches. They are rich with wildlife. Some species found in this wilderness are struggling to survive—the desert tortoise, desert bighorn sheep, and the Nation's largest free-roaming herd of buffalo outside of Yellowstone. These lands are also home to the archeological treasures of the ancient Fremont and Anasazi Indian cultures.

"In Wilderness is the preservation of the World." So wrote Henry David Thoreau in 1848, many years ahead of his time. Few people would now dispute that humankind is better off when we respect natural systems. In an era of very probable global warming, ozone depletion, acidic lakes, and deforestation, we are learning that, to para-

phrase Jefferson, when we govern nature least, we govern best.

And the way to govern least is to establish wilderness reserves for perpetuity. It is, in some ways, an act of faith, a recognition that a system that has done so well for millions of years will do well without our interference for many more. When wilderness is protected, watershed is protected. Biological diversity is protected. The proper functioning of a natural system is protected. Last year, I had the chance to spend a few moments with David Brower, a legendary figure in the conservation movement, and now head of the Friends of the Earth. He told me that his daughter had been cured of an illness over a decade before through a nearly miraculous drug found in a plant on the island of Madagascar. His daughter is now healthy, but that plant, like so many others, is extinct. Establishing our dominance and impact on every square mile of this planet would mean killing the goose that laid the golden egg. Wilderness cannot easily be created, but it is extraordinarily fragile and can be destroyed in a few moments. Statutory protection is the only way to achieve our goal of maintaining a wilderness reserve on this planet.

There will sometimes be a plausible economic scenario for developing wilderness and final decisions on wilderness status will reflect a relative balancing of values. Is there any inherent value to leaving an area the way God made it? Will this value always be secondary to any conceivable, even impractical use? Maybe we can't eat wilderness, or sell wilderness, or wear wilderness—but we love it all the same, and it gives us unique rewards. Wilderness must exist for the same reason museums and art must exist: to elevate and to inspire the human soul. The Mona Lisa could be used for wrapping fish. Eagles could be sold as poultry. But sometimes there is a higher spiritual value. As John Muir said, referring to the Redwoods of the California Coast, "Surely these trees would make fine lumber after passing through a sawmill, just as George Washington would make fine food after passing through the hands of a French chef." And wilderness could probably be profitably developed in places. But the question is whether it should be.

There is a basic human affection for areas left in their natural state, an affection that increases as they become all too rare. The necessity of beauty for beauty's sake is the strongest argument we have, and one that strikes a responsive chord in most people. But this doesn't mean that I downplay the idea that wilderness in Utah will have positive economic effects—quite the opposite. Everything I have read or researched indicates that few practical resources will be lost, while interest in the region will bring visitors, money,

and growth. Nor does this mean that I downplay the scientific justification for wilderness preservation. We need our wilderness for medicine, for watershed protection, for a stable and diverse gene pool. But the simplest argument to make—and the one which is ultimately most compelling—is that wilderness should be saved because it is beautiful, irreplaceable, and our lives would not be as complete or as full without it.

Surely, as John Muir said, the woods were mankind's first home and we have discovered that "going out is really going in." We need wilderness for what it does for the human spirit, for the freedom it inspires, and for the beauty that enhances our quality of life. What we now elect to save in Utah over the next few years will always remain. What we refuse to protect can never be recovered. This is a decision for the future, for our children and their children. I believe the decision we make here collectively, as citizens of the State of Utah and the United States, and as a Congress, will be an important statement on how we view our stewardship responsibility toward the Earth.

Wilderness designation is an exercise in patience and negotiation. This is our last chance, in all likelihood, to preserve large tracts of land for our children's heritage, unspoiled and permanently beautiful. We need hearings, we need debate, we need discussion. We need negotiation and compromise. As the facts about wilderness fully emerge—especially those detailing the economic benefits possible for southern Utah if its beauty is permanently preserved—the perception of the issue in rural Utah may shift. Wilderness and economic growth are compatible. Utah's natural beauty is its greatest economic asset. Wilderness can—and should—make us money. What makes a tourist travel to southern Utah? Is it industry they hope to see? Mines? Denuded rangeland? Obviously not. They are seeking beauty. They want to be amazed. Beauty will never drive a tourist away. Wilderness preserves that beauty. The wilderness areas I have proposed are surprisingly accessible to the average tourist. The 126 individual parcels are often separated by or surrounded by roads. Much of the proposed wilderness is visible from a car, whether looking down into a canyon or up at an escarpment. No spot in my bill will be more than 7 miles from an existing road or floatable river.

I have had the privilege over the last 2 years of visiting the residents who will be most affected by the wilderness bill I have proposed. Although the reception was always cordial, it was very clear that a great rift of opinion exists over wilderness in Utah. One argument which seemed effective was simply this: Would any of the people I spoke to be willing to live in a place which was completely developed, completely ex-

ploited, without the quiet corners of natural beauty that make Utah so unique? The question is not whether to preserve significant portions of Utah's natural beauty, but simply how much.

Last Congress, 106 of our colleagues in the House joined me in cosponsoring H.R. 1500, The Utah BLM Wilderness Act. Sixty Members are original cosponsors of the bill today, and I hope to eventually have a majority of the House, to demonstrate our commitment to these wild lands, regardless of what obstacles we may face on this question. This is truly a national issue, and these lands are national treasures. The Utah BLM Wilderness Act is identical to what was introduced last Congress except for the addition of standard "boilerplate" water language from last year's bipartisan Arizona wilderness bill which establishes a Federal reserved right, junior to all others, that guarantees that wilderness areas will not be dewatered in the future.

H.R. 1500 is endorsed by all major national conservation organizations and 35 independent Utah conservation groups. It calls for the preservation of over 2 million acres more than the BLM was even willing to study for wilderness designation. Curiously, the BLM began its Utah wilderness study over 10 years ago by identifying more than 5 million acres as qualifying for wilderness review. Then, astonishingly, the BLM methodically eliminated from consideration all wildlands where potential conflicts with economic development were speculated.

Ten years later, we see how unwise that approach was, because none of that speculated economic development ever took place. At the same time, our national interest and commitment to preserving extraordinarily beautiful, irreplaceable wilderness areas steadily increased. Utah is realizing that its fastest growing area of economic opportunity, tourism, is entirely dependent on the preservation of its natural beauty. These changing circumstances and values make clear that Congress should not be limited by the Bureau of Land Management in its analysis of Utah's wilderness lands. The outdated judgment calls of the BLM have unfairly and arbitrarily restricted evaluation of many wilderness-quality lands which should, by all rights, be fully considered by Congress.

After all, while the BLM has the responsibility to make wilderness recommendations, the Congress itself has the ultimate responsibility to designate wilderness lands. The national conservation community agrees that preserving Utah's BLM wilderness is among the most critical environmental efforts of the coming decade. There is nothing else quite like Utah's wilderness lands on Earth—and what we lose today, we lose forever.

No one, least of all the residents of southern Utah is willing to see all the

wilderness of southern Utah disappear. The question is not then whether we will preserve wilderness, but how much—and when. To paraphrase John Muir, only God can create a wilderness—and only good government and wise lawmaking can preserve it. I hope we will be wise enough to save a significant portion of Utah's remaining wilderness. It is the finest legacy we can leave our children and generations yet unborn.

**NEW MEXICO TEAMS IN NCAA TOURNAMENT**

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

Mr. RICHARDSON. Mr. Speaker, March madness is upon us. Today marks the start of the 1991 NCAA Mens College Basketball Tournament. This is an especially exciting time for the State of New Mexico, which fields two outstanding teams in this year's tournament. The University of New Mexico Lobos, who are participating for the first time since 1978, and the New Mexico State Aggies, making their second straight NCAA appearance.

The Lobos and coach Dave Bliss will open up against the Cowboys from Oklahoma State, and are led by senior center Luc Longley, the team leader in scoring and rebounds. Senior guard Rob Robbins helps round out a fine supporting cast that includes seniors Jimmy Tayler and Kurt Miller, junior guards Willie Banks, and V. McCrary, and sophomores Khari Jaxon and Ike Williams.

The New Mexico State Aggies, coached by Neil McCarthy, are currently ranked 15th in the Nation, and are making their second consecutive appearance to the NCAA Tournament. The Aggies, with 23 wins, are known for their tough defense, forcing an average of 21 turnovers per game. They will face the Creighton University Bluejays in the first round.

Mr. Speaker, these are two big games for basketball fans in New Mexico. I'm rooting for two big wins, but regardless of who advances in the tourney, I can tell you the Lobos and Aggies are both big winners. They have both come a long way this season, struggling at times and winning big at times. These teams have made our State proud. My hat is off to the Lobos and Aggies. Good luck!

**WE HAVE DEVELOPED A FOURTH BRANCH OF GOVERNMENT**

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

Mr. DUNCAN. Mr. Speaker, Joseph Sobran, a nationally syndicated col-

umnist, said in one of his columns a few days ago:

Most Americans are more afraid of what their own Government can do to them than of any foreign menace. The tax police have frightening power only partly limited by the Constitution. Young people have been far more worried about a return of the draft than about Arab terrorists. Regulatory agencies can ruin a small business. You can probably lengthen this list from your own experience.

This is a sad situation when a respected columnist says that most Americans are afraid of their own Government.

Today we have developed a fourth branch of the Government, of the Federal Government, never envisioned by our Founding Fathers, and that is our unelected, elitist Federal bureaucracy. It has now perhaps become the most powerful branch of all.

Today, unfortunately, our Federal Government has become one that is of, by, and for the bureaucrats instead of, by, and for the people. This has come about in part, in large part, because we have a civil service system that does almost nothing for good, competent, dedicated workers, but serves to protect lazy and incompetent workers, and makes it ridiculously expensive and almost impossible to remove a worker who does not do his job.

I know that it sounds good on the surface when someone in a newspaper or some person says, "Let us take the politics out of this or that," but I hope everyone will remember that the political process is the only thing that gives the people of this country some say-so or some control over or some voice in their Government.

**PRESIDENT'S CRIME PACKAGE A REAL STEP FORWARD**

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

Mr. RAMSTAD. Mr. Speaker, the crime package announced by President Bush this week is a real step forward for this Nation's crime- and drug-fighting efforts.

Violent crime has reached outrageous levels in this country. Things are so bad that the average citizen in the United States is more likely to be the victim of a violent crime than of an automobile accident. During the first 100 hours of the ground war offensive in the Middle East, more Americans were killed in our major cities as a result of crimes than on the entire Kuwaiti front lines.

The first right of any citizen is to feel safe in their homes and neighborhoods. The American people are calling for action now to stop violent crime.

The program announced by the President calls for putting real teeth into our criminal justice system by enforcing swift and certain punishment for

violent crimes. We need to extend the death penalty to drug kingpins, terrorists, and serial killers.

Also, the appeals process needs reform.

In addition, a policy toward gun-related violence should be very clear. If you use or threaten to use a firearm to commit a violent crime, you must go to prison, no exceptions, period.

Mr. Speaker, I urge the House to heed the President's request and pass this important crime-fighting legislation in the next 100 days.

**PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORT ON H.R. 355, AMENDING THE RECLAMATION STATES DROUGHT ASSISTANCE ACT**

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be permitted to have until 5 p.m., Friday, March 15, to file the report on H.R. 355, to amend the Reclamation States Drought Assistance Act to extend the period of time during which assistance may be provided.

The SPEAKER pro tempore (Mr. LAUGHLIN). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

□ 1120

**THE 224TH ANNIVERSARY OF THE BIRTH OF ANDREW JACKSON**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. CLEMENT] is recognized for 60 minutes.

Mr. CLEMENT. Mr. Speaker, as many of my colleagues know, I have the honor of being the 38th individual to serve the district first represented here in the House of Representatives by Andrew Jackson.

Thus, I am pleased to speak on the eve of the 224th anniversary of the birth of Andrew Jackson, our Nation's seventh president.

To many of us, Jackson is best known for his stern countenance on the \$20 bill. But, in his era, "Old Hickory" was a celebrity who earned his nickname through toughness in battle, driving ambition, passionate loyalty, and burning hatreds. Rising from a penniless orphan to a legendary president, Andrew Jackson became an American icon who excites controversy even today.

Recently, the Smithsonian's National Portrait Gallery presented an intimate look at our Nation's seventh president through an exhibition entitled "Old Hickory: A Life Sketch of Andrew Jackson." More than 70 likenesses of Jackson were on display, including paintings, engravings and political cartoons.

Also on view were maps, personal letters, dueling pistols and portraits of some family members as well as such contemporaries as Martin Van Buren, his cunning Vice President; the consummate political Henry Clay, who was

an enemy of Jackson; and Choctaw Chief Pushmataha, an ally who became an enemy when Jackson forced the Choctaw tribe to abandon its territory to the white man.

An adept "media president." Old Hickory played many political roles, providing artists with a wide spectrum of personas. Many were included in the exhibition.

The exhibition revealed Old Hickory's prowess in battle, which was both praised and reviled in contemporary prints. One example, an engraving by Francisco Scacki, recreated the legendary battle of New Orleans in which Jackson led a rag-tag group to victory over a far larger and better organized British force.

An anonymous cartoon exhibited revealed a darker side. Depicting Jackson as the "Great Father," it lampooned his lack of compassion for native Americans. Both in his early wars against the Creek and Seminole and in his later drafting of the 1830 Indian Removal Act, which was responsible for the brutal relocation of Indians west of the Mississippi, Jackson reflected the cruel indifference of his era to the welfare of American Indians.

The exhibition also cast light on Jackson's political campaigns, in which he was vigorously attacked for marrying a divorced woman. Also explored were aspects of Jackson's controversial Presidency that offer a perspective on today's political issues. Jackson, for instance, was the only President to have paid off the national debt. And he used his veto power more times than all his predecessors put together. The first President to take advantage of the executive powers, he has also the first to suffer an assassination attempt.

Mr. Speaker, accompanying the exhibition was an outstanding, fully illustrated catalog whose introduction was written by Jackson scholar, Robert Remini.

And, on this birthday anniversary, I would include with my remarks Remini's scholarly assessment of Jackson, his life and times.

In the opinion of some Americans, Andrew Jackson was the most popular man this Nation had ever produced prior to the Civil War. George Washington, Thomas Jefferson, Patrick Henry, Benjamin Franklin, James Madison—all remarkable and beloved figures—could not compare to Old Hickory in their affections.

More popular than the "Father of His Country?" Could that be possible? Indeed, so, Philip Hone, a New York merchant, confided to his diary in June 1833. President Jackson, he wrote, "is certainly the most popular man we have ever known. Washington was not so much so. His acts were popular \* \* \* but he was superior to the homage of the populace, too dignified, too grave for their liking, and men could not approach him with familiarity." Although Hone opposed Jackson politically and preferred Henry Clay, he was forced to admit that the seventh President of the United States was "a gourmand of adulation \* \* \* [and] no man ever lived in the country to whom the country was so much indebted. Talk of him as the second Washington. It won't do now; Washington was only the first Jackson."

Even after Old Hickory died, some men tried to vote for him for President during the crisis of 1860, as though by their collective vote they could raise him for the grave to help the Na-

tion escape the horrors of approaching disunion and civil war.

He was also a genuine celebrity. People came from miles around to see him when they heard that he might pass through their district. As his steamboat plied the Ohio River, taking him back and forth from his home in Tennessee to the Capital, masses of shouting, waving, applauding people gathered along the river bank to call to him, salute him, and wish him success.

For his devoted followers, Andrew Jackson was the Nation's finest image of itself during the first half of the 19th century. The original self-made man, he personified everything good and heroic and successful in American life. Although orphaned at an early age and burdened by poverty and a limited education, he rose to become a distinguished planter, lawyer, judge, military commander, and statesman.

Most important of all, Jackson won the Battle of New Orleans against tremendous odds. That victory alone enshrined him forever in the hearts of his countrymen. Throughout the War of 1812, the United States had suffered one military defeat after another. Its coastline was blockaded, its Capital burned, its reputation besmirched throughout Europe. Some Americans actually feared for the survival of its experiment in liberty and republicanism.

Then came New Orleans. A rag-tagged conglomeration of militiamen, regular army enlistees, sailors, pirates, Indians, and a "colored battalion" met a surperior force of invading British soldiers in a swampy area along the Mississippi River, just a short distance south of New Orleans. The Americans lined up behind a ditch that ran from the river to a cypress swamp, while the British Army, in full regalia, with flags flying and martial music blaring, attacked. Wave after wave of redcoats assaulted the ditch. And wave after wave of British officers and men pitched to the ground, as the American sharpshooters picked them off one by one. As the "flashing and roaring hell" in front of them grew more intense, the invaders recoiled and then began a general retreat.

When the firing ceased and the Americans scaled the parapet protecting their ditch, the scene gave Jackson the "grand and awful" sense of what the resurrection might be like. "After the smoke of the battle had cleared off somewhat," he later wrote, "I saw in the distance more than five hundred Britons emerging from the heaps of their dead comrades, all over the plain, rising up, and still more distinctly visible as the field became clearer, coming forward and surrendering as prisoners of war to soldiers." The casualties among the British soldiers totaled 2,037; among Americans only 13 were killed, 39 wounded, and 19 missing in action.

It was a fantastic victory, the greatest feat of American arms in history up to that time. The British soldiers who had defeated Napoleon and forced his abdication had been decisively whipped by American regulars and frontiersmen who were fighting for their freedom and the security of their homeland.

Was it any wonder that Gen. Andrew Jackson became the most beloved, admired, and respected man in the United States? He had restored to the American people their pride

and self-confidence. Through his incredible victory, they had proved to the world the legitimacy of their independence, and that they could defend it against the mightiest power on Earth. Never again did they need to prove to themselves or anyone else that they had a right to be free and independent. Americans alerted a hostile European world of kings and emperors that if they trifled with the sovereignty of the United States, they did so at their peril. Andrew Jackson had proven for all time the strength, vigor, and power of American life and institutions.

To a large extent, the extraordinary dimension of Jackson's military victory, as well as his success in overcoming personal handicaps and deficiencies, and in rising from the lowest to the highest social strata in the Nation, resulted from unique character flaws and strengths. He was a complex of driving ambition, rigid personal discipline, strong loyalties, and ferocious hatreds. As commander of American forces at New Orleans, he demonstrated steely determination, supreme self-confidence, and extraordinary military skill, despite a near-total lack of experience or training. Later, as President of the United States, he displayed exceptional powers of understanding in grappling with national issues; an unshakable belief in the right of the American people to self-government, and an abiding love of the Union. As President he guided the country as it evolved inexorably from republicanism to democracy.

Jackson's parents had migrated to America from Carrickfergus, Northern Ireland, in 1765, along with many other Scotch-Irish. Andrew and Elizabeth Hutchinson Jackson probably landed in Philadelphia and then moved southward to join relatives living in the Waxhaw settlement, located along the northwestern boundary separating North and South Carolina. They had two sons, Hugh and Robert, and they settled on land adjacent to the Twelve Mile Creek, a branch of the Catawba River. Then, in 1767, the father suddenly died, and not many weeks later Elizabeth gave birth to her third son on March 15, 1767, and named him after her late husband.

Elizabeth moved into the home of her sister, Jane Crawford, and her husband, where young Andrew and his brothers were raised. Since her sister was a semi-invalid, Elizabeth became housekeeper and nurse. Andrew received a meager education at an academy conducted by Dr. William Humphries and, a little later, at a school run by James Stephenson. He quit school with the outbreak of the American Revolution and accompanied Col. William Richardson Davie, probably as a courier, during the attack on the British post of Hanging Rock. He was 13 years of age at the time.

His older brother, Hugh, died after the Battle of Stone Ferry in 1780, probably from heat stroke, and shortly thereafter Andrew and his brother Robert were captured by the British and imprisoned at Camden. At the time of his capture, Andrew was ordered to clean a British officer's boots, which he refused to do. Infuriated, the officer raised his sword and struck Andrew with it, leaving a deep gash on the boy's head and across several fingers.

At Camden, the brothers contracted smallpox. Their mother arranged their release in ex-

change for British prisoners, but Robert died before they arrived home. Andrew recovered, his face slightly marked with the scars of the disease. During his recovery, Elizabeth journeyed to Charleston to nurse American prisoners of war held in prison ships, and died from cholera a few months later.

An orphan at 14 years of age, Andrew resided with relatives for a short time, drifted from one job to another, and finally moved to Salisbury, NC, in 1784, to study law at the office of Spruce MacCay, a distinguished trial lawyer of the day. After obtaining a license to practice law in North Carolina, Jackson and several companions decided to migrate to the western end of the State, to what is now Tennessee. He built a successful practice in Nashville, married Rachel Donelson Robards after she obtained a divorce in 1793 from her first husband, Lewis Robards, and participated in the convention that wrote the constitution by which Tennessee won admission as a State in the Union.

As an extremely capable and hard-working lawyer with ties on his wife's side to one of the most important families in Tennessee, Jackson entered politics and rose quickly within the political hierarchy, thanks in large measure to the strong support of William Blount, the former territorial Governor. He served as the State's first representative to the U.S. House of Representatives, and later as U.S. Senator. Resigning from the Senate after a single session, Jackson accepted appointment to the Tennessee Superior Court, where he served for 6 years. One biographer later described his decisions as a judge as "short, untechnical, unlearned, sometimes ungrammatical, and generally right."

Jackson supplemented his income from time to time by running a general store. He even sold boats to Aaron Burr without fully comprehending Burr's scheme to undertake a military operation down the Mississippi River, for which Burr was later tried and acquitted of treason.

When war broke out with Great Britain in 1812, Jackson had won election as major general of the Tennessee militia because of his popularity among the field officers of the militia and a considerable amount of politicking he accomplished beforehand. Despite a lack of military experience, he quickly developed into an excellent commanding general, and his men affectionately dubbed him "Old Hickory," because he was a tough, but caring, officer. He sometimes made impossible demands on his men, but he constantly showed them that he would work unceasingly for their safety and well-being.

The Governor of Tennessee sent Jackson and his militia against the Creek Indians in 1813, after they had attacked American settlers along the southern frontier. Old Hickory decisively defeated the Indians at the Battle of Horseshoe Bend on March 27, 1814, wrested 23 million acres of land from the Creek Nation under the terms of the Treaty of Fort Jackson, and then hurried to New Orleans in time to repel a British invasion and inflict a devastating defeat upon the enemy. A few years later, he pursued the Seminole Indians into Florida and seized control of the area from Spanish authority. His actions triggered an international crisis, involving England as well as Spain, be-

cause of his execution of two British subjects, Alexander Arbuthnot and Robert Ambrister, for aiding and abetting Indian attacks against American settlers. The United States, nevertheless, succeeded in purchasing Florida from the Spanish and obtaining a western boundary for the Louisiana Territory that extended to the Pacific Ocean. By this single action, the United States was transformed into a potential transcontinental power.

Jackson served as territorial Governor of Florida for a short period in order to officiate at the transfer of ownership from Spain to the United States and establish civil government. Despite arbitrary actions and an impatience with Spanish temperament, Jackson provided an energetic and efficient government that facilitated the transition of a foreign land into the American political system.

As the most popular and beloved man in the Nation, Jackson received a nomination from the Tennessee legislature to run for the Presidency. The legislature also seated him in the U.S. Senate, where he again served a short term. Despite a popular and electoral plurality in the Presidential election of 1824, he did not receive the constitutionally mandated majority of electoral votes. The choice of President was therefore decided in the House of Representatives in a contest between Jackson and Secretary of State John Quincy Adams, and Secretary of the Treasury William H. Crawford. The Speaker of the House, Henry Clay, regarded Jackson as a military chieftain who had very limited qualifications to serve as President, and he therefore threw his considerable support to Adams. The House election ended on the first ballot, with Adams chosen as President.

When Adams selected Clay as his Secretary of State, Jackson exploded in indignation. He charged the two men with arranging a "corrupt bargain" in which Clay gave Adams sufficient votes in the House election to become President in return for the Office of Secretary of State. Jackson resigned his Senate seat, returned to Tennessee, and began a campaign to win election to the Presidency in 1828. With the help of Martin Van Buren and John C. Calhoun, he orchestrated the formation of an organization to support his election, which eventually became the Democratic Party. With his popularity and the strength of his organization, and after a particularly vicious and sordid campaign—possibly the worst in American history for slander and misrepresentation—Jackson won a spectacular victory in 1828.

Jackson's tenure as President—1829 to 1837—extended over a period in which the United States underwent enormous political, economic, and cultural changes, changes by which the Nation slowly began to emerge as an industrial democracy. In instituting what he called a program of "reform, retrenchment and economy," President Jackson attempted to establish democratic government. He saturated the language of his messages to Congress and other State papers with democratic intent. "The people are sovereign," he repeated many times, "their will is absolute." His philosophy of government preached the simple message that the people govern, and that majority rule constitutes the only true means of preserving a free society.

A just government, declared Jackson in his celebrated veto of the bill to recharter the Second National Bank of the United States, shows "its favors alike on the high and the low, the rich and the poor." He opposed government for and by an elite:

Every man is equally entitled to protection by law, but when the laws undertake \* \* \* to make the rich richer and the potent more powerful, the humble members of society—the farmers, mechanics, and laborers—have a right to complain of the injustice of their Government.

To advance his democratic ideals, he instituted what he called a program of rotation of office to bring in new blood and fresh ideas for the operation of government. No one has a vested right to government employment, he contended. His enemies, however, accused him of introducing a "spoils system" to Washington. As the Democratic Senator from New York, William L. Marcy, boldly announced: "To the victor belong the spoils of the enemy."

Despite his democratic contentions, Jackson also expanded presidential powers during his tenure through his creative use of the veto—he vetoed more times than all of his predecessors put together—and his leadership of Congress and the Democratic party. He effectively intruded into the legislative process and materially increased the power of the chief executive to control and direct the operation of Congress.

One of Jackson's most unique contributions to constitutional ideas about the government and its operation was his belief that the Union was indivisible. In his proclamation of December 10, 1832, written to the people of South Carolina after the State's convention had nullified the tariff laws of the country and threatened secession, he responded with the doctrine of the Union as a "perpetual" entity. He was the first American statesman to publicly declare that secession could not be invoked by any State to redress a supposed grievance.

Those who told you that you might peaceably prevent

The execution of Federal law, he wrote:

deceived you \* \* \* Their object is disunion. But be not deceived by names. Disunion by armed force is treason. Are you ready to incur its guilt?

South Carolina ultimately backed down, and bloody civil war was postponed for nearly 30 years.

Jackson's extraordinary understanding of what is meant by "the United States" convinced Abraham Lincoln of the soundness of its constitutional argument. President Lincoln extracted from this proclamation the basic justification he needed for his course of action to meet the secession crisis of 1861.

To Jackson's credit goes the distinction of having paid off the national debt. He had made the liquidation of the debt one of the goals of his administration, and he lived to see it happen in January 1835. It remains the only instance in American history when the Nation owed nothing to anyone.

On a less happy note, the Jackson administration inaugurated the tragic history of Indian removal. The continued presence of the tribes within the several States caused mounting difficulties, including the shedding of blood, and had long defied solution by the national gov-

ernment. Thomas Jefferson hoped that through education the Indian might be integrated into white society. Failing that, he said, the tribes must be removed to the Rocky Mountains.

But many Indians resisted the idea of becoming cultural white men. They wished to remain as Indians, subject to Indian law, and preserving their heritage, language, and religion. The Cherokee Nation, for example, refused to obey Georgia law even though a large number of its people lived within the boundaries of that State.

Jackson contended that removal, such as Jefferson had suggested, would benefit both whites and Indians. It would prevent the annihilation of the Indian race, for one thing. More importantly, as far as Jackson was concerned, it would provide a greater degree of national security. Past Indian attacks, such as the Creek War just prior to the British invasion at New Orleans, jeopardized the safety of the American people. So Jackson prevailed upon Congress to pass the Indian Removal Act of 1830, by which lands held by the tribes within the States were exchanged for lands west of the Mississippi in an Indian territory that later became the State of Oklahoma. The Government provided the transportation, but the removal turned into a death march because of the indifference and greed of those charged with executing it. The tribes were hastened along what the Cherokee called "The Trail of Tears." Thousands died along the way, and the entire operation disgraced the Nation and blackened its history.

In foreign affairs, Jackson pursued an aggressive policy to force European governments to respect the integrity, sovereignty, and independence of the United States. Debts owed to the United States and incurred during the Napoleonic Wars had long been a source of irritation, because the European nations refused to pay what they legitimately owed. Jackson demanded payment and succeeded in bringing about settlement of the claims. He nearly provoked war with France over the settlement, but the dispute was ultimately resolved with the payment by the French Government of 25 million francs. Jackson also settled claims against Denmark, Spain, and the Kingdom of Naples.

Of particular value and importance to the United States was the conclusion of a treaty with Great Britain that resolved a long-standing dispute over trade with the West Indies. The treaty opened West Indian ports to the United States on terms of full reciprocity. The Jackson administration also signed the first treaty with an Asian nation in 1833, when Siam agreed to American trade on the basis of a most favored nation, a principle that became the basis of other treaties with South American countries and other Near Eastern countries.

After serving two terms as President, and designating Martin Van Buren as his successor, Jackson retired to his home at the Hermitage, just outside Nashville. For the remainder of his life, he took an active interest in national affairs. He favored the annexation of Texas and Oregon, even at the risk of war. And he helped his protege, James K. Polk, win the Democratic nomination in 1844. The narrow victory of Polk in the election over Jackson's

longtime enemy, Henry Clay, on a platform that called for the reannexation of Texas and reoccupation of Oregon, delighted the gravely ill old hero of New Orleans. "I thank my god," he wrote, "that the Republic is safe and that he had permitted me to live to see it, and rejoice."

Jackson died at the Hermitage at the age of 78 on June 8, 1845, most likely from a heart attack. But he suffered so many ills, acquired in the service of his country—as he liked to say—that modern physicians who delve into such matters are reluctant to pinpoint the exact cause of death. He was buried next to his beloved wife in the garden adjacent to his home.

Mr. Speaker, on the eve of this anniversary we remember Jackson for the indelible mark he made on the Nation. I would like to think that the seeds which helped shape the unusual nature of this extraordinary man sprouted while Jackson served here in this institution. As one of Jackson's successors here in the House of Representatives, I am proud to join my colleagues and my fellow Tennesseans in celebrating his legacy as a Member of Congress, military leader, statesman, and President.

Just as Jackson lent his name to an era of American history, so too did he leave a mark on the individuals who followed him in representing Tennessee's Hermitage district. I am honored to be among that select group.

Thank you, Mr. Speaker, for permitting me to celebrate Andrew Jackson's birthday today in this special order. Tomorrow at 3 o'clock, on House television channel 6, a video program on the life of Andrew Jackson will be broadcast for the enjoyment of our colleagues and House employees. The video was produced by the Ladies' Hermitage Society and I invite everyone interested in Andrew Jackson to watch this program.

A chronology on Andrew Jackson follows:

#### ANDREW JACKSON (1767-1845)

##### CHRONOLOGY

1767—Born March 15, Waxhaw settlement, South Carolina.

1780-81—Participates in American Revolution; captured and later released.

1787-88—Studies and practices law in North Carolina.

c. 1791—Marries Rachel Donelson Robards.

1791—Appointed attorney general for a district in the territory which would later become Tennessee.

1794—Remarries Rachel in a legal ceremony.

1795—Elected delegate to Tennessee Constitutional Convention.

1796—Elected to United States House of Representatives.

1797—Elected to United States Senate; resigns in 1798.

1817-18—Befriends portrait painter Ralph E.W. Earl; assumes command of Seminole War in Spanish West Florida.

1819—Visits Washington, D.C., to defend his conduct in Seminole War; visits major northeastern cities, where leading artists execute life portraits of him; builds Hermitage mansion.

1821—Resigns army commission after appointment as governor of Florida Territory; resigns from office after eleven weeks.

1823—Elected to United States Senate.

1824—Nominated for President of the United States; presented gold medal in recognition of his victory at New Orleans.

1825—Defeated for President in House of Representatives election; resigns Senate seat.

1828—Elected President in scurrilous contest; Rachel dies suddenly in December.

1829—Inaugurated seventh President of the United States.

1830—Signs Indian Removal Bill.

1831—Accepts cabinet resignations and appoints new cabinet; remodels Hermitage and builds tomb in garden.

1832—Vetoes bill to recharter second Bank of the United States; reelected President; issues proclamation to the people of South Carolina warning against the nullification of federal laws.

1834—Censured by Senate for alleged abuse of executive powers; concludes French spoils claims controversy.

1835—Survives assassination attempt.

1837—Issues farewell address and leaves office.

1838—Joins Presbyterian Church, thus fulfilling a promise made to Rachel before her death.

1842—Troubled by debt and worsening health.

1845—Photographed at Hermitage; George P.A. Healy paints last life portrait of Jackson; dies at Hermitage on June 8; buried two days later in Hermitage garden beside Rachel.

Mr. BENNETT. Mr. Speaker, my hometown, Jacksonville, FL, was named for Andrew Jackson in 1822. There were good reasons for this. The northeast portion of Florida, under the Spanish colonial empire, was heavily populated by Anglo-Saxons, not by Spaniards. It was a restive area on the banks of the St. Johns River and the St. Marys River. It was often penetrated by pirates and revolutionaries. At this point, I would like to include in the CONGRESSIONAL RECORD, the part of the story of Andrew Jackson in Florida which makes us realize in Jacksonville that our existence as an American city is largely the result of Jackson's bold entry into Florida in the early 1800's.

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#### MOST ADMIRE COURAGE DISPLAYED IN ACTIONS BY ANDREW JACKSON

(By Representative Charles Bennett)

Many disciplined military men would think it their duty to carry out a risky international project thought to be approved by their commander in chief but not explicitly detailed in formal orders.

As the facts come out in the current congressional inquiry on the Iran arms-for-hostages matter, such a pattern may unfold. There are certainly precedents. For example, such a sense of duty was clearly in Andrew Jackson's mind when he justified his actions in bringing Florida into the United States in 1817-1821.

In 1821, at the conclusion of this Florida adventure, Jackson was rewarded for initiatives by being appointed the first U.S. governor of Florida. Jacksonville followed suit in 1822 by naming itself in his honor. This upgraded the dignity of the little community at the bend of the St. Johns River, for it had previously called itself Cowford, or even more modestly, just "the cowford."

It had by that time almost forgotten its glorious 16th century Renaissance beginnings as a haven for French Huguenots. Mod-

ern Jacksonville has overlooked neither the French nor Jackson. A fine national park museum celebrates the French; and this summer the city will erect downtown an equestrian statue of Jackson on a rearing horse, a replica of the one in Lafayette Park in Washington.

When Jackson was busy in Florida in the early 1800's, he was the nation's greatest living hero; and later he was the first president to be elected by direct appeal to the mass of voters, thus giving birth to "Jacksonian democracy." Before this Florida adventure, he had served in both houses of Congress and as judge of the Superior Court of Tennessee.

During the War of 1812, he defeated the Creek Indians in the Battle of Horseshoe Bend in 1814, and the British in the Battle of New Orleans in 1815. Log Cabin and coonskin cap background, together with his great personal courage, made him a true folk hero.

Events were exploding in Florida in 1817. The Spanish sovereignty could not enforce law and order within its boundaries and this encouraged lawlessness and revolution. Sir Gregor MacGregor, a Scottish lord and "emperor" of the Moquito Indians of Central America, captured Cowford on June 4, 1817, flying first the flag of Venezuela and then his own republican colors. Before the year was out, there was a succeeding leadership under Luis Aury, flying the Mexican flag over Florida's Amelia Island, still another republican banner to challenge Spanish authority.

U.S. troops were sent down to protect the borders and the U.S. flag was raised over Amelia Island on Sept. 21, 1817. President James Monroe in August 1817 had directed Jackson to raise troops to support the efforts on the east coast of Florida but primarily to conduct operations in the western panhandle of Florida, ostensibly against Seminole Indian insurgents preying across the borders into Georgia.

Jackson undertook the mission with enthusiasm and thought his objective was to turn Florida over to the United States and perhaps even to include Cuba in his conquests.

On Aug 4, 1817, Monroe wrote Jackson a confidential letter. "The conduct of MacGregor supposed to menace the tranquility of the Southern states, has induced the gentlemen of this administration to take a measure in my absence for the public security which has made it necessary to order an officer, near the place, to perform a prompt service . . ."

"Every order from the Department of War, to whomever directed must be obeyed. I cannot think that you are of a different opinion, and it is on you that I rely for the most decisive support of the government."

In September 1817, Seminole Indians in Florida ambushed a U.S. hospital ship on the Apalachicola, killing 34. On Dec. 16, the Secretary of war, John C. Calhoun, issued orders for Jackson, authorizing entry into Florida in retaliation unless the enemy "should shelter themselves under a Spanish post."

Jackson raised 1,000 Tennessee volunteers, partially financed with his own funds. En route to Florida, he augmented his forces with 900 Georgia militiamen and a sizable body of Creek Indians.

Jackson had objected to his orders not allowing him to attack Spanish forts and wrote Monroe on Jan. 6, 1818, urging that the "whole of East Florida be seized and held as an indemnity for the outrages of Spain upon the property of our citizens," concluding: "let it be signified to me through any channel, (say Mr. J. Rhea) that the possession of

the Floridas would be desirable to the United States, and in 60 days it will be accomplished."

John Rhea, a friend of the president, wrote Jackson on Jan. 12, 1818: "I am grateful indeed that the plan of the president is satisfactory to you. I am confident that he is intended it to be so."

The restriction against attacking forts was only in the Dec. 16 order and the later (Dec. 26) orders from Calhoun to Jackson were more broadly stated. "You may be prepared to concentrate your forces and to adopt the necessary measures to terminate a conflict which it has been the desire of the president, from considerations of humanity, to avoid but which is now made necessary by their settled hostilities."

Calhoun also wrote the governor of the Alabama territory that "General Jackson is vested with full power to conduct the war in the manner he may judge best." That was all that Gen. Jackson sought.

The Seminoles' border intrusions had accelerated with the defeat of the Creek Indians at Horseshoe Bend and the subsequent treaty which took 20 million acres from the defeated, including some lands claimed by the Seminoles. Jackson pursued the marauding Seminoles in Florida and on April 16, 1818, captured St. Marks, a Spanish stone fort near the Gulf Coast, which was reputedly a supply base for the Indians. He lowered the Spanish flag and raised the U.S. flag.

Among the captured was Alexander Arbuthnot. Jackson accused him of being a British agent and had him hanged. Later, Lt. Robert C. Ambrister, formerly of the British Royal Marines, was captured, and he was tried and shot for being a British agent seeking to foment difficulties among the Indians. By the end of May 1818, Jackson's forces had captured Pensacola.

The British threatened war in retaliation for the executions, but finally were persuaded against it. To soften the Spanish tempers, the captured forts were returned to Spain in a series of confrontations that concluded on Feb. 22, 1819, in the Adams-Onís Treaty. By this treaty, the United States acquired Florida in return for giving up claims to Texas and for agreeing to pay \$5 million of Spanish debts owed to U.S. citizens.

Monroe, in public statements, admonished Jackson for some of his belligerent actions, but to most Floridians, and most U.S. citizens, Jackson's appointment by Monroe to be the first U.S. governor of Florida was a well-deserved honor. Manifestly, it spoke with more truth than the press releases that were issued to diminish international complaints, however well-founded those complaints may have been.

U.S. citizens in those days admired courage.

Most do today.

So do I.

Mr. QUILLLEN. Mr. Speaker, it is a pleasure for me to join my colleagues in paying tribute to a man who was a fellow Tennessean, a distinguished House and Senate Member, and a respected general not only from the field but also from the White House. Andrew Jackson spent time at the age of 21, studying law in the town of Jonesborough in what was known then as the State of Franklin, located now in my congressional district. I would like to thank the gentleman from Tennessee, Mr. Clement, for setting time aside on the floor of this House to honor President Andrew Jackson, an

accomplished leader in every task he faced in business, war, and politics.

Born in the Waxhaws country of South Carolina in 1767, this son of Irish immigrants hit the ground running. At the age of 13, his parents deceased, Andrew Jackson participated in the American Revolution, was later captured and released by British soldiers.

In 1787, after a brief stint in teaching, Andrew Jackson was admitted to the North Carolina bar and was appointed Public Prosecutor of the Western District of North Carolina. However, Andrew Jackson was not to stay in North Carolina. He would later move to Tennessee to begin his public service career. Jackson was first elected to the U.S. House of Representatives in 1796 and to the U.S. Senate in 1797. The next year he would resign from the Senate and be appointed judge of the Superior Court of Tennessee. Andrew Jackson resigned from public service in 1804 to devote more time to his plantation and other business interests.

Andrew Jackson thrived on the frontier. Yet, while active in business and in the community, he, too, was hit by the ups and downs that all common men and women experience. He often brawled and he fought several duels, including one with a man who slurred his wife.

During the War of 1812, Jackson led his militia to victory over the Creek Indians at the Battle of Horseshoe Bend in Alabama. Later, Jackson and his motley army defeated the British regulars at the Battle of New Orleans. These victories brought him due recognition and enhanced his prestige throughout the country.

Following American acquisition of Florida by treaty in 1821, Jackson served a few months as its first territorial Governor. In 1823 he was reelected to the U.S. Senate from Tennessee. Jackson would then run for President receiving the greatest number of electoral and popular votes to represent the Democratic-Republican Party. However, he did not receive a majority so the election was settled by the House when they gave the nod to John Quincy Adams. Upset with the process, Jackson resigned from the Senate to devote all of his attention to becoming President. His dedication and hard work brought his goal to fruition. Jackson would become President in 1828 in a brutal campaign against his previous foe, John Quincy Adams.

His Presidency was the first to represent mainstream America. Inaugural Day festivities would not be the same for Jackson. Normally an aristocratic event, Jackson's supporters included frontiersmen, farmers, planters, artisans, laborers, mechanics, tradespeople, and businessmen. The seventh President's celebrity status among the people was so broad and widespread that it rivaled that of George Washington. Andrew Jackson was easily elected to a second term in 1832.

His opponents charged that he was a monarch and referred to him as King Andrew I. But his supporters characterized his election as a victory for the common people over the privileged, democracy over conservatism, equal opportunity over special privilege, agrarianism over capitalism, and honest labor over aristocratic leisure. Historians have written in clear terms of a political movement they called

Jacksonian Democracy and the emergence from it as the Age of the Common Man.

Old Hickory, his name acquired from his days as a field commander, left a legacy that changed the political scene for years to come. Many saw Jackson's introduction of the spoils system as a democratic advance because it eliminated entrenched officeholders and, presumably, made all areas of government more responsive to the popular will.

Andrew Jackson retired at this retreat in Hermitage, TN, in 1837, and succumbed to natural causes 8 years later. His tenacity in convincing others of the right course of action was matched only by his ability to listen in order to make a more informed decision.

Mr. Speaker, as a fellow Tennessean, I would like to pay homage to our seventh President of this fine country of ours—a great statesman, illustrious military commander, and an overachiever in everything he pursued. Andrew Jackson rose to the top, never losing touch with the common man.

#### SMALL BUSINESS AND OTHERS NEED CERTAINTY UNDER SUPERFUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 10 minutes.

Mr. LAFALCE. Mr. Speaker, last year, I was honored to have over 290 of my colleagues join me in proposing legislation, H.R. 4494, to clarify an area of environmental law that adversely impacts businesses of all types.

Today, I am introducing a considerably different bill that aims to clarify the exemption in the Superfund law for secured parties, an exemption that was part of the original law in 1980. This clarification is based on a draft rule prepared by EPA, after EPA gave careful consideration to all the competing arguments of environmentalists and lenders alike. I believe EPA crafted a balanced rule to accommodate those competing concerns.

Action on this issue is crucial.

During the 101st Congress, the Small Business Committee held hearings to explore the impact of the current uncertainty regarding the exemption provisions on lending to small business. This uncertainty resulted from a series of court cases since 1985. This uncertainty has adversely affected the ability of otherwise good businesses to borrow funds.

Testimony from government agencies, business community representatives, environmentalists, and bankers made clear that banks and other lending institutions are increasingly refusing loans to creditworthy small businesses that either use hazardous materials or are located in areas of possible contamination because of fears regarding potential liability generated by court action. In the continuing credit crunch in which we find ourselves, we cannot tolerate unnecessary impediments to appropriate lending.

It is noteworthy the EPA itself acknowledged that legislation might well be necessary, even if a rule were eventually promulgated, to provide certainty through statutory guidance. As previous EPA testimony indicates, the Agency is itself acutely aware that the current uncertainty is impacting adversely on the ability of

a range of businesses to obtain financing, even for projects directed at environmental cleanup.

One of the major motivations behind my revision of this legislation was to address what I believe to be legitimate concerns advanced by the environmental community. This revised legislation provides important inducements for the conduct of environmental assessments; clarifies that lenders and other parties who are directly responsible for environmental damage do not escape appropriate but limited liability; precludes the use of sham trusts to evade liability; leaves in place existing protections against undue enrichment for lenders as the result of environmental cleanups; ensures that parties actually exercising the responsibilities of owner/operators cannot avail themselves inappropriately of the exemption; encourages lenders to take action to remedy environmental damage rather than walk away from their collateral; and requires lenders foreclosing on property to move diligently to dispose of that property in order to remain within the bounds of the exemption.

#### BACKGROUND AND NEED FOR THE LEGISLATION

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 provides that owners and operators of facilities and vessels should be liable for environmental cleanups. The Congress exempted from the category of owners and operators parties who do not participate in the management of a facility while holding indicia of ownership to protect a security interest.

The intent was quite clear. Lenders and others who extend financing to borrowers secured by property should not have Superfund liability simply because of a financial relationship. Court cases, however, began to erode this exemption, holding parties responsible as owners or operators who simply exercised rights over property as a proper function of their security interest, even if they exercised no operational responsibility whatsoever.

In one case, Fleet Factors, the court went so far as to suggest that liability for a lender could attach where contract terms permitted a court to infer that the lender had the capability to influence through financial relationships hazardous waste decisionmaking. That kind of language is exactly what causes uncertainty, and is reducing the willingness of financial institutions to lend, even to creditworthy projects that might actually effect a positive environmental result.

Simply put, under the law as it currently stands, a lender cannot be certain, in making a loan or dealing with a borrower with an existing loan, that it will not unwittingly trigger unlimited Superfund liability.

I want to reiterate that the secured creditor exemption already exists. My bill does not create a new exemption for lenders.

The result of the current uncertainty is that certain businesses have found it difficult to secure funds and many lenders are unable to determine whether they should extend credit or how they should deal with debtors who need additional assistance or who are in default. While environmental lender liability has not been the sole cause of the current credit crunch, it has been a contributing factor in many instances across the country.

Not only does the exemption already exist and the uncertainty have an impact on financings, but most parties have already agreed that the uncertainty should be remedied.

#### PREVIOUS CONGRESSIONAL CONSIDERATION

Last year, the House Energy and Commerce Subcommittee on Transportation and Hazardous Materials conducted a full day of hearings, taking testimony from all sides on this issue—government, environmental groups, borrowers, and the financial community. The Senate Banking Committee conducted a hearing as well during the summer months.

Reviewing the testimony, I note that the Environmental Protection Agency and the witness for the environmental community agreed that uncertainty should be avoided. The EPA agreed to promulgate a rule that would address the issue. A draft rule has been put forward, but interagency review and comment continue to delay its adoption at this time. Moreover, a rule alone cannot provide ultimate certainty. It is noteworthy that the comments of many of the agencies seeking input included calls for legislative action.

#### REVIEW OF PROPOSED LEGISLATION

The EPA has done a good job with the draft rule. They have attempted to balance competing interests and, overall, their effort adds a great deal of certainty to the issue. The bill I am introducing today in large measure tracks the EPA approach. Indeed, if this bill were enacted today, the EPA rule could be promulgated virtually as currently drafted. However, legislation is necessary to give statutory guidance, to address a few items omitted by EPA, and to give certainty to EPA's efforts.

The current approach of Superfund in defining owner or operator is retained in this bill, but broken down into component parts to provide greater clarity as to the precise nature of the existing exemption.

Indicia of ownership is defined to include interests for the purpose of securing repayment of a loan. Here you can contemplate a traditional secured loan from a bank, insurance firm, or government agency. Next, the terms "payment of an indebtedness" and "performance of an obligation" are specified. Among transactions included are mechanics liens, and lease financing, such as lease financing transactions on a net lease basis of the type set forth in Federal depository institution regulations. Also covered are situations such as government and private guaranty programs, for example, mortgage insurance, packaged mortgages in the secondary market, for example, Freddie Mac and Fannie Mae securities, and government rights, for example, reversionary rights in property when a party does not meet obligations that are part of a government contract. Finally, rights acquired in protecting a security interest, such as during a workout or foreclosure, fall within the liability exclusion. It would be indeed ironic and contrary to the goals of the original exemption if lenders had a right, but could not avail themselves of appropriate remedies without voiding their exemption.

The key phrase of participating in management is also defined. Looking to the recent court case of Bergsoe, which the EPA cited favorably, and rejecting the Fleet dicta, the bill

provides an explicit, succinct test. Control must be "actual, direct, and continual or recurrent \* \* \*" and such that the " \* \* \* managerial control materially divests the borrower, debtor, or obligor of such control." This approach is drawn from the EPA draft rule.

For the financial community and for the EPA, this is a clear guide which accords with EPA's approach. Participation in management must be concrete; there must be some action, not just the potential or capability for action.

Finally, acting to protect one's security interest does not remove a party from the exclusion. The bill makes clear that where a party is acting to protect a security interest, to preserve the value to the collateral, to recover a loan or indebtedness or to redress an obligation, then the exclusion is still applicable. Holding indicia of ownership such as title in a foreclosure or default situation fits within protecting the security interest so long as the party proceeds diligently to sell or convey title or the right to title at the earliest possible time on commercially reasonable terms while preserving the property.

Again, tracking the approach of EPA, the bill confirms that simply having a foreclosure on default, where a title may be entrusted to a lender, does not change the concept of protecting a security interest and move the secured party to an ownership position so long as appropriate efforts are made to dispose of the property.

Again paralleling the EPA draft rule, my bill addresses the situation of a secured party who necessarily has to deal with property during the period of a workout or upon foreclosure. The bill clarifies that actions taken by a party in foreclosing, and subsequently in preserving the property or otherwise exercising rights of a secured creditor in assisting in winding down an operation, are not participating in the management. I have also included language which provides that if, during a workout or winding down process or in exercising rights, a person causes a release or threatened release for purposes of the Superfund law, then he is liable for the response costs to the degree those costs are attributable to his activities.

This section provides important clarification to the benefit of all concerned. First, it makes clear that a lender may take proper and prudent actions during a workout to prepare a property for sale or preserve its value without fearing unlimited Superfund liability. But the provision provides no carte blanche. The bill specifically contemplates liability for that party to the extent the party has caused or exacerbated a problem.

To my mind, these sections benefit everyone involved, especially the Superfund itself. What this means, for example, is that a creditor can do more than merely padlock a facility and walk away from the collateral, a response that can leave environmental concerns unaddressed. The creditors may instead decide to extend additional credit to facilitate a cleanup. This would reduce any exposure to the Superfund and improve the environmental situation. But, the creditor would be compelled to act in an environmentally responsible way because, should the creditor cause damage, he will be liable for the damage attributable to

him. In any event, Superfund either breaks even or saves money.

In short, we have a carrot and a stick for the creditor. If desired, he may seek to reduce losses by taking actions that make a property more likely to sell, but must do so in such a way as not to further damage the environment. This is not the strict liability for all prior harms that creates uncertainty today, but rather a liability that can be bounded and is such that we may see more positive actions by lenders. I believe many of us have constituents seeking to improve their properties who currently cannot find financing for their efforts.

Some concern has been raised that lenders might be unduly enriched and the Government might ultimately lose money under this proposed legislation. I would note that the Government is already protected as to its costs by the lien provisions of section 107(l) of Superfund. Further, EPA has clearly asserted its ability to secure equitable reimbursement where the holder of a security interest has been unjustly enriched through EPA's response action. Nothing in my legislation would intrude upon those existing rights.

Finally, I have provided an additional carrot to induce secured party assistance with our environmental concerns. The bill provides that a party which undertakes some form of environmental inspection or evaluation consistent with good business practices may use that fact in demonstrating that the party's actions fall within the exemption.

In other words, there is no mandatory inspection or evaluation; that is not needed or required here. What is provided is that lenders and others who undertake some form of environmental evaluation may utilize that fact as additional evidence in any case where they have to show that their actions fit within the exemption. As EPA mentioned, this might be of considerable use in a workout situation or where a foreclosing secured party is winding up a borrower's operations. Again, the provision acts as an inducement to encourage the environmental accountability of lenders.

I believe this provision goes a long way toward making it attractive for secured parties and others to assist in protecting the environment and is a better way to proceed than crafting some penalty that deters their lending.

There are two additional items of significance in this bill that I want to bring to the attention of my colleagues.

First, the language clarifying the owner or operator definition under the Superfund law is applied to the Resource Conservation and Recovery Act of 1976 [RCRA]. This is done because RCRA has an owner or operator definition, and it has a special secured party exemption pertinent to leaking underground storage tanks. Court cases have indicated that the interpretation of definitions under CERCLA are not necessarily applicable under RCRA. This bill does nothing more than provide the same explanations for the definition under RCRA as under CERCLA.

Second, the bill provides similar treatment to fiduciaries and trustees. Fiduciaries or trustees include both professional trustees such as a bank or bankruptcy trustee as well as individuals such as the executor of an estate. The parties often take property and stand in the place of an owner or operator.

The bill indicates clearly that any damage done to the environment concerning a trust property can be recouped by Superfund against the property or the trustee in a representative capacity. Consistent with the holding of a recent court case, the liability of the trustee or fiduciary personally is limited to instances where the trustee willfully, knowingly, or recklessly causes or exacerbates a Superfund release.

Finally, in response to a concern raised by the environmental community in Senate testimony, the bill aims to prevent sham transactions. Specifically, the exemption from liability would not be available where the trustee or fiduciary participated in the management of the vessel or facility prior to assuming the trustee relationship. In other words, you cannot create a hazardous discharge and then protect yourself by creating a trust.

Just as secured financings are favored by the law, trustees and fiduciaries are often placed in the position of already holding property that now may come under Superfund action. I believe we want to encourage fiduciary and trustee relationships and that we can prevent any abuses. My bill properly balances those interests.

#### THE NEED FOR ACTION

Mr. Speaker, I fully believe that this revised legislation optimally balances the legitimate but competing interests involved in this issue. Drawn from EPA draft language for the most part and responding to environmental concerns, this bill provides benefits for everyone—business can find financings, environmental groups can gain comfort that lenders have pressures upon them to do a good job in the environmental area, the Government agencies and the private financial community can have certainty in dealing with existing and new financial arrangements, and Superfund and EPA should see benefits in terms of greater certainty and increased activity by parties in preventing discharges and acting on private cleanups.

I do not expect this legislation to be the final product. As the committee of jurisdiction, the Energy and Commerce Committee will ultimately choose the appropriate vehicle and work its will on this issue. I put forward this proposal as what I hope to be a useful starting point for congressional consideration of this issue.

We need legislation and we need it soon, if capital is again to flow freely to creditworthy businesses. I urge my colleagues to work for the early consideration and enactment of legislation on this issue.

#### RULES OF PROCEDURE FOR THE SELECT COMMITTEE ON AGING FOR THE 102D CONGRESS

(Mr. ROYBAL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROYBAL. Mr. Speaker, as chairman of the Select Committee on Aging, I am pleased to present today the "Rules of Procedure" of the committee for the 102d Congress, adopted at the committee's organizational meeting on February 27, 1991. This is being done pursu-

ant to rule XI, clause 2(a) of the Rules of the House of Representatives.

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON AGING

(As adopted February 27, 1991, 102d Congress, 1st Session)

INTRODUCTION

The Permanent Select Committee on Aging was established on October 2, 1974 when the amendment to H. Res. 988, the Committee Reform Amendments of 1974, was adopted by the House. The amendment was subsequently incorporated in the Rules of the House of Representatives as Rule X. 6(1), which reads as follows:

(1) There shall be in the House the permanent Select Committee on Aging, which shall not have legislative jurisdiction but which shall have jurisdiction—

(1) to conduct a continuing comprehensive study and review of the problems of the older American, including but not limited to income maintenance, housing, health (including medical research), welfare, employment, education, recreation, and participation in family and community life as self-respecting citizens;

(2) to study the use of all practicable means and methods of encouraging the development of public and private programs and policies which will assist the older American in taking a full part in national life and which will encourage the utilization of the knowledge, skills, special aptitudes, and abilities of older Americans to contribute to a better quality of life for all Americans;

(3) to develop policies that would encourage the coordination of both governmental and private programs designed to deal with problems of aging; and

(4) to review any recommendations made by the President or by the White House Conference on Aging relating to programs or policies affecting older Americans.

The Honorable William J. Randall of Missouri was appointed the first chairman of the new Select Committee on Aging by Speaker Carl Albert on February 6, 1975.

The Honorable Claude Pepper succeeded as chairman on January 17, 1977, having been appointed by Speaker Thomas P. O'Neill, Jr.

The Honorable Edward R. Roybal succeeded Congressman Pepper as chairman in January 1983, also having been appointed by Speaker Thomas P. O'Neill, Jr.

In keeping with House rules that committees with membership of 20 or more members have at least 4 subcommittees, the following subcommittees have been established:

Subcommittee No. 1—Retirement Income and Employment, Mr. Hughes, chairman, Mr. Boehlert, ranking minority member.

Subcommittee No. 2—Health and Long-Term Care, Mr. Roybal, chairman, Mr. Regula, ranking minority member.

Subcommittee No. 3—Housing and Consumer Interests, Mrs. Lloyd, chairman, Mr. Smith of New Jersey, ranking minority member.

Subcommittee No. 4—Human Services, Mr. Downey, chairman, Ms. Snowe, ranking minority member.

RULES OF PROCEDURE

RULE NO. 1

General Provisions

(a) *Rules of the House*—The Rules of the House are the rules of the Permanent Select Committee on Aging and its subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committee and subcommittee.

(b) *Authority to sit and act*—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the committee is authorized to—

(1) sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(2) require, subject to Committee Rule 6, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. The chairman of the committee, or any member designated by such chairman, may administer oaths to any witness.

(c) *Investigations*—The committee is authorized at any time to consider such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X, and (subject to the adoption of an expense resolution) to incur expenses (including travel expenses) in connection therewith.

(d) *Application*—Each subcommittee of the committee is a part of the committee and is subject to the authority and direction of the committee and to its rules so far as applicable. Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Select Committee on Aging and its subcommittees as well as to the respective chairmen.

RULE NO. 2

Regular and Special Meetings

(a) *Regular meeting days*—The Permanent Select Committee on Aging shall meet on the first Thursday of each month at 2 p.m., except when the House of Representatives has adjourned or recessed, except that regular meetings shall be canceled when they conflict with meetings of either party's caucus or conference. The chairman is authorized to dispense with a regular meeting or to change the date thereof.

(b) *Special meetings*—The chairman may call additional meetings when circumstances warrant. A special meeting of the committee may be requested in accordance with the provisions of House Rule XI 2(c). Subcommittees shall meet at the call of the subcommittee chairmen.

RULE NO. 3

Procedure for Hearings and Meetings

(a) *Open meetings and hearings*—All meetings and hearings shall be open to the public except when the committee, in open session and with a majority present, determines by a rollcall vote that all or part of the remainder of the meeting or hearing on that day shall be closed to the public. All meetings and hearings of the committee shall also be conducted in accordance with the provisions of House Rule XI 2(g) (1) and (2).

(b) *Agenda*—Every member of the committee, unless prevented by unusual circumstances, shall be provided an agenda at least 3 calendar days (excluding Saturdays, Sundays, and legal holidays) prior to each meeting or hearing explaining—

(1) the purpose of the meeting or hearing; and

(2) the names, titles, background and reasons for the appearance of any witness. The minority staff shall be responsible for providing the same information on witnesses whom the minority may request.

The chairman, with the consent of the ranking minority member, may waive the 3 calendar day requirement.

(c) *Ranking majority member to preside*—If the chairman is not present at any meeting of the committee, the ranking member of the majority on the committee who is present shall preside at that meeting.

(d) *Coordination*—In order that the chairman of the full committee may coordinate committee facilities and hearing plans, each subcommittee chairman shall notify him of any hearing plans at least 2 weeks in advance of the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date.

(e) *Public notice*—The chairman of the committee shall make public announcement of the date, place, and subject matter of any hearing at least 1 week before the commencement of the hearing. If the chairman determines that there is good cause to begin the hearing sooner, he shall make the announcement at the earliest possible date.

(f) *Subcommittee hearings*—A subcommittee holding hearings in the field may hold a hearing on any matter that is within the committee's jurisdiction, whether or not the matter falls within the jurisdiction fixed for that subcommittee.

(g) *Investigative hearings*—Investigative hearings held by the committee shall be conducted in accordance with House Rule XI 2(k).

(h) *Broadcast of hearings*—When approved by a majority vote of the committee, an open meeting or hearing of the committee may be covered, in whole or in part, by television broadcasts, radio broadcasts, and still photography, or by any such methods of coverage, subject to the provisions of House Rule XI 3. In order to enforce the provisions of this paragraph, or to maintain an acceptable standard of dignity, propriety, and decorum, the committee may order such alteration, curtailment, or discontinuance of coverage as it determines necessary.

(i) *Public record*—A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE NO. 4

Scheduling of Witnesses; Interrogation

(a) *Procedure*—A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI 2(j)(2), each committee member may request up to 5 minutes to question a witness in any hearing until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, insofar as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the discretion of the chairman.

(b) *Statements*—Witnesses appearing before the committee shall, as far as practicable, submit written statements at least 24 hours in advance of their appearance.

(c) *Scheduling of witnesses*—Whenever any hearing is conducted by the committee upon any measure or matter, every effort shall be made to insure broad representation from interested groups and individuals in order to insure a balanced hearing record faithfully

representative of all views, both pro and con, on such measure or matter.

(d) *Minority witnesses*—The minority party members of the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon.

**RULE NO. 5**  
*Proxies*

(a) *In general*—A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto.

(b) *Limitations*—A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present, and shall be limited to the date and the specific measure or matter to which it applies; and, unless it states otherwise, it shall apply to any amendments or motions pertaining to the measure or matter.

**RULE NO. 6**  
*Subpoena Power*

(a) *Authority to issue subpoenas*—A subpoena may be authorized and issued by the committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or any member designated by the committee. The provisions of House Rule XI 2(m) shall apply to the operation of this rule.

(b) *Enforcement of subpoenas*—Compliance with any subpoenas issued by the committee may be enforced only as authorized by the House.

**RULE NO. 7**  
*Committee Publications*

(a) *Reports*—No report, staff study or other document which contains findings, conclusions, policy recommendations or suggestions or which purports to express publicly the findings or recommendations of the committee may be released to the public or filed with the Clerk of the House unless approved by a majority of the committee at a meeting, a quorum being present.

(b) *Additional views*—If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report approved by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views are included as part of the report.

(c) *Other reports*—Any report, staff study, or other document printed by the committee for release to the public and not approved by the committee shall bear on its cover the following disclaimer: "This document has been printed for informational purposes only. It does not represent either findings or recommendations adopted by this committee."

**RULE NO. 8**

*Quorums*

(a) *In general*—One-third of the members of the committee shall constitute a quorum of the committee for the purpose of convening meetings and conducting business (other than for the consideration of any report, measure or recommendation, and voting on the authorization of subpoenas and on the closing of hearings and business meetings to the public). The provisions of House Rule XI 2(f) shall also apply to the operation of this rule.

(b) *Quorum for taking testimony*—Two members shall constitute a quorum for taking testimony and receiving evidence.

(c) *Points of order*—Any committee member present at a committee meeting may make a point of order that a quorum is not present under the conditions set forth in this rule, but a quorum shall be deemed present unless a member objects to the transaction of business because of the lack of a quorum.

**RULE NO. 9**

*Rollcalls*

A rollcall of the members may be had upon the request of any member.

**RULE NO. 10**

*Committee Records*

*Generally*—(a) The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each such rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member and shall be available for public inspection at the discretion of the chairman in consultation with the ranking minority member.

**RULE NO. 11**

*Committee Budget*

(a) *Preparation*—The chairman of the full committee shall prepare, after consultation with the subcommittee chairman and ranking minority member, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities.

(b) *Approval*—After the budget has been approved by the majority caucus, the chairman shall submit it to the full committee for consideration at a meeting, a quorum being present.

**RULE NO. 12**

*Travel*

(a) *In general*—Any member of the committee may initiate travel requests to include travel requests for staff personnel.

(b) *Limitations*—Travel requests originating in a subcommittee must be approved by the chairman of the subcommittee. Requests for travel by minority members or minority staff are subject to the approval of the ranking minority member of the committee. All travel entailing the use of committee funds is subject to the final approval of the chairman.

**RULE NO. 13**

*Staff*

(a) *In general*—Except as otherwise provided by House Rule XI, clauses 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

(b) *Authority*—The chairman of the full committee shall have authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees subject to appropriate approval.

(c) *New positions*—No authorization for the creation of new positions shall be approved unless first approved by the majority caucus and subsequently by a majority vote of the committee, a quorum being present.

**RULE NO. 14**

*Amendments of Rules*

(a) *In general*—The rules of the committee may be modified, amended, or repealed by a majority vote of the members voting at a meeting at which a quorum is present.

(b) *Limitations*—Written notice of any proposed change shall be provided to each member of the committee not less than 3 calendar days (excluding Saturdays, Sundays and legal public holidays) before the meeting date on which such change is to be considered.

**RULE NO. 15**

*Subcommittees*

(a) *Establishment*—There shall be four (4) subcommittees with which shall have assigned or fixed jurisdictions.

(b) *Sizes and ratios*—The chairman of the full committee shall consult with the ranking minority member with respect to the size of each subcommittee, with due regard for the preference of members for subcommittee assignments, except that party representation on each subcommittee shall be no less favorable to the majority party than the ratio for the full committee.

(c) *Ex officio members*—The chairman and ranking minority member of the full committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

(d) *Non-member participation*—Any member of the committee shall have the privilege of sitting with any subcommittee during its hearings or deliberations and participate therein, but shall not have authority to vote on any matter, nor be counted present for the purpose of a quorum for any subcommittee action, nor, except as the subcommittee chairman or a majority of the subcommittee may permit, participate in questioning witnesses under the 5 minute rule, nor raise points of order unless such member is a member of such subcommittee.

(e) *Task forces*—The chairman of the full committee may appoint task forces as he deems appropriate and necessary. The party representation of such task forces shall be determined in the same manner as party representation on subcommittees.

#### 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. RICHARDSON) to revise and extend their remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LAFALCE, for 10 minutes, today.

Mr. DIXON, for 60 minutes, on March 18.

Mr. RANGEL, for 60 minutes, on March 21.

Mr. ROYBAL, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RAMSTAD) and to include extraneous matter:)

Mr. MACHTLEY.

Mr. RITTER.

Mr. MARLENEE.

(The following Members (at the request of Mr. RICHARDSON) and to include extraneous matter:)

Mr. SWETT.

Mr. ROE.

Mr. WISE.

Mr. SKAGGS.

#### SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 11. Concurrent resolution to establish an Albert Einstein Congressional Fellowship Program; to the Committee on House Administration.

#### ADJOURNMENT

Mr. RICHARDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 21 minutes a.m.), under its previous order, the House adjourned until Monday, March 18, 1991, at 12 noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

867. A communication from the President of the United States, transmitting a request for fiscal year 1991 emergency supplemental appropriations for international security assistance, the Department of Labor, the Department of the Treasury, and the Department of Veterans Affairs, pursuant to 31 U.S.C. 1107 (H. Doc. No. 102-60); to the Committee on Appropriations and ordered to be printed.

868. A letter from the Department of Energy, transmitting notification that the report regarding recommended sites for the storage of the additional 250-million-barrel increment of the strategic petroleum reserve will be delayed several weeks; to the Committee on Appropriations.

869. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the report on enforcement issues, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

870. A letter from the Executive Director, Advisory Council on Historic Preservation, transmitting a report pursuant to the Inspector General Act Amendments of 1988, pursuant to Public Law 100-504; to the Committee on Government Operations.

871. A letter from the Director, Office of Management and Budget, transmitting a copy of OMB's pay-as-you-go status report as of March 7, 1991; to the Committee on Government Operations.

872. A letter from the Secretary of Agriculture and Administrator of Agency for International Development, transmitting their seventh quarterly report on progress made in implementing the recommendations of the Agricultural Trade and Development Missions, pursuant to 7 U.S.C. 1736bb-4; jointly, to the Committee on Agriculture and Foreign Affairs.

873. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for fiscal years 1992 and 1993, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXIV, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 1316. A bill to amend chapter 54 of title 5, United States Code, to extend and improve the performance management and recognition system, and for other purposes (Rept. 102-20). Referred to the Committee of the Whole House on the State of the Union.

#### 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. WYDEN:

H.R. 1441. A bill to amend the Child Nutrition Act of 1966 to provide for more competitive pricing of infant formula for the special supplemental food program for women, infants, and children [WIC], and for other purposes; to the Committee on Education and Labor.

By Mr. FOGLIETTA:

H.R. 1442. A bill to amend the Internal Revenue Code of 1986 to treat employer subsidies for mass transit as working condition fringe benefits; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself, Mr. KASICH, Mrs. MORELLA, Mr. MAVROULES, Mr. MCCURDY, Ms. OAKAR, Mr. OWENS of Utah, Mr. MILLER of California, Mr. CONYERS, Mr. ORTON, Mr. DE LUGO, Mr. FRANK of Massachusetts, Mr. BEREUTER, Mr. LEHMAN of Florida, and Mr. JONES of Georgia):

H.R. 1443. A bill to require health warnings to be included in alcoholic beverage advertisements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK (for himself, Mr. COYNE, and Mr. MOODY):

H.R. 1444. A bill to amend title II and part A of title XVIII of the Social Security Act to provide for entitlement to Medicare of Social Security disability recipients 62 years of age or older without any waiting period and to permit Social Security recipients who are 62 years of age or older, spouses (who are 62 years of age or older) of Medicare beneficiaries, and children of Medicare beneficiaries, to buy coverage under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DORGAN of North Dakota (for himself and Mr. GRANDY):

H.R. 1445. A bill to provide for the establishment of rural development investment zones, and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. PENNY (for himself, Mr. WILLIAMS, and Mr. ANDREWS of Maine):

H.R. 1446. A bill to restructure the strategic defense initiative by creating a separate Joint Tactical Missile Defense Program within the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. SKAGGS (for himself and Mrs. SCHROEDER):

H.R. 1447. A bill to designate the Bowen Gulch areas of the Arapaho National Forest in the State of Colorado as part of the National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STALLINGS (for himself and Mr. LAROCCO):

H.R. 1448. A bill to amend the act of May 12, 1920 (41 Stat. 596), allow the city of Pocatello, ID, to use certain lands for a correctional facility for women, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SYNAR (for himself and Mr. EDWARDS of California):

H.R. 1449. A bill to amend title 18, United States Code, to protect the privacy of telephone users; to the Committee on the Judiciary.

By Mr. LAFALCE (for himself, Mr. IRELAND, Mr. SLATTERY, Mr. SMITH of Iowa, Mr. SKELTON, Mr. MAVROULES, Mr. SISISKY, Mr. OLIN, Mr. RAY, Mr. LANCASTER, Mr. ENGEL, Mr. ANDREWS of New Jersey, Mr. SCHEUER, Mr. HALL of Texas, Mr. RICHARDSON, Mr. BRUCE, Mr. McMILLEN of Maryland, Mr. MCDADE, Mr. SLAUGHTER of Virginia, Mrs. MEYERS of Kansas, Mr. COMBEST, Mr. MOORHEAD, Mr. DANNEMEYER, Mr. OXLEY, Mr. CALLAHAN, Mr. McMILLAN of North Carolina, Mr. HEFNER, Mr. HUBBARD, Mr. FRANK of Massachusetts, Mr. BARNARD, Mr.

LEHMAN of California, Ms. KAPTUR, Mr. SANGMEISTER, Mr. PARKER, Mr. MONTGOMERY, Mr. RAHALL, Mr. HUTTO, Mr. HOCHBRUECKNER, Mr. TAYLOR of Mississippi, Mr. LAUGHLIN, Mr. MURPHY, Mr. PAYNE of New Jersey, Mr. HUGHES, Mr. MATSUI, Mr. TRAXLER, Mr. ENGLISH, Mr. OBERSTAR, Mr. PENNY, Mr. MCCURDY, Ms. LONG, Mr. FASCELL, Mr. ANTHONY, Mr. DORGAN of North Dakota, Mr. STENHOLM, Mr. TANNER, Mr. THOMAS of Georgia, Mr. MCCLOSKEY, Mr. ESPY, Mr. ANNUNZIO, Mr. GORDON, Mr. PEASE, Mr. HAYES of Illinois, Mr. JOHNSTON of Florida, Mr. JACOBS, Mr. OBEY, Mr. MINETA, Mr. SABO, Mr. COSTELLO, Mr. BREWSTER, Mr. MARTINEZ, Mr. PICKETT, Mr. SPRATT, Mr. HARRIS, Mr. WILSON, Mr. KANJORSKI, Mr. HENRY, Mr. MARLENEE, Mr. RHODES, Mr. MYERS of Indiana, Mr. DREIER of California, Mr. BAKER, Mr. PAXON, Mr. BLILEY, Mr. BUNNING, Mr. KYL, Mr. HUNTER, Mr. BEREUTER, Mr. RIDGE, Mr. MCCOLLUM, Mr. CLINGER, Mr. ZELIFF, Mr. ARMEY, Mr. HORTON, Mr. CHANDLER, Mr. HAMMERSCHMIDT, Mr. SUNDQUIST, Mr. BATEMAN, Mr. STALLINGS, Mrs. VUCANOVICH, Mr. BURTON of Indiana, Mr. JAMES, Mr. THOMAS of Wyoming, Mr. LAGOMARSINO, Mr. INHOFE, Mr. LEWIS of California, Mr. MARTIN, Mr. WEBER, Mr. VANDER JAGT, Mr. SMITH of Oregon, Mr. STUMP, Mr. ROBERTS, Mr. LIGHTFOOT, Mr. WYLIE, Mr. MCCANDLESS, Mr. YOUNG of Alaska, Mr. HOUGHTON, Mr. GOSS, Mr. ROTH, Mr. HERGER, Mr. SHAW, Mr. LIVINGSTON, Mr. PACKARD, Mr. CHAPMAN, Mr. KOPETSKI, Mr. COLEMAN of Missouri, and Mr. KLUG):

H.R. 1450. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and the Resource Conservation and Recovery Act of 1976 to limit the liability under those acts of fiduciaries and of lending institutions and other holding indicia of ownership primarily to protect a security interest in facilities subject to those acts; to the Committee on Energy and Commerce.

By Mr. THOMAS of California (for himself and Mr. HERGER):

H.R. 1451. A bill to extend emergency crop loss assistance through the 1995 crop year and to remove limitations on receiving such assistance and emergency livestock feed assistance; to the Committee on Agriculture.

By Mr. TORRICELLI:

H.R. 1452. A bill to establish a program of research and development on magnetic levitation transportation, and for other purpose; to the Committee on Science, Space, and Technology.

By Mr. TORRICELLI (for himself, Mr. ACKERMAN, Ms. ROS-LEHTINEN, Mr. MRAZEK, Mr. SMITH of Florida, Mr. RAVENEL, Mr. BRYANT, Mr. FEIGHAN, Mrs. MORELLA, Mr. GALLEGLY, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. CARDIN, Mr. DWYER of New Jersey, Mr. CUNNINGHAM, Mr. GREEN of New York, Mr. JONTZ, Mrs. BOXER, Mr. SWETT, Mr. LIPINSKI, Ms. KAPTUR, Mrs. LOWEY of New York, Mr. OWENS of Utah, Mr. WAXMAN, Mr. SCHIFF, Mr. LEVINE of California, and Mr. TAUZIN):

H.R. 1453. A bill requiring the Secretary of Commerce to issue an annual report on the support of other countries for foreign boycotts imposed against countries friendly to the United States or against United States persons; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. DORGAN of North Dakota (for himself, Mr. WHEAT, Mr. BEREUTER, Mr. EMERSON, Mr. HALL of Ohio, Mr. SMITH of Oregon, Mr. DYMALLY, Mr. WOLPE, Mr. BURTON of Indiana, Mr. TOWNS, Mrs. PATTERSON, Mr. DELLUMS, Mr. FLAKE, Mr. ABERCROMBIE, Mr. DICKS, Mrs. UNSOELD, Mr. SAVAGE, Mr. SABO, Mr. ESPY, Mr. VENTO, Mr. FORD of Tennessee, Mr. JEFFERSON, Mr. DIXON, Mr. MFUME, Mr. PENNY, Mr. SERRANO, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. McNULTY, Mr. SCHEUER, Mr. KLECZKA, Mr. FOGLIETTA, Mr. MCHUGH, Ms. COLLINS of Michigan, Mr. WAXMAN, Mr. OBERSTAR, Mr. YATES, Mr. ACKERMAN, Mr. UPTON, Mr. WOLF, Mrs. SCHROEDER, Mrs. ROUKEMA, Mr. GILMAN, Ms. LONG, Mr. RANGEL, Mr. SMITH of New Jersey, Mrs. MEYERS of Kansas, Mrs. KENNELLY, Mr. GILCREST, and Mr. MORRISON):

H.R. 1454. A bill to assure the people of the Horn of Africa the right to food and the other basic necessities of life and to promote peace and development in the region through grassroots participation; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

31. By the SPEAKER: Memorial of the Senate of the State of South Carolina, relative to the conflict in the Persian Gulf; to the Committee on Armed Services.

32. Also, memorial of the Senate of the State of Maine, relative to the conflict in the Persian Gulf; to the Committee on Armed Services.

33. Also, memorial of the House of Representatives of the State of Colorado, relative to drug abuse; to the Committee on Education and Labor.

34. Also, memorial of the General Assembly of the State of New Jersey, relative to advertisement of adult-oriented telephone services during children's television hours, and legislation concerning zip code designations; jointly, to the Committees on Energy and Commerce and Post Office and Civil Service.

35. Also, memorial of the House of Representatives of the State of Maine, relative to the conflict in the Middle East; jointly, to the Committees on Foreign Affairs and Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 601: Mr. DOOLITTLE, Mr. STOKES, and Mr. JEFFERSON.

H.R. 644: Mr. FROST.

H.R. 670: Mr. ROE, Mr. REGULA, Mr. STARK, Mr. SMITH of Florida, Mr. PETRI, Mr. TOWNS, Mr. BILBRAY, Mr. MRAZEK, and Mr. DEFazio.

H.R. 1075: Mr. PETRI, Mr. FROST, Mr. GILMAN, and Mr. GEKAS.

H.R. 1339: Mr. GORDON, Mr. BELLESON, Mr. OLIN, and Mr. NEAL of Massachusetts.

PETITIONS, ETC.

Under clause 1 of rule XXII,

35. The SPEAKER presented a petition of the Nitijela of the Marshall Islands, relative to the conflict in the Persian Gulf; which was referred to the Committee on Foreign Affairs.