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PROCEEDINGS AND DEBATES OF THE 102^d CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—Tuesday, April 23, 1991

The House met at 12 noon.

The Chaplain, Reverend James David Ford, DD., offered the following prayer:

Teach us, gracious God, to know the pleasure and the joy of thanksgiving. We admit that our thoughts and minds are necessarily on the things at hand and the demands for action are from every side. Yet, we know too, O God, that we find our fulfillment and satisfaction when our lives are filled with thoughts and words of prayer, praise, and thanksgiving for all the wondrous blessings we have received. May we be mindful of all that has been given us so our lives express the spirit of gratitude that truly makes us human. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. RAY 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.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

NO PEANUT IMPORTATION

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

Mr. RAY. Mr. Speaker, I rise today to once again urge the President and his advisers to dismiss the recommendations of the International Trade Commission to import additional peanuts into this country.

It is true that the President is not required to take action on the ITC's ill-conceived recommendations.

However, the uncertainty which surrounds this issue has already had very serious effects on the peanut industry. Planting and contracting is at a virtual standstill. Farmers cannot make planting decisions for the coming year. This is a terrible situation.

Furthermore, the very fact that this decision has to be made is an affront to the American peanut producer. There is no shortage of peanuts this year. The U.S. Department of Agriculture agrees with this statement. In fact, they estimate the 1990 crop-year carryover in excess of 250,000 tons.

The Georgia-Florida-Alabama Peanut Association, located in Camilla, GA, handles peanuts for the USDA. They have for sale 19,000 tons of peanuts and no bidders. I understand that my good friend and chairman of the House Agriculture Subcommittee on Peanuts and Tobacco, CHARLIE HATCHER, has challenged any peanut butter manufacturer or candy manufacturer who claims to be having problems getting peanuts to call his office and he will get them in touch with sources of available peanuts. He is well aware, as is everyone in the agricultural business, that there are plenty of peanuts out there. We do not need any more.

Mr. Speaker, the President should "just say no" to peanut imports.

AMERICA 2000: AN EDUCATION STRATEGY

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

Mr. EDWARDS of Oklahoma. Mr. Speaker, on March 6 of this year, the President said that we should be making this land all that it should be.

America 2000 is a long-term strategy to accomplish what that statement implies. It is an effort to direct us onto the path toward achieving the six national goals established by the Governors and the President a little over a year ago.

The intent of America 2000 is to spur change and to get us to recognize that change does not take place overnight, but rather needs time before its results are achieved. We already have the ideas and the tools to make these necessary changes, we just have to have a structure to get us there. America 2000 is that structure.

This is a national strategy, not a Federal program. In other words it relies on local control, local initiative, and affirms the State role as a senior partner in paying for education. Further, it calls upon the private sector to be actively involved as a real partner in the change. Most importantly though, it recognizes that real change takes place only with community involvement, school by school, when people understand what they must do for themselves and their children to make a difference.

America 2000 has four parts that will be pursued simultaneously. All four must be consistently and determinedly pursued if our goal is to be reached. The four parts are:

For today's students, we must radically improve today's schools, all 110,000 of them—make them better and more accountable for results.

For tomorrow's students, we must invent new schools to meet the demands of a new century with the beginning of a "new generation of schools."

For those of us already out of school and in the work force, we must keep learning if we are to live in a nation ready to face the challenges of an even more competitive world.

For schools to succeed, we must look beyond their classrooms to the communities and families. Schools account for so little of a child's growth years, that if the community and its support services are not attuned to the needs of our youth, we miss a major opportunity to

□ 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.

make a difference. Each of our communities must become a place where learning can take place.

The Federal Government's role is limited, but we must be ready to help by setting standards, highlighting successes and examples, and providing flexibility for accountability and improvement. The challenges are great, but America 2000 provides us an outline of what we need to do and where we need to go. Let's all work together so that the goal of a more educated and productive America can be achieved.

EXPANSION OF MEXICAN ECONOMY SHOULD NOT BE UNITED STATES OBJECTIVE

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

Mr. SMITH of Florida. Mr. Speaker, the fast track authorization for a Mexico free-trade agreement raises a number of very serious questions which must be answered before we rush into this without safeguards. Are we compromising ourselves, our environment, and our workers by giving away more than we will receive in return?

Mexico has no real environmental regulations;

Over 11 percent of all Mexican children between the ages of 9 and 15 work—the United States outlawed child labor over 50 years ago; and

Far too many Mexican citizens work for extremely low wages in unsafe working conditions.

What is very likely to happen is our imports from Mexico will increase much more than our exports to Mexico.

In addition we will not only be exploiting but worsening the plight of many indigent Mexican workers, including children.

For instance, in my home State of Florida, we grow citrus and tomatoes. They also grow them in Mexico; but Mexican farmers are allowed to use dangerous pesticides and pay their workers pathetic wages.

I will fully support a North American free trade zone if the agreement protects the environment, defends workers' rights, and does not undercut the American worker—I want an agreement that has the overall self-interest of the United States in mind.

Until these questions are answered, a fast track authorization will be an enormous gamble I certainly do not want to take. The American economy and American workers should not have to pay the price for expanding the Mexican economy.

AMERICA 2000 MAKES OUR NATION ALL THAT IT SHOULD BE

(Mr. GUNDERSON asked and was given permission to address the House

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

Mr. GUNDERSON. Mr. Speaker, last Thursday the President of the United States, in conjunction with the Secretary of Education, Secretary Alexander, presented this Nation with an education strategy: America 2000. The strategy is built on four basic principles:

First, for today's students, we will provide better and more accountable schools; for tomorrow's students we will provide a new generation of American schools; for the rest of us, those of us who think we have already graduated from school, yesterday's students, today's work force, it will provide us the challenge of becoming a nation of students; and fourth, for outside the school, that environment in which all of us live, communities, we are learning that truly can and does happen.

This is not, Mr. Speaker, a Federal strategy. It is a national strategy. It is the beginning of showing how we can implement the goals of the Governors, and the President, and the education summit of a couple years ago.

Mr. Speaker, it is now incumbent upon this Congress to provide the leadership, to provide the support and to provide the legislation necessary over the next 9 years to make this happen so we truly do make this land all that it should be.

BARGAINING AWAY JOBS WITH GATT NEGOTIATIONS

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

Mr. TALLON. Mr. Speaker, the way the Sixth District of South Carolina sees it, nothing I can do is more important than protecting jobs.

That is, American jobs.

Not jobs for the Japanese or the EEC. But jobs for the people in my district and State.

Jobs in manufacturing and agriculture.

Jobs that promote growth and sustain communities. The kind of jobs that have made this country strong.

And that is just what we are about to bargain away with the GATT negotiations.

In textiles alone we are prepared to give away 1.4 million textile jobs by the year 2001 and nearly two-thirds of the industry's production.

Domestic mills would be forced to drastically cut their purchases of cotton, wool, and manmade fibers, and developing countries would escape without making any real commitment to open their textile and apparel markets to our products.

This will be devastating for the thousands of textile workers across South Carolina.

I appeal to my colleagues to take a hard look at where we're headed with GATT and fast track legislation.

I for one am not going to sit on the sidelines and see textiles traded away to achieve questionable and unspecified gains.

□ 1210

RAPE AND THE MEDIA

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

Ms. MOLINARI. Mr. Speaker, this time is usually reserved, as we have all just seen, for Members of Congress to comment on a societal issue—a trend one is seeking to halt or an idea one wishes to advance. We stand at this lectern mindful of our physicalness in the will of democracy, indulging in this body's history, reflecting on some proud moments, perhaps looking at our less memorable speeches, but we come here always with an action in mind.

I was led here this afternoon after reflecting on a recent decision by some media leaders to reveal the name of an alleged rape victim of national interest. I was led here despite being mindful and frustrated by my lack of power to rewrite this shameful time and stand here frightened of what this means to every potential victim's future.

I have no course of action, no means of rectification, but I could not let this day pass without stating clearly that this issue now becomes larger than the alleged Palm Beach rape victim.

This decision will silence women who may have found the courage to challenge one man, but not an entire society, and while one in five women will be raped, the fortunate four will always feel a little more victimized, a little more vulnerable because of this moment in time.

To those members of the press who believe that by mentioning a name and in one shameful instance in New York a shallow glimpse into her past, that they can erase the stigma of rape, I say, how dare you? To those members of the press who will continue with the policy of not revealing a potential rape victim's name, I say, thank you. To those women who are rape victims and are feeling very alone right now, I say you are not. There is a nation of women and men who want to help you. We just do not know how yet.

STATUS OF AND SUPPORT FOR THE BRADY BILL

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

Mr. MAZZOLI. Mr. Speaker, I am pleased to announce to the House and to those observing today's proceedings

that a few minutes ago the House Judiciary Committee favorably reported, by a vote of 23 to 11, the bill that we call the Brady bill, which is the bill that would provide a national uniform 7-day waiting period before the transfer of a handgun could be made permanent.

It is a sensible bill, Mr. Speaker. We have talked about it on the floor. I happen to be an original sponsor of the bill, proudly having voted for it as long ago as 1988, when it came to this Chamber.

Mr. Speaker, I commend you because you have suggested that this bill will reach the floor for a vote in short order. I would ask all my colleagues who have not yet made a firm judgment on their position to give this bill serious attention. Once again, it is a sensible, appropriate, measured response to crime in America's communities—not just the large cities but the small ones as well—and is supported by a broad range of Americans in all walks of life. I would urge my colleagues to take a serious look at the Brady bill because it could help cut down on some of the carnage in our hometowns across America.

URGING CONGRESS TO ACT ON PRESIDENT'S AGENDA

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

Mr. PAXON. Mr. Speaker and my colleagues, this Thursday will mark an important occasion in this House. Fifty days ago this Thursday, the President stood in this very Chamber and issued a challenge to the Congress, and the challenge was: Approve a crime and a transportation bill before 100 days have passed. Mr. Speaker, this Thursday, 50 days will have gone by, the halfway point, and yet this Congress has not acted on either advancing a crime or a transportation bill to the American people that they want and deserve.

This is more, though, than a Presidential challenge. Quite frankly, this is a challenge to the House itself to prove that this is not, as many of my constituents believe, a do-nothing Congress. It is time for Congress to stand up to the plate and swing at the important issues, whether it is crime or transportation, energy, affordable home ownership, or the many, many other issues and agendas the President has sent to this Congress, most recently an educational initiative which has drawn praise from around the country.

Mr. Speaker, the clock is ticking and America is watching. Is this Congress going to move ahead, or is Congress simply going to criticize? It is in the hands of the Members of this Chamber.

FREE TRADE NEGOTIATORS SHOULD PROTECT AMERICAN INTERESTS

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

Mr. DORGAN of North Dakota. Mr. Speaker, we have some experience with this title called free trade. We negotiated a free-trade agreement with Canada, the result of which, at least from my standpoint, is Canada now sends 10 million bushels of Durum wheat into this country. Before the free-trade agreement, they sent no Durum wheat; now, 10 million bushels.

Last year a woman in North Dakota was trying to go across the border into Canada with two grocery sacks full of wheat in the back seat. She is married to a Canadian, and she was going to bake whole wheat bread up in Canada. Canadian customs officials stopped her at the border and said, "We are sorry, you can't bring any wheat into Canada because you don't have an export certificate from the Canadian Wheat Board." They sent 10 million bushels into our market; you cannot get two grocery bags full into Canada. That is the free-trade agreement with Canada.

Why is it whenever our negotiators start negotiating free-trade agreements, American producers get the short end of the stick? Now we are talking about Mexico and GATT. Look, I am for expanded trade all around the world. I am for opening markets. That makes sense to me. But I am also someone who insists that when our negotiators put on an American uniform, they negotiate for American economic interests. So the question in the next month will not be, in my judgment, fast track, the question is right track. When will our negotiators decide there is something worth negotiating for in this country's long-term strategic economic interests? When they do, I will fully support them.

BUILDING NEW SCHOOLS FOR TODAY'S STUDENTS

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

Mr. BOEHNER. Mr. Speaker, last week, the President of the United States proposed a bold plan for remaking our Nation's schools. In making his announcement, he was joined by a bipartisan group of Governors and prominent business leaders. This plan, America 2000—an education strategy, is not a timid attempt to nibble at the edges of our education system. Rather, it sets out a number of proposals which could leverage important improvements in schools from Maine to California.

One set of proposals focus on improving schools for those children currently

in attendance. The focus here is on accountability. The President has proposed for the first time, we establish national education standards which will represent what young Americans need to know. Using these standards as their base, the strategy calls for a national examination system available to every student in the country. For the first time, students, parents, schools, and States will know exactly how they are doing compared to the national standards.

Not only does America 2000 envision accountability for our schools but it would also establish rewards for high achievement for individuals and schools. This is important, because we can not let this move toward greater accountability become a negative thing.

There are many other ideas that could be added to this list that would improve our chances of reaching the education goals. The Education and Labor Committee will have a chance to refine this bill and, in a bipartisan effort, produce something that will take our schools into the next century.

PROPOSED UNITED STATES- MEXICO FREE-TRADE AGREEMENT

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

Mr. VISCLOSKEY. Mr. Speaker, I would like to focus attention on one of the most heated topics of conversation in northwest Indiana: free trade with Mexico.

Tens of thousands of steelworkers in my district lost their jobs during the 1970's and 1980's. Most have been unable to find comparable jobs.

President Bush has requested a 2-year extension of the so-called fast-track authority to negotiate a United States-Mexico Free-Trade Agreement. I am opposed to fast-track authority for several reasons:

First, this authority allows Congress only an up-or-down vote on the proposal, without any opportunity to amend the legislation.

Because of Mexico's low wage rates, poor protection of workers' rights, and abysmal environmental standards, I am very concerned about the potential for further job loss in northwest Indiana and across this country. I also do not believe that President Bush has given adequate consideration to the full consequences any such treaty will have on Americans who still have good paying jobs.

We need to enhance American jobs—not export them. I am opposed to any agreement that entices American companies to relocate overseas in order to take advantage of cheap labor and lax environmental regulation that hurt the people I represent.

RESULTS OF NATIONAL TELEPHONE POLL ON LABOR LAW ISSUES

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

Mr. DELAY. Mr. Speaker, the Employment Policy Foundation and the Council on Labor Law Equality just released a national telephone poll on several labor law issues related to the striker replacement legislation, H.R. 5.

I wanted to highlight some of the significant findings; 73 percent of all Americans say that unions have too much or just enough power.

By a better than 2 to 1 margin, 64 percent to 28 percent, Americans do not want Congress to do more to protect labor unions.

The poll shows that most people think that companies should have a right to operate if unions have the right to strike; 63 percent support the use of replacement workers during a strike compared to 25 percent who oppose the use of replacement workers.

The public opposes the firing of replacement workers at the end of a strike by 54 percent to 34 percent.

The law currently does not permit injunctions to stop a strike if public safety is at stake. The poll that 84 percent of the American public thinks that judges should be able to enjoin strikes if public safety is in jeopardy.

It seems to me that the public doesn't support this bill and I don't think Members should either.

□ 1220

FREE TRADE AGREEMENTS MUST BE WITH FREE SOCIETIES

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

Ms. KAPTUR. Mr. Speaker, I rise today to speak about the administration's request for an extension of fast-track negotiating authority for a United States-Mexico Free Trade Agreement.

This proposed trade agreement with Mexico is like none other we have ever negotiated. It is precedent setting. Mexico's population is substantial—half our own—and it is poor—the average wage is one-tenth of ours. Before rushing into any free trade agreement with Mexico, we should exact certain conditions in the agreement. Mexico's political and economic system make it impossible to apply the traditional rules of free trade, to name just a few.

Mexico's archaic laws and economic institutions prove that it is not ready for a fast transition into a market-oriented economy. Even President Salinas said as recently as last week, "Mexico won't bargain its oil."

The monopoly laws of Mexico date back to a time when the Government was more interested in intervening in the economy and in controlling markets than in ensuring equal opportunity. The 1934 law currently in use encourages price fixing and Government intervention and discourages imports.

On environment, though Mexico passed new environmental legislation in 1988—there's one major shortcoming—it's not enforced. This issue goes far beyond a trade agreement. It goes to the heart of what the North American continent shall stand for in principle in the trading world of the 21st century.

Thus, it is not enough that America's products be allowed to compete freely in Mexico; it is the societies that we trade with that must also be free.

AIR FORCE OWES CHIEF OF STAFF APOLOGY

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

Mr. MCEWEN. Mr. Speaker, the cheap shot of the week is a story about the Chief of Staff of the White House using Air Force transportation. In observing that story, I see that one of the charges is for a \$30,000 trip to Colorado.

Mr. Speaker, quite frankly, it is impossible to spend \$30,000 flying to Colorado and back. I have no idea how the Air Force comes up with these numbers, that are twice as high as if you went out and chartered the plane on your own. Of course, those numbers are twice as high as if you owned the airplane.

These airplanes belong to the U.S. Government and fly all day, every day. My question very simply is this: If the person responsible for the most important office in the land does not have access to Government planes, exactly who are the Government planes for?

I do not understand how in the world you can bill these kinds of numbers to the Congress or to the White House when you know and I know that those planes are flown by those Air Force pilots all day, every day.

Every time I have been to Andrews Air Force Base, I have seen the President's 747 taking off and landing. The President is not on it. Those planes are flown, they are used for practice, they are used for transportation, and those planes are billeted there for the purpose of allowing the heads of our Government to be transferred responsibly and quickly.

I think that this is extremely unfair, and the Air Force owes an apology to the Chief of Staff.

MEMBERS SHOULD PARTICIPATE IN DEALINGS AND PROGRAMS OF HOUSE

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

Mr. ROE. I thank the Speaker for giving me an opportunity to speak for a moment. I do want to lay down a challenge. I listened to a Member from New York who talked about our good President having suggested that we ought to set as priorities in the Congress for domestic purposes the attack upon drugs, and particularly transportation.

I would have to challenge the gentleman, and wonder where he has been? The Committee on Public Works and Transportation has been working for the last year and a half vigorously on this legislation. We have had dozens of hearings, and dozens and dozens of field hearings. We have had hundreds and hundreds of people testify from throughout the country. But do you know what? This gentleman has not come to the committee, either side, and projected his views on transportation. This distinguished friend and Member has not taken the time to bother to testify.

So I would like to give a report to the House of Representatives. The President did lay down a challenge. He said we should be doing something on drugs and we should be doing something on crime in America. He talked, most importantly, about the transportation legislation, which I call to the attention of Members will be a 5-year bill of approximately \$130 billion to \$150 billion.

So I would trust and hope that the gentleman from New York would get into the mainstream and find out what is going on in the Congress of the United States, and participate in the dealings and the programs of the House.

ACTIONS HAVE CONSEQUENCES

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

Mr. ROTH. Mr. Speaker, right under the words "In God we trust," we should have three other words: "Actions have consequences."

Actions and votes in Congress can help or harm people, and, yes, political philosophy has consequences.

Last October the liberal Democrats in Congress tied up this Congress weekend after weekend, determined to soak the rich, an insistence on a 10-percent tax, and they rammed it through Congress.

Last Tuesday, Carver Boat in Pulasqui, WI, filed bankruptcy. Why? The paper says, "Carver Boat Goes Bankrupt." Why? What Carver officials

called "an ill-conceived 10 percent Federal tax," my friends.

What are the consequences? The soak-the-rich demagoguery was an election year fodder, but hundreds and hundreds of people are out of jobs today because of that. People no longer have jobs, the Federal Government has less revenue, because people without jobs and businesses that close their doors don't pay taxes, and business and these jobs are forced overseas.

So, you see, actions do have consequences: jobs lost, businesses closed, and jobs forced overseas. The people on the other side of the aisle who come up here posturing for jobs, let us get these jobs back.

NATIONAL DESERT STORM RESERVISTS DAY

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

Mr. LAUGHLIN. Mr. Speaker, today I am introducing legislation which will commemorate the role our Reserves and National Guard played in Operations Desert Shield and Desert Storm. My legislation will designate Wednesday, May 22, 1991 as "National Desert Storm Reservists Day."

As a member of the Army Reserves, I had the honor of serving in the Middle East, recently, and witnessed firsthand the exemplary performance of our Reserve component forces during Operations Desert Shield and Desert Storm.

Mr. Speaker, when President Bush called up the U.S. Reserve component forces to help in our military effort in the Middle East, it was the first such activation of Reserves in over two decades.

The families of the men and women of those called to active duty had to sacrifice and overcome hardships associated with having to serve on short notice. Yet, problems were overcome, and by February 29, the day combat operations in Desert Storm ceased, more than 200,000 reservists had been called to active duty, with more than 100,000 having served in the Kuwait theater of operations. Therefore, it is only fitting that we honor our Reserves and National Guard for serving the United States in an admirable fashion when called to duty.

MEXICO-UNITED STATES TRADE AGREEMENT ENDANGERS AMERICAN WORKER

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

Mr. APPLGATE. Mr. Speaker, if, as was stated before, we are a do-nothing Congress, then it is because of the gentleman and his party who have contin-

ued to do nothing for the endangered American worker.

Furthermore, here they are trying to push this Mexico free trade bit. They are going to send all those cheap jobs up into the United States, the production. We are going to continue to lose more. We are going to lose our tax base. It is because we have no equitable trade policy in this country. We are losing our jobs to all of the countries in the world.

Mr. Speaker, overregulation by our Government is another cause, where other governments do not have to worry about regulation.

□ 1230

The loss of jobs in this country is hurting the quality of life of our American workers, and the loss of income is hurting the communities and their ability to be able to provide the services. We have 38 million people in this country who do not have any health insurance. What are we going to do about them? They cannot afford it and they are cutting back on the pensions.

I think Congress better get on the stick. Just give the endangered American worker an equal opportunity on his own home front. They are the best workers in the world.

THE PRESIDENT'S EDUCATION PACKAGE

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

Mr. GOODLING. Mr. Speaker, I have had many enjoyable visits to the White House in the many years that I have served in the Congress of the United States and before I came here, but none was as exciting and rewarding I think as last Thursday afternoon when the President unveiled America 2000.

My only fear about the program is that we will allow it to become a partisan battle and therefore accomplish nothing. Education is too important to allow that to happen.

The President has some outstanding directions he would like us to move in. We as the Congress should work with him to bring it about.

The President can become the education President only if we become the education Congress. We can only become the education Congress if the President is the education President.

I am sure this body will not act in a partisan manner. I trust that the other body will not either.

WERE POLITICS PLAYED WITH THE LIVES OF AMERICAN HOS- TAGES HELD IN IRAN?

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

Mr. TRAFICANT. Mr. Speaker, since 1980 there have been rumors, rumors big time that the campaign committee of Ronald Reagan met secretly with the Ayatollah Khomeini and struck a deal to keep the American hostages in bondage in Iran until the election was over to influence the election of Ronald Reagan.

I am not sure that happened. But the facts are clear. President Carter could not bring the hostages home. President Carter was defeated, and bingo, immediately after the Reagan victory, out of the goodness of his heart, the Ayatollah, said, "Free the hostages."

Mr. Speaker, there are many people who are asking: Were politics played with the lives of American hostages held in Iran? I do not know that but I am calling for an investigation, because if it is true, it is the most devious, diabolical act in the history of American politics.

Mr. Speaker, where there is smoke there is fire, and there is enough smoke here to hire Red Adair. I think Congress should find the truth. What happened in the election of 1980?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise our friends in the gallery that we are pleased to have them here, but they should not join in any actions taken on the floor of the House.

CONGRATULATIONS TO UNIVERSITY OF TENNESSEE'S 1991 NCAA CHAMPION WOMEN'S BASKETBALL TEAM

(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, yesterday President Bush was kind enough to have the Tennessee Lady Vols basketball team, the NCAA national champion women's basketball team to the White House to be honored along with Duke. Under the direction of their coach, Pat Head Summit, she is fast becoming the greatest legend to come out of Tennessee since Davy Crockett.

It is with great pride that I rise today in honor of the University of Tennessee's women's basketball team. As the 1991 NCAA champions, and as true scholars, the Lady Vols deserve the acclamation of this body.

These women are the pride of Tennessee and the crown of the Second District. Under the direction of Coach Pat Summit, the women's program has produced no fewer than 13 all-Americans, 7 Olympians, and 23 international players. They have made 10 trips to the final four in the past 14 years, and have earned three national championships since 1987.

Mr. Speaker, these are remarkable women, not only because of their commitment to athletic excellence, but also because of their demonstrated dedication to their studies. The current champions are heirs to an academic tradition which boasts a 100-percent graduation rate, a tradition which is without a peer in collegiate athletes.

Also we have the women's athletic director, Joan Cronan, who is one of the finest in the Nation.

I am proud of these women athletes, Mr. Speaker.

CHRISTMAS IN APRIL BUILDS STRONGER COMMUNITIES

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

Mr. ROEMER. Mr. Speaker, I am here today to recognize an extraordinary project that has, since its inception in 1983, helped more than 24,000 low-income, elderly, and handicapped homeowners by restoring their homes.

The project is called Christmas in April. What makes Christmas in April so extraordinary is that the tools for home restoration are provided through community contributions and the work is done by volunteers. Since 1983, more than 98,000 Christmas in April volunteers have restored 6,250 homes.

One Saturday in April each year, an army of volunteers—students, concerned citizens, laborers, and business executives—equipped with hammers, nails, brushes, and paint come together to beautify their neighborhoods.

Where there is peeling paint, volunteers apply a shiny coat. Where there are broken steps, a new stair is put in. Where there is a leaky roof, a hole is patched. And where there is a broken window, a new one is installed by volunteers. By the end of the day, Christmas in April volunteers have transformed a run-down house into something in which the homeowner can once again take pride.

This year, 46,000 volunteers in 133 cities and towns across America donated time and skills. Those volunteers restored more than 1,800 homes throughout the country.

For me, participating in the Christmas in April program the past 2 years has been a personally rewarding experience, I know, too, that my work—along with the work of other volunteers—has contributed to a more beautiful South Bend, and a more beautiful America.

I strongly urge the Members of this body to start Christmas in April in their communities. The difference a group of people working together can make in just one day is truly extraordinary.

ADOPTING THE PRESIDENT'S EDUCATION PLAN FOR THE FUTURE OF OUR CHILDREN

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

Mr. ARMEY. Mr. Speaker, there can be no doubt about it, the single most important thing any nation can do for itself and its future is to educate properly its young people. The President understands this, and he understands that it is in the education of our young people where the parents of this Nation invest their greatest dreams and hopes, and that it is for the benefit of the young children that our schools should exist.

The President has put forth an education program that vests power in the hands of the parents, choice in the hands of the parents, benefits in the lives of the children, and puts education first in America. There is no question where the President stands on this vital issue. The only question that remains is will the Democrat majority in this Congress work on behalf of the children's future and the parents' rights, or will they continue to work on behalf of the education establishment. I hope the best for the children, Mr. Speaker.

WHAT ABOUT MEXICO'S ENVIRONMENTAL RECORD?

(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, what about Mexico's environmental record?

First of all, Mexico has taken enormous steps to improve both its environmental laws and enforcement of these laws. Mexico's get-tough attitude is being borne out with concrete action. They passed a highly controversial environmental protection law in 1988 that is tougher than our own EPA standards.

Legislation is not going to solve environmental problems if environmental enforcement is lacking. Here too Mexico has made great strides, beefing up its enforcement budget by 636 percent in the last year alone, adding 100 inspectors to monitor Mexican industry. These enforcement efforts are being felt across the country. Over 5,000 inspection visits were conducted in the last 2 years, resulting in 980 temporary or permanent plant shutdowns.

Mr. Speaker, without a free-trade agreement, Mexico's economy will grow stagnant, government revenues will fall, and environmental enforcement and regulation will deteriorate. A United States-Mexico free-trade agreement is in the best interest of both our countries. It will create jobs, it will

create capital, it will bring less immigration into this country.

A good free-trade agreement is good for both countries, environmentally, jobwise and tradewise.

□ 1240

IN PRAISE OF AMERICA 2000 INITIATIVE

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

Mr. KLUG. Mr. Speaker, I rise today, like several of my colleagues on the House Committee on Education and Labor, to support President Bush in the excellent educational initiative called America 2000, and in particular to praise our new Education Secretary, Lamar Alexander, whose experience with the University of Tennessee has helped the President bring into focus some of his ideas for educational change and choice in the next decade.

One of the ideas I am particularly intrigued with is the President's suggestion of a national testing plan, a plan that will test every American child in the fourth grade and eighth grade and as a senior in high school. It will allow us finally to test and see how our States are doing against other States, how our school systems are doing against other systems and, finally, to see how our school is comparing to other schools across the country.

It is the fundamental idea of accountability. If your school system and your school flourishes, the President has incentives built in to reward the school. If it fails, we now can ask our principals and school administrators and our school superintendents why our children and our particular school is not doing as well as they should. It sets national testing standards for English, science, math, history, and geography, and if we want America's students to compete in the next century with Japan and Germany, they should know the history of those countries and, at the very least, be able to find them on the map.

NEO-NAZIS A MENACE TO ALL

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

Mr. VALENTINE. Mr. Speaker, an Associated Press item carried without fanfare in some of the nation's daily newspapers on Monday, April 22 is reason for the world to shudder. Neo-Nazis in Germany celebrating the 102d anniversary of Adolph Hitler's birth created disturbances in cities throughout a reunited Germany and in some instances attacked foreigners.

Police reported over 200 arrests.

Any people inside Germany or in any other country who conspire or contrive

to remember with favor the birth, life, or acts of Adolph Hitler constitute, per se, a potential menace to free men and women both in Germany and in the world at large.

This is not just a German domestic problem. The world should be concerned and alarmed.

APPOINTMENT AS MEMBERS OF MIGRATORY BIRD CONSERVATION COMMISSION

The SPEAKER. Pursuant to the provisions of 16 U.S.C. 715a, as amended, the Chair appoints the following Members to the Migratory Bird Conservation Commission on the part of the House:

- Mr. DINGELL of Michigan; and
- Mr. SCHULZE of Pennsylvania.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER. Pursuant to section 103, Public Law 99-371, the Chair appoints as members of the Board of Trustees of Gallaudet University the following Members on the part of the House:

- Mr. BONIOR of Michigan; and
- Mr. GUNDERSON of Wisconsin.

APPOINTMENT AS MEMBERS OF THE UNITED STATES DELEGATION TO ATTEND MEETING OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276d, the Chair appoints as members of the U.S. delegation to attend the meeting of the Canada-United States Interparliamentary Group the following Members on the part of the House:

- Mr. GEJDENSON of Connecticut, chairman;
- Mr. FASCELL of Florida, vice chairman;
- Mr. HAMILTON of Indiana;
- Mr. DE LA GARZA of Texas;
- Mr. GIBBONS of Florida;
- Mr. OBERSTAR of Minnesota;
- Ms. SLAUGHTER of New York;
- Mr. BROOMFIELD of Michigan;
- Mr. HORTON of New York;
- Mr. MILLER of Washington;
- Mr. WALSH of New York; and
- Mr. HENRY of Michigan.

APPOINTMENT AS MEMBERS OF THE UNITED STATES DELEGATION OF THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276h, the Chair appoints as members of the United States delegation of the Mexico-United States Interparliamentary Group for the 1st

session of the 102d Congress the following Members on the part of the House:

- Mr. DE LA GARZA of Texas, chairman;
- Mr. YATRON of Pennsylvania, vice chairman;
- Mr. GEPHARDT of Missouri;
- Mr. GEJDENSON of Connecticut;
- Mr. COLEMAN of Texas;
- Mr. STENHOLM of Texas;
- Mr. TALLON of South Carolina;
- Mr. LAGOMARSINO of California;
- Mr. DREIER of California;
- Mr. DELAY of Texas;
- Mr. GOODLING of Pennsylvania; and
- Mr. KOLBE of Arizona.

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER laid before the House the following communication from the Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of Rule LI, 102d Congress, I hereby appoint the following employees of the House of Representatives to the review panel of the Office of Fair Employment Practices:

- Mr. Alan F. Coffey, Jr. of the Committee on the Judiciary, and
- Ms. Alberta Sue Forrest of the Committee on Veterans Affairs.

Sincerely yours,

BOB MICHEL,
Republican Leader.

HEALTH CRISIS CRIES OUT FOR ACTION TODAY

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, my colleagues, America's health crisis cries out for action today and, indeed, there are very specific actions that we could take this session, this year, that will address skyrocketing health care costs and declining access.

We can do something about costs and access by focusing current tax subsidies on plans that encourage smart buying of health care services, by enabling self-employed to afford insurance, by treating them the same as other employers in the Tax Code, by reforming the small insurance market, the market serving small business to provide affordable plans and guaranteed access, by committing ourselves as a body to a comprehensive system of community health facilities, urban and rural, able to serve all corners holistically, re-creating an infrastructure now degraded, serving people on a sliding-scale basis and finally, thereby, preventing cost-shifting.

Mr. Speaker, I urge my colleagues to act now by creating access to care with affordable insurance policies, fair tax

policies, and expanded health centers by controlling costs with managed care and malpractice reform and by improving quality for all.

We can preserve the strengths of our health care system but eliminate its weaknesses. We must start today.

WRONG WAY DEFENSE POLICY

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

Mrs. BENTLEY. Mr. Speaker, our Japanese allies are at it again.

In confidential negotiations with the Department of Defense, Japan is putting the arm on a weapons sale of the multirocket launch system to coproduce a purchase of only 36 launchers.

The theory—seemingly always at work with the Japanese—is the first sale is the last sale. Not only do they want our defense products, they also want to be able to produce our defense products and have our industry and technicians teach them how to do it.

Pretty cheeky. But then, we have gone along with it for so many years—I guess that our continuing acceptance has become policy.

Take some comfort, though. Reports I have from inside Japan last week predict that the FSX joint venture airplane production over there is so boluxed-up that the wings probably will go on upside-down.

Move over "Wrong Way Corrigan" and make way for "Wrong Way Kamakaze."

DEVELOPMENTS SUBSEQUENT TO REPORT OF CONTINUED BLOCKING OF PANAMANIAN GOVERNMENT ASSETS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-68)

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, April 23, 1991.)

REPORT ON NATIONAL EMERGENCY UNDER INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-69)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, April 23, 1991.)

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE HUMANITIES FOR FISCAL YEAR 1990—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, Tuesday, April 23, 1991.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has concluded on both motions to suspend the rules.

DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE PERSONNEL ACT OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 598) to amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to authorize collective bargaining over conditions of employment for health-care employees of the Department of Veterans Affairs, and for other purposes.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) **SHORT TITLE.**—This Act may be cited as the "Department of Veterans Affairs Health-Care Personnel Act of 1991".

(b) **REFERENCES TO TITLE 38.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. RENAMING OF VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION.

(a) **RENAMING.**—The establishment in the Department of Veterans Affairs known as the Veterans Health Services and Research Administration is hereby redesignated as the Veterans Health Administration.

(b) **REFERENCES.**—Any reference to the Veterans Health Services and Research Administration (or to the Department of Medicine and Surgery of the Veterans' Administration) in any Federal law, Executive order, regulation, delegation of authority, or document of or pertaining to the Department of Veterans Affairs shall be deemed to refer to the Veterans Health Administration.

TITLE I—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

SEC. 101. SHORT TITLE.

This title may be cited as the "Department of Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991".

SEC. 102. REVISION AND REORGANIZATION OF SPECIAL PAY STATUTE.

Part V is amended by inserting after chapter 73 the following new chapter:

"CHAPTER 74—VETERANS HEALTH ADMINISTRATION—PERSONNEL

"SUBCHAPTER III—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

- "7431. Special pay: authority.
- "7432. Special pay: written agreements.
- "7433. Special pay: full-time physicians.
- "7434. Special pay: part-time physicians.
- "7435. Special pay: full-time dentists.
- "7436. Special pay: part-time dentists.
- "7437. Special pay: general provisions.
- "7438. Special pay: coordination with other benefits laws.
- "7439. Periodic review of pay of physicians and dentists; quadrennial report.
- "7440. Annual report.

"SUBCHAPTER III—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

"§7431. Special pay: authority

"(a) In order to recruit and retain highly qualified physicians and dentists in the Veterans Health Administration, the Secretary shall provide special pay under this subchapter. Such special pay shall be provided under regulations that the Secretary shall prescribe to carry out this subchapter. Before prescribing regulations under this subchapter, the Secretary shall receive the recommendations of the Chief Medical Director with respect to those regulations.

"(b) Special pay may be paid to a physician or dentist under this subchapter only upon the execution of, and for the duration of, a written agreement entered into by the physician or dentist in accordance with section 7432 of this title.

"(c) A physician or dentist serving a period of obligated service pursuant to chapter 76 of this title is not eligible for special pay under this subchapter during the first three years of such obligated service, except that, at the discretion of the Secretary and upon the recommendation of the Chief Medical Director, such a physician or dentist may be paid special pay for full-time status during those three years.

"(d)(1) The Secretary may determine categories of positions applicable to either physicians or dentists, or both, in the Veterans Health Administration as to which there is no significant recruitment and retention problem. While any such determination is in effect, the Secretary may not enter into an agreement under this subchapter with a physician or dentist serving in a position covered by the determination. Before making a determination under this paragraph, the Secretary shall receive the recommendations of the Chief Medical Director with respect to the determination.

"(2) Not later than one year after making any such determination with respect to a category of positions, and each year thereafter that such determination remains in effect, the Secretary shall make a redetermination.

"(3) Any determination under this subsection shall be in accordance with regulations prescribed to carry out this subchapter.

"(e) If the Chief Medical Director determines that payment of special pay to a physician or dentist who is employed on a less than half-time basis is the most cost-effective way available for providing needed medical or dental specialist services at a Department facility, the Chief Medical Director may authorize the payment of special pay for factors other than for full-time status to that physician or dentist at a rate computed on the basis of the proportion that the part-time employment of the physician or dentist bears to full-time employment.

"(f) Special pay may not be paid under this section to a physician or dentist who—

"(1) is employed on less than a quarter-time basis or on an intermittent basis;

"(2) occupies an internship or residency training position; or

"(3) is a reemployed annuitant.

"(g)(1) In the case of a physician or dentist who is employed in a position that is covered by a determination by the Secretary under subsection (d)(1) that the Administration does not have a significant recruitment or retention problem with respect to a particular category of positions and who on the day before the effective date of this subchapter was receiving special pay under an agreement entered into under section 4118 of this title (as in effect before such date), the Secretary may pay to that physician or dentist, in addition to basic pay, retention pay under this subsection.

"(2) The annual rate of such retention pay for any individual may not exceed the rate which, when added to the rate of basic pay payable to that individual, is equal to the sum of the annual rate of basic pay and the annual rate of special pay paid to that physician or dentist pursuant to the final agreement with that individual under such section 4118.

"(3) Such retention pay shall be treated for all purposes as special pay paid under subchapter III of chapter 74 of this title.

"(4) Retention pay under this subsection shall be paid under such regulations as the Secretary may prescribe.

"§7432. Special pay: written agreements

"(a) An agreement entered into by a physician or dentist under this subchapter shall cover a period of one year of service in the Veterans Health Administration unless the physician or dentist agrees to an agreement for a longer period of service, not to exceed four years, as specified in the agreement. A physician or dentist who has previously entered into such an agreement is eligible to enter into a subsequent agreement unless the physician or dentist has failed to refund to the United States any amount which the physician or dentist is obligated to refund under any such previous agreement.

"(b)(1) An agreement under this subchapter shall provide that, if the physician or dentist entering into the agreement voluntarily, or because of misconduct, fails to complete any of the years of service covered by the agreement (measured from the anniversary date of the agreement), the physician or dentist shall refund an amount of special pay received under the agreement for that year equal to—

"(A) in the case of a failure during the first year of service under the agreement, 100 percent of the amount received for that year;

"(B) in the case of a failure during the second year of service under the agreement, 75 percent of the amount received for that year;

"(C) in the case of a failure during the third year of service under the agreement, 50 percent of the amount received for that year; and

"(D) in the case of a failure during the fourth year of service under the agreement, 25 percent of the amount received for that year.

"(2) The Secretary may waive (in whole or in part) the requirement for a refund under paragraph (1) in any case if the Secretary determines

(in accordance with regulations prescribed under section 7431(a) of this title) that the failure to complete such period of service is the result of circumstances beyond the control of the physician or dentist.

"(3) Any such agreement shall specify the terms under which the Department and the physician or dentist may elect to terminate the agreement.

"(c)(1) If a proposed agreement under this subchapter will provide a total annual amount of special pay to be provided to a physician or dentist who has previously entered into an agreement under this subchapter (or under section 4118 of this title as in effect before the effective date of the Department of Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991) that will exceed the previous annual amount of special pay provided for the physician or dentist by more than 50 percent (other than in the case of a physician or dentist employed in an executive position in the Central Office of the Department), or that will be less than the previous annual amount of special pay provided for the physician or dentist by more than 25 percent, the proposed agreement shall be promptly submitted to the Secretary. The proposed agreement shall not take effect if it is disapproved by the Secretary within 60 days after the date on which the physician or dentist entered into the proposed agreement.

"(2) For purposes of paragraph (1), the previous annual amount of special pay provided for a physician or dentist is the total annual amount of special pay provided, or to be provided, to the physician or dentist for the most recent year covered by an agreement entered into by the physician or dentist under this subchapter or under section 4118 of this title. In the case of an agreement entered into under section 4118 of this title, incentive pay shall be treated as special pay for purposes of this paragraph.

"(3) The Secretary shall adjust special pay as necessary for purposes of this subsection to reflect appropriately any change in the status of a physician or dentist (A) from full-time status to part-time status, (B) from part-time status to full-time status, or (C) from one proportion of time spent as a Department employee under part-time status employment to a different proportion.

"(d)(1) If a proposed agreement under this subchapter (other than an agreement in the case of the Chief Medical Director) will provide a total annual amount of special pay to be provided to a physician or dentist which, when added to the amount of basic pay of the physician or dentist, will be in excess of the amount payable for positions specified in section 5312 of title 5, the proposed agreement shall be promptly submitted for approval to the Secretary through the Chief Medical Director. The agreement shall take effect at the end of the 60-day period beginning on the date on which the physician or dentist entered into the proposed agreement if it is neither approved nor disapproved within that 60-day period. If the agreement is approved within that period, the agreement shall take effect as of the date of the approval. A proposed agreement may be disapproved under this paragraph only if it is determined that the amounts of special pay proposed to be paid are not necessary to recruit or retain the physician or dentist.

"(2) A proposed agreement under this subchapter with the Chief Medical Director may provide for payment of special pay for which the Chief Medical Director is eligible under this subchapter (other than that specified in section 7433(b)(4)(B) of this title) only to the extent specifically approved by the Secretary.

"(3) The Secretary shall include in the annual report required by section 7440 of this title—

"(A) a statement of the number of agreements entered into during the period covered by the re-

port under which the total amount of special pay to be provided, when added to the amount of basic pay of the physician or dentist, will be in excess of the amount payable for positions specified in section 5312 of title 5;

"(B) a statement of the number of proposed agreements which during the period covered by the report were disapproved under this subsection; and

"(C) a detailed explanation of the basis for disapproval of each such proposed agreement which was disapproved under this subsection.

"(4) This subsection does not apply to any proposed agreement entered into after September 30, 1994.

"§7433. Special pay: full-time physicians

"(a) The Secretary shall provide special pay under this subchapter to eligible physicians employed on a full-time basis based upon the factors, and at the annual rates, specified in subsection (b).

"(b) The special pay factors, and the annual rates, applicable to full-time physicians are as follows:

- "(1) For full-time status, \$9,000.
- "(2)(A) For length of service as a physician within the Veterans Health Administration—

"Length of Service	Rate	
	Mini- mum	Maxi- mum
2 years but less than 4 years	\$4,000	\$6,000
4 years but less than 8 years	6,000	12,000
8 years but less than 12 years ..	12,000	18,000
12 years or more	12,000	25,000

"(B) The Chief Medical Director shall specify a uniform national rate for each range of years of service established by or under this paragraph. The Chief Medical Director may, as to length of service in excess of 12 years, establish uniform national rates for such ranges of years of service as the Chief Medical Director considers appropriate.

"(3)(A) For service in a medical specialty with respect to which there are extraordinary difficulties (on a nationwide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified physicians, an annual rate of not more than \$40,000.

"(B) For service by a physician who serves only a portion of a year in a medical specialty for which special pay is paid under subparagraph (A), the annual rate shall be calculated on the basis of the proportion of time served in the specialty for which the special pay is paid.

"(4)(A) For service in any of the following executive positions, an annual rate not to exceed the rate applicable to that position as follows:

"Position	Rate	
	Mini- mum	Maxi- mum
Service Chief (or in a comparable position as determined by the Secretary).	\$4,500	\$15,000
Chief of Staff or in an Executive Grade.	14,500	25,000
Director Grade	0	25,000

"(B) For service in any of the following executive positions, the annual rate applicable to that position as follows:

"Position	Rate
"Deputy Service Director	\$20,000
"Service Director	25,000
"Deputy Assistant Chief Medical Director	27,500
"Assistant Chief Medical Director	30,000
"Associate Deputy Chief Medical Director	35,000
"Deputy Chief Medical Director ..	40,000

"Chief Medical Director 45,000

"(C) For service by a physician who serves only a portion of a year in an executive position listed in subparagraph (A) or (B) or who serves a portion of a year in such a position and also serves a portion of that year in another position or grade for which special pay is provided under this section, the annual rate shall be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

"(5) For specialty certification or first board certification, \$2,000, and for subspecialty certification or secondary board certification, an additional \$500.

"(6) For service in a specific geographic location with respect to which there are extraordinary difficulties in the recruitment or retention of qualified physicians in a specific category of physicians, an annual rate of not more than \$17,000.

"(7)(A) For service by a physician with exceptional qualifications within a specialty, an annual rate of not more than \$15,000.

"(B) Special pay under this paragraph may be paid to a physician only if the payment of such pay to that physician is approved by the Chief Medical Director personally and on a case-by-case basis and only to the extent that the rate paid under this paragraph, when added to the total of the rates paid to that physician under paragraphs (1) through (6), does not exceed the total rate that may be paid under those paragraphs to a physician with the same length of service, specialty, and position as the physician concerned.

"§7434. Special pay: part-time physicians

"(a) Subject to section 7431(e) of this title and subsection (b) of this section, special pay under this subchapter for physicians employed on a part-time basis shall be based on the special-pay factors and annual rates specified in section 7433 of this title.

"(b) The annual rate of special pay paid to a physician employed on a part-time basis shall bear the same ratio to the annual rate that the physician would be paid under section 7433 (other than for full-time status) if the physician were employed on a full-time basis as the amount of part-time employment by the physician bears to full-time employment, except that such ratio may not exceed 3/4.

"§7435. Special pay: full-time dentists

"(a) The Secretary shall provide special pay under this subchapter to eligible dentists employed on a full-time basis based upon the factors, and at the annual rates, specified in subsection (b).

"(b) The special pay factors, and the annual rates, applicable to full-time dentists are as follows:

- "(1) For full-time status, \$3,500.
- "(2)(A) For length of service as a dentist within the Veterans Health Administration—

"Length of Service	Rate	
	Mini- mum	Maxi- mum
2 years but less than 4 years	\$1,000	\$2,000
4 years but less than 8 years	2,000	3,000
8 years but less than 12 years ..	3,000	3,500
12 years or more	3,000	4,000

"(B) The Chief Medical Director shall specify a uniform national rate for each range of years of service established by or under this paragraph. The Chief Medical Director may, as to length of service in excess of 12 years, establish uniform national rates for such ranges of years of service as the Chief Medical Director considers appropriate.

"(3)(A) For service in a dental specialty with respect to which there are extraordinary dif-

facilities (on a nationwide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified dentists, an annual rate of not more than \$20,000.

"(B) For service by a dentist who serves only a portion of a year in a dental specialty for which special pay is paid under subparagraph (A), the annual rate shall be calculated on the basis of the proportion of time served in the specialty for which the special pay is paid.

"(4)(A) For service in any of the following executive positions, an annual rate not to exceed the rate applicable to that position as follows:

"Position	Rate	
	Mini- mum	Maxi- mum
Service Director	\$1,000	\$9,000
Deputy Service Director	1,000	8,000
Chief of Staff or in an Execu- tive Grade	1,000	8,000
Director Grade	0	8,000
Service Chief (or in a com- parable position as deter- mined by the Secretary).	1,000	5,000

"(B) For service in any of the following executive positions, the annual rate applicable to that position as follows:

"Position	Rate
Assistant Chief Medical Director (or in a comparable position as determined by the Secretary)	\$10,000
Deputy Assistant Chief Medical Director	10,000

"(C) For service by a dentist who serves only a portion of a year in an executive position listed in subparagraph (A) or (B) or who serves a portion of a year in such a position and also serves a portion of that year in another position or grade for which special pay is provided under this section, the annual rate shall be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

"(5) For specialty or first board certification, \$2,000 and for subspecialty or secondary board certification, an additional \$500.

"(6) For service in a specific geographic location with respect to which there are extraordinary difficulties in the recruitment or retention of qualified dentists in a specific category of dentists, an annual rate not more than \$5,000.

"(7)(A) For service by a dentist with exceptional qualifications within a specialty, an annual rate of not more than \$5,000.

"(B) Special pay under this paragraph may be paid to a dentist only if the payment of such pay to that dentist is approved by the Chief Medical Director personally and on a case-by-case basis and only to the extent that the rate paid under this paragraph, when added to the total of the rates paid to that dentist under paragraphs (1) through (6), does not exceed the total rate that may be paid under those paragraphs to a dentist with the same length of service, specialty, and position as the dentist concerned.

"§7436. Special pay: part-time dentists

"(a) Subject to section 7431(e) of this title and subsection (b) of this section, special pay under this subchapter for dentists employed on a part-time basis shall be based on the special-pay factors and annual rates specified in section 7435 of this title.

"(b) The annual rate of special pay paid to a dentist employed on a part-time basis shall bear the same ratio to the annual rate that the dentist would be paid under section 7435 of this title (other than for full-time status) if the dentist were employed on a full-time basis as the amount of part-time employment by the dentist bears to full-time employment, except that such ratio may not exceed 3/4.

"§7437. Special pay: general provisions

"(a) A physician who is provided special pay for service in an executive position under paragraph (4)(B) of section 7433(b) of this title may not also be provided scarce specialty special pay under paragraph (3) of that section. A dentist who is provided special pay for service in an executive position under paragraph (4) of section 7435(b) of this title for service as a Service Director, Deputy Service Director, Deputy Assistant Chief Medical Director, or Assistant Chief Medical Director may not also be provided scarce specialty special pay under paragraph (3) of that section.

"(b) The following determinations under this subchapter shall be made under regulations prescribed under section 7431 of this title:

"(1) A determination that there are extraordinary difficulties (on a nationwide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified physicians in a medical specialty or in the recruitment or retention of qualified dentists in a dental specialty.

"(2) A determination of the rate of special pay to be paid to a physician or dentist for a factor of special pay for which the applicable rate is specified as a range of rates.

"(3) A determination of whether there are extraordinary difficulties in a specific geographic location in the recruitment or retention of qualified physicians in a specific category of physicians or in the recruitment or retention of qualified dentists in a specific category of dentists.

"(c) A determination for the purposes of this subchapter that there are extraordinary difficulties in the recruitment or retention of qualified physicians in a medical specialty, or in the recruitment or retention of qualified dentists in a dental specialty, on the basis of the needs of a specific medical facility may only be made upon the request of the director of that facility.

"(d) A physician or dentist may not be provided scarce specialty pay under section 7433(b), 7434(b), 7435(b), or 7436(b) of this title (whichever is applicable) on the basis of the needs of a specific medical facility unless the Secretary also determines that geographic location pay under that section is insufficient to meet the needs of that facility for qualified physicians or dentists, as the case may be.

"(e)(1) A physician or dentist shall be paid special pay under this subchapter at a rate not less than the rate of special pay the physician or dentist was paid under section 4118 of this title as of the day before the effective date of this subchapter if the physician or dentist—

"(A) is employed on a full-time basis in the Veterans Health Administration;

"(B) was employed as a physician or dentist on a full-time basis in the Administration on the day before such effective date; and

"(C) on such effective date was being paid only for the special-pay factors of primary, full-time, and length of service.

"(2) A physician or dentist shall be paid special pay under this subchapter at a rate not less than the rate of special pay the physician or dentist was paid under section 4118 of this title as of the day before the effective date of this subchapter if the physician or dentist—

"(A) is employed on a part-time basis in the Veterans Health Administration;

"(B) was employed as a physician or dentist on a part-time basis in the Administration on the day before such effective date; and

"(C) on such effective date was being paid only for the special-pay factors of primary and length of service.

"(f) Any amount of special pay payable under this subchapter shall be paid in equal installments in accordance with regularly established pay periods.

"(g) Except as otherwise expressly provided by law, special pay may not be provided to a physi-

cian or dentist in the Veterans Health Administration for any factor not specified in section 7433, 7434, 7435, or 7436, as applicable, of this title.

"(h) In no case may the total amount of compensation paid to a physician or dentist under this title in any year exceed the amount of annual compensation (excluding expenses) specified in section 102 of title 3.

"§7438. Special pay: coordination with other benefits laws

"(a) Special pay paid under this subchapter shall be in addition to any other pay and allowances to which a physician or dentist is entitled.

"(b)(1) A physician or dentist who has no section 4118 service and has completed not less than 15 years of service as a physician or dentist in the Veterans Health Administration shall be entitled to have special pay paid to the physician or dentist under this subchapter considered basic pay for the purposes of chapter 83 or 84 of title 5, as appropriate.

"(2) A physician or dentist who has section 4118 service and has completed a total of not less than 15 years of service as a physician or dentist in the Veterans Health Administration shall be entitled to have special pay paid to the physician or dentist under this subchapter considered basic pay for the purposes of chapter 83 or 84, as appropriate, of title 5 as follows:

"(A) In an amount equal to the amount that would have been so considered under section 4118 of this title on the day before the effective date of this section based on the rates of special pay the physician or dentist was entitled to receive under that section on the day before such effective date.

"(B) With respect to any amount of special pay received under this subchapter in excess of the amount such physician or dentist was entitled to receive under section 4118 of this title on the day before the effective date of this section, in an amount equal to 25 percent of such excess amount for each two years that the physician or dentist has completed as a physician or dentist in the Veterans Health Administration after the effective date of this section.

"(3) All special pay paid under this subchapter shall be included in average pay (as defined in sections 8331(4) or 8401(3) of title 5, as appropriate) for purposes of computing benefits paid under section 8337, 8341(d) or (e), 8442(b), 8443, or 8451 of such title.

"(4) Special pay paid under section 4118 of this title, as in effect before the effective date of this section, to a physician or dentist who has section 4118 service shall be credited to the physician or dentist for the same purposes and in the same manner and to the same extent that such special pay was credited to the physician or dentist before such effective date.

"(5) For purposes of this subsection:

"(A) The term 'physician or dentist who has no section 4118 service' means a physician or dentist employed as a physician or dentist in the Veterans Health Administration who has no previous service as a physician or dentist in the Administration (or its predecessor) before the effective date of this section.

"(B) The term 'physician or dentist who has section 4118 service' means a physician or dentist employed as a physician or dentist in the Veterans Health Administration who has previous service as a physician or dentist in the Administration (or its predecessor) before the effective date of this section.

"(C) Service in any predecessor entity of the Veterans Health Administration shall be considered to be service in the Veterans Health Administration.

"(c) Compensation paid as special pay under this subchapter or under an agreement entered into under section 4118 of this title (as in effect on the day before the effective date of the De-

partment of Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991) shall be considered as annual pay for the purposes of chapter 87 of title 5, relating to life insurance for Federal employees.

"§7439. Periodic review of pay of physicians and dentists; quadrennial report

"(a) In order to make possible the recruitment and retention of a well-qualified work force of physicians and dentists capable of providing quality care for eligible veterans, it is the policy of Congress to ensure that the levels of total pay for physicians and dentists of the Veterans Health Administration are fixed at levels reasonably comparable—

"(1) with the levels of total pay of physicians and dentists employed by or serving in other departments and agencies of the Federal Government; and

"(2) with the income of non-Federal physicians and dentists for the performance of services as physicians and dentists.

"(b)(1) To assist the Congress and the President in carrying out the policy stated in subsection (a), the Secretary shall—

"(A) define the bases for pay distinctions, if any, among various categories of physicians and dentists, including distinctions between physicians and dentists employed by the Veterans Health Administration and physicians and dentists employed by other departments and agencies of the Federal Government and between all Federal sector and non-Federal sector physicians and dentists; and

"(B) obtain measures of income from the employment or practice of physicians and dentists outside the Administration, including both the Federal and non-Federal sectors, for use as guidelines for setting and periodically adjusting the amounts of special pay for physicians and dentists of the Administration.

"(2) The Secretary shall submit to the President a report, on such date as the President may designate but not later than December 31, 1994, and once every four years thereafter, recommending appropriate rates of special pay to carry out the policy set forth in subsection (a) with respect to the pay of physicians and dentists in the Veterans Health Administration. The Secretary shall include in such report, when considered appropriate and necessary by the Secretary, recommendations for modifications of the special pay levels set forth in this subchapter whenever—

"(A) the Department is unable to recruit or retain a sufficient work force of well-qualified physicians and dentists in the Administration because the incomes and other employee benefits, to the extent that those benefits are reasonably quantifiable, of physicians and dentists outside the Administration who perform comparable types of duties are significantly in excess of the levels of total pay (including basic pay and special pay) and other employee benefits, to the extent that those benefits are reasonably quantifiable, available to those physicians and dentists employed by the Administration; or

"(B) other extraordinary circumstances are such that special pay levels are needed to recruit or retain a sufficient number of well-qualified physicians and dentists.

"(c) The President shall include in the budget transmitted to the Congress under section 1105 of title 31 after the submission of each report of the Secretary under subsection (b)(2) recommendations with respect to the exact rates of special pay for physicians and dentists under this subchapter and the cost of those rates compared with the cost of the special pay rates in effect under this subchapter at the time the budget is transmitted.

"§7440. Annual report

"The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of

Representatives an annual report on the use of the authorities provided in this subchapter. The report shall be submitted each year as part of the budget justification documents submitted by the Secretary in support of the budget of the President submitted pursuant to section 1105 of title 31 that year. Each such report shall include the following:

"(1) A review of the use of the authorities provided in this subchapter (including the Secretary's and Chief Medical Director's actions, findings, recommendations, and other activities under this subchapter) during the preceding fiscal year and the fiscal year during which the report is submitted.

"(2) The plans for the use of the authorities provided in this subchapter for the next fiscal year.

"(3) A description of the amounts of special pay paid during the preceding fiscal year, shown by category of pay.

"(4) A list of those geographic areas, and those scarce specialties, for which special pay was paid during the preceding fiscal year, those for which special pay is being paid during the current fiscal year, and those for which special pay is expected to be paid during the next fiscal year, together with a summary of any differences among those three lists.

"(5) The number of physicians and dentists (A) who left employment with the Veterans Health Administration during the preceding year, (B) who changed from full-time status to part-time status, (C) who changed from part-time status to full-time status, as well as (D) a summary of the reasons therefor.

"(6) By specialty, the number of positions created and the number of positions abolished during the preceding fiscal year and a summary of the reasons for such actions.

"(7) The number of unfilled physician and dentist positions in each specialty in the Veterans Health Administration, the average and maximum lengths of time that such positions have been unfilled, and a summary of the reasons that such positions remain unfilled and, in the case of any specialty not designated as a scarce specialty for purposes of special pay under this subchapter, an explanation (including comparisons with other specialties that have been so designated) of why the specialty has not been so designated."

SEC. 103. OTHER COMPENSATION BENEFITS.

(a) IN GENERAL.—Subchapter I of chapter 74 (as added by section 401(b)(2)) is amended by adding at the end the following sections:

"§7410. Additional pay authorities

"The Secretary may authorize the Chief Medical Director to pay advance payments, recruitment or relocation bonuses, and retention allowances to the personnel described in paragraph (1) of section 7401 of this title, or interview expenses to candidates for appointment as such personnel, in the same manner, and subject to the same limitations, as in the case of the authority provided under sections 5524a, 5706b, 5753, and 5754 of title 5.

"§7411. Full-time board-certified physicians and dentists: reimbursement of continuing professional education expenses

"The Secretary shall reimburse any full-time board-certified physician or dentist appointed under section 7401(1) of this title for expenses incurred, up to \$1,000 per year, for continuing professional education."

(2) The table of sections at the beginning of chapter 74 (as amended by section 401(b)(1)(A)) is amended by inserting after the item relating to section 7409 the following:

"7410. Additional pay authorities.

"7411. Full-time board-certified physicians and dentists: reimbursement of continuing professional education expenses."

(b) EFFECTIVE DATE.—Section 7411 of title 38, United States Code, as added by subsection (a), shall apply with respect to expenses incurred for continuing professional education that is pursued after September 30, 1991.

SEC. 104. EFFECTIVE DATE AND TRANSITION.

(a) EFFECTIVE DATE.—Subchapter III of chapter 74 of title 38, United States Code, as added by section 102, shall take effect on the first day of the first pay period beginning after the earlier of—

(1) July 1, 1991; or

(2) the end of the 90-day period beginning on the date of the enactment of this Act.

(b) TRANSITIONS PROVISIONS.—(1) In the case of an agreement entered into under section 4118 of title 38, United States Code, before the date of the enactment of this Act that expires after the effective date specified in subsection (a), the Secretary of Veterans Affairs and the physician or dentist concerned may agree to terminate that agreement as of that effective date in order to permit a new agreement under subchapter III of chapter 74 of title 38, United States Code, as added by section 102, to take effect as of that effective date.

(2) In the case of an agreement entered into under section 4118 of title 38, United States Code, before the date of the enactment of this Act that expires during the period beginning on the date of the enactment of this Act and ending on the effective date specified in subsection (a), an extension or renewal of that agreement may not extend beyond that effective date.

(3) In the case of a physician or dentist who begins employment with the Department of Veterans Affairs during the period beginning on the date of the enactment of this Act and ending on the effective date specified in subsection (a) who is eligible for an agreement under section 4118 of title 38, United States Code, any such agreement may not extend beyond that effective date.

(c) SAVINGS PROVISION.—Except as provided in subsection (b)(1), any agreement entered into under section 4118 of title 38, United States Code, before the effective date specified in subsection (a) shall remain in effect in accordance with its terms and shall be treated for all purposes in accordance with such section as in effect on the day before such effective date.

(d) PROHIBITION OF RETROACTIVE AGREEMENTS.—An agreement entered into under subchapter III of chapter 74 of title 38, United States Code, as added by section 102, may not provide special pay with respect to a period before the effective date specified in subsection (a).

TITLE II—LABOR-MANAGEMENT RELATIONS

SEC. 201. SHORT TITLE.

This title may be cited as the "Department of Veterans Affairs Labor Relations Improvement Act of 1991".

SEC. 202. COLLECTIVE BARGAINING FOR TITLE 38 EMPLOYEES.

Chapter 74, as added by section 102, is amended by inserting before subchapter III the following:

"SUBCHAPTER II—COLLECTIVE BARGAINING AND PERSONNEL ADMINISTRATION

"§7421. Personnel administration: in general

"(a) Notwithstanding any law, Executive order, or regulation, the Secretary shall prescribe by regulation the hours and conditions of employment and leaves of absence of employees appointed under any provision of this chapter in positions in the Veterans Health Administration listed in subsection (b).

"(b) Subsection (a) refers to the following positions:

"(1) Physicians.

"(2) Dentists.

"(3) Podiatrists.

"(4) Optometrists.

"(5) Registered nurses.

"(6) Physician assistants.

"(7) Expanded-duty dental auxiliaries.

"§7422. Collective bargaining

"(a) Except as otherwise specifically provided in this title, the authority of the Secretary to prescribe regulations under section 7421 of this title is subject to the right of Federal employees to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with chapter 71 of title 5 (relating to labor-management relations).

"(b) Such collective bargaining (and any grievance procedures provided under a collective bargaining agreement) in the case of employees described in section 7421(b) of this title may not cover, or have any applicability to, any matter or question concerning or arising out of (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation under this title.

"(c) For purposes of this section, the term 'professional conduct or competence' means any of the following:

"(1) Direct patient care.

"(2) Clinical competence.

"(d) An issue of whether a matter or question concerns or arises out of (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation under this title shall be decided by the Secretary and is not itself subject to collective bargaining and may not be reviewed by any other agency.

"(e) A petition for judicial review or petition for enforcement under section 7123 of title 5 in any case involving employees described in section 7421(b) of this title or arising out of the applicability of chapter 71 of title 5 to employees in those positions, shall be taken only in the United States Court of Appeals for the District of Columbia Circuit.

"§7423. Personnel administration: full-time employees

"(a) The hours of employment in carrying out responsibilities under this title of any employee who is appointed in the Administration under any provision of this chapter on a full-time basis in a position listed in section 7421(b) of this title (other than an intern or resident appointed pursuant to section 7406 of this title) and who accepts responsibilities for carrying out professional services for remuneration other than those assigned under this title shall consist of not less than 80 hours in a biweekly pay period (as that term is used in section 5504 of title 5).

"(b) A person covered by subsection (a) may not do any of the following:

"(1) Assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Department facility, except in those cases where the person, upon request and with the approval of the Chief Medical Director, assumes such responsibilities to assist communities or medical practice groups to meet medical needs which would not otherwise be available for a period not to exceed 180 calendar days, which may be extended by the Chief Medical Director for additional periods not to exceed 180 calendar days each.

"(2) Teach or provide consultative services at any affiliated institution if such teaching or consultation will, because of its nature or duration, conflict with such person's responsibilities under this title.

"(3) Accept payment under any insurance or assistance program established under title XVIII or XIX of the Social Security Act or under chapter 55 of title 10 for professional services ren-

dered by such person while carrying out such person's responsibilities under this title.

"(4) Except from any source, with respect to any travel performed by such person in the course of carrying out such person's responsibilities under this title, any payment or per diem for such travel, other than as provided for in section 4111 of title 5.

"(5) Request or permit any individual or organization to pay, on such person's behalf for insurance insuring such person against malpractice claims arising in the course of carrying out such person's responsibilities under this title or for such person's dues or similar fees for membership in medical or dental societies or related professional associations, except where such payments constitute a part of such person's remuneration for the performance of professional responsibilities permitted under this section, other than those carried out under this title.

"(6) Perform, in the course of carrying out such person's responsibilities under this title, professional services for the purpose of generating money for any fund or account which is maintained by an affiliated institution for the benefit of such institution, or for such person's personal benefit, or both.

"(c) In the case of any fund or account described in subsection (b)(6) that was established before September 1, 1973—

"(1) The affiliated institution shall submit semiannually an accounting to the Secretary and to the Comptroller General of the United States with respect to such fund or account and shall maintain such fund or account subject to full public disclosure and audit by the Secretary and the Comptroller General for a period of three years or for such longer period as the Secretary shall prescribe, and

"(2) no person in a position specified in paragraph (1)(B) may receive any cash from amounts deposited in such fund or account derived from services performed before that date.

"(d) As used in this section:

"(1) The term 'affiliated institution' means a medical school or other institution of higher learning with which the Secretary has a contract or agreement as referred to in section 7313 of this title for the training or education of health personnel.

"(2) The term 'remuneration' means the receipt of any amount of monetary benefit from any non-Department source in payment for carrying out any professional responsibilities."

SEC. 203. ADVERSE PERSONNEL ACTIONS.

(a) REFORM OF DISCIPLINARY PROCEDURES FOR SECTION 7401(1) EMPLOYEES.—Chapter 74, as added by section 102 and amended by section 202, is further amended by adding at the end the following:

"SUBCHAPTER V—DISCIPLINARY AND GRIEVANCE PROCEDURES

"§7461. Adverse actions: section 7401(1) employees

"(a) Whenever the Chief Medical Director (or an official designated by the Chief Medical Director) brings charges based on conduct or performance against a section 7401(1) employee and as a result of those charges an adverse personnel action is taken against the employee, the employee shall have the right to appeal the action.

"(b)(1) If the case involves or includes a question of professional conduct or competence in which a major adverse action was taken, such an appeal shall be made to a Disciplinary Appeals Board under section 7462 of this title.

"(2) In any other case, such an appeal shall be made—

"(A) through Department grievance procedures under section 7463 of this title, in any case that involves or includes a question of profes-

sional conduct or competence in which a major adverse action was not taken or in any case of an employee who is not covered by a collective bargaining agreement under chapter 71 of title 5; or

"(B) through grievance procedures provided through collective bargaining under chapter 71 of title 5 or through Department grievance procedures under section 7463 of this title, as the employee elects, in the case of an employee covered by a collective bargaining agreement under chapter 71 of title 5 that does not involve or include a question of professional conduct or competence.

"(c) For purposes of this subchapter—

"(1) Section 7401(1) employees are employees of the Department employed on a full-time basis under a permanent appointment in a position listed in section 7401(1) of this title (other than interns and residents appointed pursuant to section 7406 of this title).

"(2) A major adverse action is an adverse action which includes any of the following:

"(A) Suspension.

"(B) Transfer.

"(C) Reduction in grade.

"(D) Reduction in basic pay.

"(E) Discharge.

"(3) A question of professional conduct or competence is a question involving any of the following:

"(A) Direct patient care.

"(B) Clinical competence.

"(d) An issue of whether a matter or question concerns, or arises out of, professional conduct or competence is not itself subject to any grievance procedure provided by law, regulation, or collective bargaining and may not be reviewed by any other agency.

"(e) Whenever the Secretary proposes to prescribe regulations under this subchapter, the Secretary shall publish the proposed regulations in the Federal Register for notice-and-comment not less than 30 days before the day on which they take effect.

"§7462. Major adverse actions involving professional conduct or competence

"(a)(1) Disciplinary Appeals Boards appointed under section 7464 of this title shall have exclusive jurisdiction to review any case—

"(A) which arises out of (or which includes) a question of professional conduct or competence of a section 7401(1) employee; and

"(B) in which a major adverse action was taken.

"(2) The board shall include in its record of decision in any mixed case a statement of the board's exclusive jurisdiction under this subsection and the basis for such exclusive jurisdiction.

"(3) For purposes of paragraph (2), a mixed case is a case that includes both a major adverse action arising out of a question of professional conduct or competence and an adverse action which is not a major adverse action or which does not arise out of a question of professional conduct or competence.

"(b)(1) In any case in which charges are brought against a section 7401(1) employee which arises out of, or includes, a question of professional conduct or competence which could result in a major adverse action, the employee is entitled to the following:

"(A) At least 30 days advance written notice from the Chief Medical Director or other charging official specifically stating the basis for each charge, the adverse actions that could be taken if the charges are sustained, and a statement of any specific law, regulation, policy, procedure, practice, or other specific instruction that has been violated with respect to each charge, except that the requirement for notification in advance may be waived if there is reasonable cause to believe that the employee has commit-

ted a crime for which the employee may be imprisoned.

"(B) A reasonable time, but not less than seven days, to present an answer orally and in writing to the Chief Medical Director or other deciding official, who shall be an official higher in rank than the charging official, and to submit affidavits and other documentary evidence in support of the answer.

"(2) In any case described in paragraph (1), the employee is entitled to be represented by an attorney or other representative of the employee's choice at all stages of the case.

"(3)(A) If a proposed adverse action covered by this section is not withdrawn, the deciding official shall render a decision in writing within 21 days of receipt by the deciding official of the employee's answer. The decision shall include a statement of the specific reasons for the decision with respect to each charge. If a major adverse action is imposed, the decision shall state whether any of the charges sustained arose out of a question of professional conduct or competence. If any of the charges are sustained, the notice of the decision to the employee shall include notice of the employee's rights of appeal.

"(B) Notwithstanding the 21-day period specified in subparagraph (A), a proposed adverse action may be held in abeyance if the employee requests, and the deciding official agrees, that the employee shall seek counseling or treatment for a condition covered under the Rehabilitation Act of 1973. Any such abeyance of a proposed action may not extend for more than one year.

"(4)(A) The Secretary may require that any answer and submission under paragraph (1)(B) be submitted so as to be received within 30 days of the date of the written notice of the charges, except that the Secretary shall allow the granting of extensions for good cause shown.

"(B) The Secretary shall require that any appeal to a Disciplinary Appeals Board from a decision to impose a major adverse action shall be received within 30 days after the date of service of the written decision on the employee.

"(c)(1) When a Disciplinary Appeals Board convenes to consider an appeal in a case under this section, the board, before proceeding to consider the merits of the appeal, shall determine whether the case is properly before it.

"(2) Upon hearing such an appeal, the board shall, with respect to each charge appealed to the board, sustain the charge, dismiss the charge, or sustain the charge in part and dismiss the charge in part. If the deciding official is sustained (in whole or in part) with respect to any such charge, the board shall—

"(A) approve the action as imposed;

"(B) approve the action with modification, reduction, or exception; or

"(C) reverse the action.

"(3) A board shall afford an employee appealing an adverse action under this section an opportunity for an oral hearing. If such a hearing is held, the board shall provide the employee with a transcript of the hearing.

"(4) The board shall render a decision in any case within 45 days of completion of the hearing, if there is a hearing, and in any event no later than 120 days after the appeal commenced.

"(d)(1) After resolving any question as to whether a matter involves professional conduct or competence, the Secretary shall cause to be executed the decision of the Disciplinary Appeals Board in a timely manner and in any event in not more than 90 days after the decision of the Board is received by the Secretary. Pursuant to the board's decision, the Secretary may order reinstatement, award back pay, and provide such other remedies as the board found appropriate relating directly to the proposed action, including expungement of records relating to the action.

"(2) If the Secretary finds a decision of the board to be clearly contrary to the evidence or unlawful, the Secretary may—

"(A) reverse the decision of the board, or

"(B) vacate the decision of the board and remand the matter to the Board for further consideration.

"(3) If the Secretary finds the decision of the board (while not clearly contrary to the evidence or unlawful) to be not justified by the nature of the charges, the Secretary may mitigate the adverse action imposed.

"(4) The Secretary's execution of a board's decision shall be the final administrative action in the case.

"(e) The Secretary may designate an employee of the Department to represent management in any case before a Disciplinary Appeals Board.

"(f)(1) A section 7401(1) employee adversely affected by a final order or decision of a Disciplinary Appeals Board (as reviewed by the Secretary) may obtain judicial review of the order or decision.

"(2) In any case in which judicial review is sought under this subsection, the court shall review the record and hold unlawful and set aside any agency action, finding, or conclusion found to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) obtained without procedures required by law, rule, or regulation having been followed; or

"(C) unsupported by substantial evidence.

"§7463. Other adverse actions

"(a) The Secretary shall prescribe by regulation procedures for the consideration of grievances of section 7401(1) employees arising from adverse personnel actions in which each action taken either—

"(1) is not a major adverse action; or

"(2) does not arise out of a question of professional conduct or competence.

Disciplinary Appeals Boards shall not have jurisdiction to review such matters, other than as part of a mixed case (as defined in section 7462(a)(3) of this title).

"(b) In the case of an employee who is a member of a collective bargaining unit under chapter 71 of title 5, the employee may seek review of an adverse action described in subsection (a) either under the grievance procedures provided through regulations prescribed under subsection (a) or through grievance procedures determined through collective bargaining, but not under both. The employee shall elect which grievance procedure to follow. Any such election may not be revoked.

"(c)(1) In any case in which charges are brought against a section 7401(1) employee which could result in a major adverse action and which do not involve professional conduct or competence, the employee is entitled to the same notice and opportunity to answer with respect to those charges as provided in subparagraphs (A) and (B) of section 7462(b)(1) of this title.

"(2) In any other case in which charges are brought against a section 7401(1) employee, the employee is entitled to—

"(A) an advance written notice stating the specific reason for the proposed action, and

"(B) a reasonable time to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer.

"(d) Grievance procedures prescribed under subsection (a) shall include the following:

"(1) A right to formal review by an impartial examiner within the Department of Veterans Affairs, who, in the case of an adverse action arising from a question of professional conduct or competence, shall be selected from the panel designated under section 7464 of this title.

"(2) A right to a prompt report of the findings and recommendations by the impartial examiner.

"(3) A right to a prompt review of the examiner's findings and recommendations by an offi-

cial of a higher level than the official who decided upon the action. That official may accept, modify, or reject the examiner's recommendations.

"(e) In any review of an adverse action under the grievance procedures prescribed under subsection (a), the employee is entitled to be represented by an attorney or other representative of the employee's choice at all stages of the case.

"§7464. Disciplinary Appeals Boards

"(a) The Secretary shall from time to time appoint boards to hear appeals of major adverse actions described in section 7462 of this title. Such boards shall be known as Disciplinary Appeals Boards. Each board shall consist of three employees of the Department, each of whom shall be of the same grade as, or be senior in grade to, the employee who is appealing an adverse action. At least two of the members of each board shall be employed in the same category of position as the employee who is appealing the adverse action. Members of a board shall be appointed from individuals on the panel established under subsection (d).

"(b)(1) In appointing a board for any case, the Secretary shall designate one of the members to be chairman and one of the members to be secretary of the board, each of whom shall have authority to administer oaths.

"(2) Appointment of boards, and the proceedings of such boards, shall be carried out under regulations prescribed by the Secretary. A verbatim record shall be maintained of board hearings.

"(c)(1) Notwithstanding sections 5701 and 7332 of this title, the chairman of a board, upon request of an employee whose case is under consideration by the board (or a representative of that employee) may, in connection with the considerations of the board, review records or information covered by those sections and may authorize the disclosure of such records or information to that employee (or representative) to the extent the board considers appropriate for purposes of the proceedings of the board in that case.

"(2) In any such case the board chairman may direct that measures be taken to protect the personal privacy of individuals whose records are involved. Any person who uses or discloses a record or information covered by this subsection for any purpose other than in connection with the proceedings of the board shall be fined not more than \$5,000 in the case of a first offense and not more than \$20,000 in the case of a subsequent offense.

"(d)(1) The Secretary shall provide for the periodic designation of employees of the Department who are qualified to serve on Disciplinary Appeals Boards. Those employees shall constitute the panel from which board members in a case are appointed. The Secretary shall provide (without charge) a list of the names of employees on the panel to any person requesting such list.

"(2) The Secretary shall announce periodically, and not less often than annually, that the roster of employees on the panel is available as described in paragraph (1). Such announcement shall be made at Department medical facilities and through publication in the Federal Register. Notice of a name being on the list must be provided at least 30 days before the individual selected may serve on a Board or as a grievance examiner. Employees, employee organizations, and other interested parties may submit comments to the Secretary concerning the suitability for service on the panel of any employee whose name is on the list.

"(3) The Secretary shall provide training in the functions and duties of Disciplinary Appeals Boards and grievance procedures under section 7463 of this title for employees selected to be on the panel."

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 74, as added by section 102, is amended—

(1) by inserting before the item relating to subchapter III the following:

"SUBCHAPTER II—COLLECTIVE BARGAINING AND PERSONNEL ADMINISTRATION

"7421. Personnel administration: in general.

"7422. Collective bargaining.

"7423. Personnel administration: full-time employees."; and

(2) by adding at the end the following:

"SUBCHAPTER V—DISCIPLINARY AND GRIEVANCE PROCEDURES

"7461. Adverse actions: section 7401(1) employees.

"7462. Major adverse actions involving professional conduct or competence.

"7463. Other adverse actions.

"7464. Disciplinary Appeals Boards."

SEC. 204. DEADLINE FOR REGULATIONS.

The Secretary of Veterans Affairs shall prescribe regulations under subchapter V of chapter 74 of title 38, United States Code (as added by section 203), not later than 180 days after the date of the enactment of this Act. Such regulations shall be published in the Federal Register for notice-and-comment not less than 30 days before the day on which they take effect.

SEC. 205. PRESERVATION OF EXISTING COLLECTIVE-BARGAINING ARRANGEMENTS AND PENDING ACTIONS.

(a) EXISTING COLLECTIVE-BARGAINING ARRANGEMENTS.—Any determination under chapter 71 of title 5, United States Code, of a collective bargaining unit within the Veterans Health Administration of the Department of Veterans Affairs, and any recognition under that chapter of an employee labor organization as the exclusive bargaining representative for employees in a collective bargaining unit of the Department of Veterans Affairs, that is in effect on the date of the enactment of this Act shall not be affected by the amendments made by this Act and shall continue in effect in accordance with the terms of such determination or regulation.

(b) PENDING CASES.—With respect to cases pending on the date of the enactment of this Act, or those cases which are brought before the establishment of either an administrative grievance procedure pursuant to section 7463 of title 38, United States Code (as added by the amendments made by this title), or a negotiated grievance procedure established under a collective bargaining agreement, such cases shall proceed in the same manner as they would have if this Act had not been enacted.

TITLE III—MISCELLANEOUS

SEC. 301. AMENDMENTS TO PROVISIONS ENACTED BY THE DEPARTMENT OF VETERANS AFFAIRS NURSE PAY ACT OF 1990.

(a) SAVINGS PROVISION.—Physician assistants and expanded-function dental auxiliaries shall continue to be paid after August 14, 1990, according to the Nurse Schedule in section 4107(b) of title 38, United States Code, as in effect on August 14, 1990, until the effective date of a determination by the Secretary to convert those occupations to "covered positions" and pay them pursuant to section 7451 of such title, as redesignated by section 401(c).

(b) CHIEF MEDICAL DIRECTOR AUTHORITY.—Section 4141(d) is amended—

(1) in paragraph (1)(B), by inserting "or the Chief Medical Director, with respect to covered Regional and Central Office employees in that grade," before "determines";

(2) in paragraph (3)—

(A) by redesignating subparagraph (C) as subparagraph (D) and by inserting "or Chief Medical Director" in that subparagraph after "facility"; and

(B) by inserting after subparagraph (B) the following:

"(C) The Chief Medical Director shall prescribe regulations providing for the adjustment of the rates of basic pay for Regional and Central Office employees in covered positions in order to assure that those rates are sufficient and competitive."; and

(3) in paragraph (4), by inserting ", or the Chief Medical Director with respect to Regional and Central Office employees," in the first sentence after "facility" the first place it appears.

(c) INCLUSION OF CERTAIN TITLE 5 EMPLOYEES.—Section 4141(a)(3) is amended by inserting "or chapter 53 of title 5" before the period at the end.

(d) TECHNICAL AMENDMENT.—Section 4142(a)(3) is amended by striking out "appointed" and inserting in lieu thereof "paid".

(e) EFFECTIVE DATE.—Section 104(a)(2) of Public Law 101-366 is amended by inserting "the first day of the first pay period beginning after" before "April 1, 1991".

SEC. 302. EXTENSION OF ANNUAL REPORT ON FURNISHING NONSERVICE-CONNECTED HEALTH CARE.

Section 19011(e)(1) of the Veterans' Health Care Amendments of 1986 (38 U.S.C. 610 note) is amended by striking out "each of" and all that follows through "1989" and inserting in lieu thereof "each fiscal year through fiscal year 1991".

SEC. 303. ADMINISTRATIVE REORGANIZATION AUTHORITY.

Section 210(b)(2) is amended—

(1) in subparagraph (A), by striking out the second and third sentences and inserting in lieu thereof the following: "No action to carry out such reorganization may be taken after the submission of such report until the end of a 90-day period of continuous session of Congress following the date of the submission of the report. For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 90-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.";

(2) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) An administrative reorganization described in this subparagraph is an administrative reorganization of a covered field office or facility that involves a reduction during any fiscal year in the number of full-time equivalent employees with permanent duty stations at such office or facility—

"(i) by 15 percent or more; or

"(ii) by a percent which, when added to the percent reduction made in the number of such employees with permanent duty stations at such office or facility during the preceding fiscal year, is 25 percent or more.";

(3) in subparagraph (C)—

(A) by inserting "administrative" before "reorganization" the first place it appears;

(B) by striking out "the reorganization" after "applies to" and inserting in lieu thereof "an administrative reorganization";

(C) by striking out "more than 25 but less than 100 employees" and inserting in lieu thereof "30 or more employees"; and

(D) by striking out "in such unit—" and all that follows and inserting in lieu thereof "in such unit by 50 percent or more."; and

(4) in subparagraph (D)—

(A) by adding at the end of clause (i) the following new sentence: "Such term does not include a consolidation or redistribution of functions at a covered field office or facility, or between components of the Veterans Benefits Administration and the Veterans Health Administration at a Department medical and regional

office center, if after the consolidation or redistribution the same number of full-time equivalent employees continues to perform the affected functions at that field office, facility, or center.";

(B) by striking out clause (ii); and

(C) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

SEC. 304. TECHNICAL CORRECTION TO LIMITATION ON PAYMENT OF PENSION TO VETERANS IN NURSING HOMES.

(a) EXCLUSION OF STATE HOMES.—Section 3203(f)(1)(B) is amended by inserting before the period at the end the following: ", other than a facility that is a State home with respect to which the Secretary makes per diem payments for nursing home care pursuant to section 641(a) of this title".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if included in the amendment made by section 8003(a) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388-874).

SEC. 305. TECHNICAL AMENDMENTS.

(a) SECTION 3202.—Section 3202(d) is amended by striking out "an inmate" and inserting in lieu thereof "a patient".

(b) SUBCHAPTER HEADING.—(1) The heading of subchapter II of chapter 85 is amended by striking out "INMATE" and inserting in lieu thereof "PATIENT".

(2) The item relating to such subchapter heading in the table of sections at the beginning of such chapter is amended by striking out "INMATE" and inserting in lieu thereof "PATIENT".

TITLE IV—REORGANIZATION AND REDESIGNATION OF PARTS IV, V, AND VI OF TITLE 38

SEC. 401. FURTHER REVISION AND REORGANIZATION OF CHAPTER 73.

(a) IN GENERAL.—Chapter 73 is amended as follows:

(1) The heading of such chapter is amended to read as follows:

"CHAPTER 73—VETERANS HEALTH ADMINISTRATION—ORGANIZATION AND FUNCTIONS"

(2) Such chapter is amended—

(A) by striking out subchapter V; and

(B) by redesignating subchapter VI as subchapter IV.

(3) Such chapter is further amended by striking out the table of sections and subchapters I and II and inserting in lieu thereof the following:

"SUBCHAPTER I—ORGANIZATION

"Sec.

"7301. Functions of Veterans Health Administration: in general.

"7302. Functions of Veterans Health Administration: health-care personnel education and training programs.

"7303. Functions of Veterans Health Administration: research programs.

"7304. Regulations.

"7305. Divisions of Veterans Health Administration.

"7306. Office of the Chief Medical Director.

"SUBCHAPTER II—GENERAL AUTHORITY AND ADMINISTRATION

"7311. Quality assurance.

"7312. Special medical advisory group.

"7313. Advisory committees: affiliated institutions.

"7314. Geriatric research, education, and clinical centers.

"7315. Geriatrics and Gerontology Advisory Committee.

"7316. Malpractice and negligence suits: defense by United States.

"7317. Hazardous research projects: indemnification of contractors.

"SUBCHAPTER III—PATIENT RIGHTS

- "7331. Informed consent.
- "7332. Confidentiality of certain medical records.
- "7333. Nondiscrimination against alcohol and drug abusers and persons infected with human immunodeficiency virus.
- "7334. Regulations.

"SUBCHAPTER IV—RESEARCH CORPORATIONS

- "7361. Authority to establish; status.
- "7362. Purpose of corporations.
- "7363. Board of directors; executive director.
- "7364. General powers.
- "7365. Applicable State law.
- "7366. Accountability and oversight.
- "7367. Report to Congress.
- "7368. Expiration of authority.

"SUBCHAPTER I—ORGANIZATION; GENERAL

"§7301. Functions of Veterans Health Administration: in general

"(a) There is in the Department of Veterans Affairs a Veterans Health Administration. The Chief Medical Director is the head of the Administration.

"(b) The primary function of the Administration is to provide a complete medical and hospital service for the medical care and treatment of veterans, as provided in this title and in regulations prescribed by the Secretary pursuant to this title.

"§7302. Functions of Veterans Health Administration: health-care personnel education and training programs

"(a) In order to carry out more effectively the primary function of the Veterans Health Administration and in order to assist in providing an adequate supply of health personnel to the Nation, the Secretary—

- "(1) to the extent feasible without interfering with the medical care and treatment of veterans, shall develop and carry out a program of education and training of health personnel; and
- "(2) shall carry out a major program for the recruitment, training, and employment of veterans with medical military occupation specialties as—

- "(A) physician assistants,
- "(B) expanded-function dental auxiliaries; and
- "(C) other medical technicians.

"(b) In carrying out subsection (a)(1), the Secretary shall include in the program of education and training under that subsection the developing and evaluating of new health careers, interdisciplinary approaches, and career advancement opportunities.

"(c) In carrying out subsection (a)(2), the Secretary shall include in the program of recruitment, training, and employment under that subsection measures to advise all qualified veterans with military occupation specialties referred to in that subsection, and all members of the armed forces about to be discharged or released from active duty who have such military occupation specialties, of employment opportunities with the Administration.

"(d) The Secretary shall carry out subsection (a) in cooperation with the following institutions and organizations:

- "(1) Schools of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry, public health, or allied health professions.
- "(2) Other institutions of higher learning.
- "(3) Medical centers.
- "(4) Academic health centers.
- "(5) Hospitals.
- "(6) Such other public or nonprofit agencies, institutions, or organizations as the Secretary considers appropriate.

"§7303. Functions of Veterans Health Administration: research programs

"(a)(1) In order to carry out more effectively the primary function of the Administration and

in order to contribute to the Nation's knowledge about disease and disability, the Secretary shall carry out a program of medical research in connection with the provision of medical care and treatment to veterans.

"(2) Such program of medical research shall include biomedical research, mental illness research, prosthetic and other rehabilitative research, and health-care-services research.

"(3) Such program shall stress—

- "(A) research into spinal-cord injuries and other diseases that lead to paralysis of the lower extremities; and
- "(B) research into injuries and illnesses particularly related to service.

"(4) In carrying out such research program, the Secretary shall act in cooperation with the entities described in section 7302(d) of this title.

"(b) Prosthetic research shall include research and testing in the field of prosthetic, orthotic, and orthopedic appliances and sensory devices. In order that the unique investigative material and research data in the possession of the Government may result in the improvement of such appliances and devices for all disabled persons, the Secretary (through the Chief Medical Director) shall make the results of such research available to any person, and shall consult and cooperate with the Secretary of Health and Human Services and the Secretary of Education, in connection with programs carried out under section 204(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)(2)) (relating to the establishment and support of Rehabilitation Engineering Research Centers).

"(c) Funds appropriated to carry out this section shall remain available until expended.

"§7304. Regulations

"(a) Unless specifically otherwise provided, the Chief Medical Director shall prescribe all regulations necessary to the administration of the Veterans Health Administration, including regulations relating to—

- "(1) travel, transportation of household goods and effects, and deductions from pay for quarters and subsistence; and
- "(2) the custody, use, and preservation of the records, papers, and property of the Administration.

"(b) Regulations prescribed by the Chief Medical Director are subject to the approval of the Secretary.

"§7305. Divisions of Veterans Health Administration

"The Veterans Health Administration shall include the following:

- "(1) The Office of the Chief Medical Director.
- "(2) A Medical Service.
- "(3) A Dental Service.
- "(4) A Podiatric Service.
- "(5) An Optometric Service.
- "(6) A Nursing Service.
- "(7) Such other professional and auxiliary services as the Secretary may find to be necessary to carry out the functions of the Administration.

"§7306. Office of the Chief Medical Director

"(a) The Office of the Chief Medical Director shall consist of the following:

- "(1) The Deputy Chief Medical Director, who shall be the principal assistant of the Chief Medical Director and who shall be a qualified doctor of medicine.
- "(2) The Associate Deputy Chief Medical Director, who shall be an assistant to the Chief Medical Director and the Deputy Chief Medical Director and who shall be a qualified doctor of medicine.
- "(3) Not to exceed eight Assistant Chief Medical Directors.
- "(4) Such Medical Directors as may be appointed to suit the needs of the Department, who shall be either a qualified doctor of medi-

cine or a qualified doctor of dental surgery or dental medicine.

"(5) A Director of Nursing Service, who shall be a qualified registered nurse and who shall be responsible to the Chief Medical Director for the operation of the Nursing Service.

"(6) A Director of Pharmacy Service, a Director of Dietetic Service, a Director of Podiatric Service, and a Director of Optometric Service, who shall be responsible to the Chief Medical Director for the operation of their respective Services.

"(7) Such other personnel as may be authorized by this chapter.

"(b) Of the Assistant Chief Medical Directors appointed under subsection (a)(3)—

"(1) not more than two may be persons qualified in the administration of health services who are not doctors of medicine, dental surgery, or dental medicines;

"(2) one shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operation of the Dental Service; and

"(3) one shall be a qualified physician trained in, or having suitable extensive experience in, geriatrics who shall be responsible to the Chief Medical Director for evaluating all research, educational, and clinical health-care programs carried out in the Administration in the field of geriatrics and who shall serve as the principal advisor to the Chief Medical Director with respect to such programs.

"(c) Appointments under subsection (a) shall be made by the Secretary. In the case of appointments under paragraphs (1), (2), (3), and (4) of that subsection, such appointments shall be made upon the recommendation of the Chief Medical Director.

"(d) Except as provided in subsection (e)—

"(1) any appointment under this section shall be for a period of four years, with reappointment permissible for successive like periods,

"(2) any such appointment or reappointment may be extended by the Secretary for a period not in excess of three years, and

"(3) any person so appointed or reappointed or whose appointment or reappointment is extended shall be subject to removal by the Secretary for cause.

"(e)(1) The Secretary may designate a member of the Chaplain Service of the Department as Director, Chaplain Service, for a period of two years, subject to removal by the Secretary for cause. Redesignation under this subsection may be made for successive like periods or for any period not exceeding two years.

"(2) A person designated as Director, Chaplain Service, shall at the end of such person's period of service as Director revert to the position, grade, and status which such person held immediately before being designated Director, Chaplain Service, and all service as Director, Chaplain Service, shall be creditable as service in the former position.

"SUBCHAPTER II—GENERAL AUTHORITY AND ADMINISTRATION

"§7311. Quality assurance

"(a) The Secretary shall—

"(1) establish and conduct a comprehensive program to monitor and evaluate the quality of health care furnished by the Veterans Health Administration (hereinafter in this section referred to as the 'quality-assurance program'); and

"(2) delineate the responsibilities of the Chief Medical Director with respect to the quality-assurance program, including the duties prescribed in this section.

"(b)(1) As part of the quality-assurance program, the Chief Medical Director shall periodically evaluate—

"(A) whether there are significant deviations in mortality and morbidity rates for surgical

procedures performed by the Administration from prevailing national mortality and morbidity standards for similar procedures; and

"(B) if there are such deviations, whether they indicate deficiencies in the quality of health care provided by the Administration.

"(2) The evaluation under paragraph (1)(A) shall be made using the information compiled under subsection (c)(1). The evaluation under paragraph (1)(B) shall be made taking into account the factors described in subsection (c)(2)(B).

"(3) If, based upon an evaluation under paragraph (1)(A), the Chief Medical Director determines that there is a deviation referred to in that paragraph, the Chief Medical Director shall explain the deviation in the report submitted under subsection (f).

"(c)(1) The Chief Medical Director shall—
 "(A) determine the prevailing national mortality and morbidity standards for each type of surgical procedure performed by the Administration; and

"(B) collect data and other information on mortality and morbidity rates in the Administration for each type of surgical procedure performed by the Administration and (with respect to each such procedure) compile the data and other information so collected—

"(i) for each medical facility of the Department, in the case of cardiac surgery, heart transplant, and renal transplant programs; and
 "(ii) in the aggregate, for each other type of surgical procedure.

"(2) The Chief Medical Director shall—
 "(A) compare the mortality and morbidity rates compiled under paragraph (1)(B) with the national mortality and morbidity standards determined under paragraph (1)(A); and
 "(B) analyze any deviation between such rates and such standards in terms of the following:

"(i) The characteristics of the respective patient populations.
 "(ii) The level of risk for the procedure involved, based on—

"(I) patient age;
 "(II) the type and severity of the disease;
 "(III) the effect of any complicating diseases; and
 "(IV) the degree of difficulty of the procedure.

"(iii) Any other factor that the Chief Medical Director considers appropriate.

"(d) Based on the information compiled and the comparisons, analyses, evaluations, and explanations made under subsections (b) and (c), the Chief Medical Director, in the report under subsection (f), shall make such recommendations with respect to quality assurance as the Chief Medical Director considers appropriate.

"(e)(1) The Secretary shall allocate sufficient resources (including sufficient personnel with the necessary skills and qualifications) to enable the Administration to carry out its responsibilities under this section.

"(2) The Inspector General of the Department shall allocate sufficient resources (including sufficient personnel with the necessary skills and qualifications) to enable the Inspector General to monitor the quality-assurance program.

"(f)(1) Not later than February 1, 1991, the Chief Medical Director shall submit to the Secretary a report on the experience through the end of the preceding fiscal year under the quality-assurance program carried out under this section.

"(2) Such report shall include—
 "(A) the data and other information compiled and the comparisons, analyses, and evaluations made under subsections (b) and (c) with respect to the period covered by the report; and
 "(B) recommendations under subsection (d).

"(g)(1) Not later than 60 days after receiving such report, the Secretary shall submit to the

Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comment concerning the report that the Secretary considers appropriate.

"(2) A report submitted under paragraph (1) shall not be considered to be a record or document as described in section 5705(a) of this title.

"§7312. Special medical advisory group

"(a) The Secretary shall establish an advisory committee to be known as the special medical advisory group. The advisory group shall advise the Secretary, through the Chief Medical Director, and the Chief Medical Director directly, relative to the care and treatment of disabled veterans and other matters pertinent to the Administration.

"(b) Members of the special medical advisory group shall be appointed by the Secretary upon the recommendation of the Chief Medical Director. The special medical advisory group shall be composed of—

"(1) members of the medical, dental, podiatric, optometric, and allied scientific professions;

"(2) other individuals considered by the Chief Medical Director to have experience pertinent to the mission of the Administration; and
 "(3) a disabled veteran.

"(c) The special medical advisory group shall meet on a regular basis as prescribed by the Secretary. The number, terms of service, pay, and allowances of members of the advisory group shall be prescribed in accordance with existing law and regulations.

"(d) Not later than February 1 of each year, the special medical advisory group shall submit to the Secretary and the Congress a report on the advisory groups activities during the preceding fiscal year.

"§7313. Advisory committees: affiliated institutions

"(a) In each case where the Secretary has a contract or agreement with any school, institution of higher learning, medical center, hospital, or other public or nonprofit agency, institution, or organization for the training or education of health personnel, the Secretary shall establish an advisory committee to advise the Secretary and the Chief Medical Director with respect to policy matters arising in connection with, and the operation of, the program with respect to which it was appointed. Such a committee may be a dean's committee, a medical advisory committee, or the like.

"(b) Any such advisory committee may be established on an institution-wide, multi-disciplinary basis or on a regional basis whenever establishment on such a basis is found to be feasible.

"(c) Members of each such advisory committee shall be appointed by the Secretary and shall include personnel of the Department (including appropriate representation from the full-time staff) and of the entity with which the Secretary has entered into the contract or agreement. The number of members, and terms of members, of each advisory committee shall be prescribed by the Secretary.

"(d) The Secretary shall require that the Chief of the Nursing Service (or the designee of the Chief) at each Department health-care facility be included in the membership of each policymaking committee at that facility. Such committees include: (1) committees relating to matters such as budget, education, position management, clinical executive issues, planning, and resource allocation, and (2) the dean's committee or other advisory committee established under subsection (a).

"§7314. Geriatric research, education, and clinical centers

"(a) The Secretary, upon the recommendation of the Chief Medical Director and pursuant to the provisions of this section, shall designate

not more than 25 Department health-care facilities as the locations for centers of geriatric research, education, and clinical activities and (subject to the appropriation of sufficient funds for such purpose) shall establish and operate such centers at such locations in accordance with this section.

"(b) In designating locations for centers under subsection (a), the Secretary, upon the recommendation of the Chief Medical Director, shall—

"(1) designate each Department health-care facility that as of August 26, 1980, was operating a geriatric research, education, and clinical center unless (on the recommendation of the Chief Medical Director) the Secretary determines that such facility does not meet the requirements of subsection (c) or has not demonstrated effectiveness in carrying out the established purposes of such center or the purposes of title III of the Veterans' Administration Health-Care Amendments of 1980 (Public Law 96-330; 94 Stat. 1048) or the potential to carry out such purposes effectively in the reasonably foreseeable future; and

"(2) assure appropriate geographic distribution of such facilities.

"(c) The Secretary may not designate a health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Chief Medical Director) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

"(1) An arrangement with an accredited medical school which provides education and training in geriatrics and with which such facility is affiliated under which residents receive education and training in geriatrics through regular rotation through such center and through nursing home, extended care, or domiciliary units of such facility so as to provide such residents with training in the diagnosis and treatment of chronic diseases of older individuals, including cardiopulmonary conditions, senile dementia, and neurological disorders.

"(2) An arrangement under which nursing or allied health personnel receive training and education in geriatrics through regular rotation through nursing home, extended care, or domiciliary units of such facility.

"(3) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

"(4) A policymaking advisory committee composed of appropriate health-care and research representatives of the facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of such center during the period of the operation of such center.

"(5) The capability to conduct effectively evaluations of the activities of such center.

"(d) Before providing funds for the operation of any such center at a health-care facility other than a health-care facility designated under subsection (b)(1), the Secretary shall assure that the center at each facility designated under such subsection is receiving adequate funding to enable such center to function effectively in the areas of geriatric research, education, and clinical activities.

"(e) There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Chief Medical Director shall allocate to such centers from other funds appropriated generally for the Department medical care account and medical and prosthetics research account, as appropriate, such amounts as the Chief Medical Director determines appropriate.

"(f) Activities of clinical and scientific investigation at each center established under sub-

section (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account and shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in geriatrics and gerontology.

"§7315. Geriatrics and Gerontology Advisory Committee

"(a) The Secretary shall establish in the Administration a Geriatrics and Gerontology Advisory Committee (hereinafter in this section referred to as the 'Committee'). The membership of the Committee shall be appointed by the Secretary, upon the recommendation of the Chief Medical Director, and shall include individuals who are not employees of the Federal Government and who have demonstrated interest and expertise in research, education, and clinical activities related to aging and at least one representative of a national veterans service organization. The Secretary, upon the recommendation of the Chief Medical Director, shall invite representatives of other appropriate departments and agencies of the United States to participate in the activities of the Committee and shall provide the Committee with such staff and other support as may be necessary for the Committee to carry out effectively its functions under this section.

"(b) The Committee shall—

"(1) advise the Chief Medical Director on all matters pertaining to geriatrics and gerontology;

"(2) assess, through an evaluation process (including a site visit conducted not later than three years after the date of the establishment of each new center and not later than two years after the date of the last evaluation of those centers in operation on August 26, 1980), the ability of each center established under section 7314 of this title to achieve its established purposes and the purposes of title III of the Veterans' Administration Health-Care Amendments of 1980 (Public Law 96-330; 94 Stat. 1048);

"(3) assess the capability of the Department to provide high quality geriatric services, extended services, and other health-care services to eligible older veterans, taking into consideration the likely demand for such services from such veterans;

"(4) assess the current and projected needs of eligible older veterans for geriatric services, extended-care services, and other health-care services from the Department and its activities and plans designed to meet such needs; and

"(5) perform such additional functions as the Secretary or Chief Medical Director may direct.

"(c)(1) The Committee shall submit to the Secretary, through the Chief Medical Director, such reports as the Committee considers appropriate with respect to its findings and conclusions under subsection (b). Such reports shall include the following:

"(A) Descriptions of the operations of the centers of geriatric research, education, and clinical activities established pursuant to section 7314 of this title.

"(B) Assessments of the quality of the operations of such centers.

"(C) An assessment of the extent to which the Department, through the operation of such centers and other health-care facilities and programs, is meeting the needs of eligible older veterans for geriatric services, extended-care services, and other health-care services.

"(D) Assessments of and recommendations for correcting any deficiencies in the operations of such centers.

"(E) Recommendations for such other geriatric services, extended-care services, and other health-care services as may be needed to meet the needs of older veterans.

"(2) Not later than 90 days after receipt of a report submitted under paragraph (1), the Sec-

retary shall transmit the report, together with the Secretary's comments and recommendations thereon, to the appropriate committees of the Congress.

"§7316. Malpractice and negligence suits: defense by United States

"(a)(1) The remedy—

"(A) against the United States provided by sections 1346(b) and 2672 of title 28, or

"(B) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of title 28,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a medical care employee of the Administration in furnishing medical care or treatment while in the exercise of that employee's duties in or for the Administration shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the medical care employee (or employee's estate) whose act or omission gave rise to such claim.

"(2) For purposes of paragraph (1), the term 'medical care employee of the Administration' means a physician, dentist, podiatrist, optometrist, nurse, physician assistant, expanded-function dental auxiliary, pharmacist, or paramedical (such as medical and dental technicians, nursing assistants, and therapists), or other supporting personnel.

"(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) (or such person's estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person or an attested true copy thereof to such person's immediate superior or to whomever was designated by the Secretary to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Secretary.

"(c) Upon a certification by the Attorney General that the defendant was acting in the scope of such person's employment in or for the Administration at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of such person's office or employment, the case shall be remanded to the State court.

"(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, and with the same effect.

"(e) The Secretary may, to the extent the Secretary considers appropriate, hold harmless or provide liability insurance for any person to whom the immunity provisions of this section apply (as described in subsection (a)), for damage for personal injury or death, or for property damage, negligently caused by such person while furnishing medical care or treatment (in-

cluding the conduct of clinical studies or investigations) in the exercise of such person's duties in or for the Administration, if such person is assigned to a foreign country, detailed to State or political division thereof, or is acting under any other circumstances which would preclude the remedies of an injured third person against the United States, provided by sections 1346(b) and 2672 of title 28, for such damage or injury.

"(f) The exception provided in section 2680(h) of title 28 shall not apply to any claim arising out of a negligent or wrongful act or omission of any person described in subsection (a) in furnishing medical care or treatment (including medical care or treatment furnished in the course of a clinical study or investigation) while in the exercise of such person's duties in or for the Administration.

"§7317. Hazardous research projects: indemnification of contractors

"(a)(1) With the approval of the Secretary, any contract or research authorized by section 7303 of this title, the performance of which involves a risk of an unusually hazardous nature, may provide that the United States will indemnify the contractor as provided in paragraph (2), but only to the extent that the liability, loss, or damage concerned arises out of the direct performance of the contract and to the extent not covered by the financial protection required under subsection (e).

"(2) Indemnity under paragraph (1) is indemnity against either or both of the following:

"(A) Liability (including reasonable expenses of litigation or settlement) to third persons, except liability under State or Federal workers' injury compensation laws to employees of the contractor employed at the site of and in connection with the contract for which indemnification is granted, for death, bodily injury, or loss of or damage to property, from a risk that the contract defines as unusually hazardous.

"(B) Loss of or damage to property of the contractor from a risk that the contract defines as unusually hazardous.

"(b) A contract that provides for indemnification in accordance with subsection (a) must also provide for—

"(1) notice to the United States of any claim or suit against the contractor for death, bodily injury, or loss of or damage to property; and

"(2) control of or assistance in the defense by the United States, at its election, of any such suit or claim for which indemnification is provided hereunder.

"(c) A payment may not be made under subsection (a) unless the Secretary certifies that the amount is just and reasonable.

"(d) Upon approval by the Secretary, payments under subsection (a) may be made from—

"(1) funds obligated for the performance of the contract concerned;

"(2) funds available for research or development or both, and not otherwise obligated; or

"(3) funds appropriated for those payments.

"(e) Each contractor which is a party to an indemnification agreement under subsection (a) shall have and maintain financial protection of such type and in such amounts as the Secretary shall require to cover liability to third persons and loss of or damage to the contractor's property. The amount of financial protection required shall be the maximum amount of insurance available from private sources, except that the Secretary may establish a lesser amount, taking into consideration the cost and terms of private insurance. Such financial protection may include private insurance, private contractual indemnities, self-insurance, other proof of financial responsibility, or a combination of such measures.

"(f) In administering the provisions of this section, the Secretary may use the facilities and services of private insurance organizations and

may contract to pay a reasonable compensation therefor. Any contract made under the provisions of this section may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5), upon a showing by the Secretary that advertising is not reasonably practicable, and advance payments may be made under any such contract.

"(g) The authority to indemnify contractors under this section does not create any rights in third persons which would not otherwise exist by law.

"(h) Funds appropriated to carry out this section shall remain available until expended.

"(i) In this section, the term 'contractor' includes subcontractors of any tier under a contract containing an indemnification provision pursuant to subsection (a)."

(4) Such chapter is further amended—

(A) by redesignating sections 4131, 4132, 4133, and 4134 as sections 7331, 7332, 7333, and 7334, respectively; and

(B) by redesignating sections 4161, 4162, 4163, 4164, 4165, 4166, 4167, and 4168 as sections 7361, 7362, 7363, 7364, 7365, 7366, 7367, and 7368, respectively.

(b) ENACTMENT OF OTHER PROVISIONS OF OLD CHAPTER 73 IN NEW CHAPTER 74.—Chapter 74, as added by section 102 and amended by section 202, is amended as follows:

(1) The table of sections (as added by section 102 and amended by section 203(b)) is amended—
(A) by inserting at the beginning the following:

"SUBCHAPTER I—APPOINTMENTS

"Sec.
"7401. Appointments in Veterans Health Administration.

"7402. Qualifications of appointees.

"7403. Period of appointments; promotions.

"7404. Grades and pay scales.

"7405. Temporary full-time appointments, part-time appointments, and without-compensation appointments.

"7406. Residencies and internships.

"7407. Administrative provisions for section 7405 and 7406 appointments.

"7408. Appointment of additional employees.

"7409. Contracts for scarce medical specialist services.";

(B) by inserting after the item relating to section 7423 (as added by section 203(b)(1)) the following:

"7424. Travel expenses of certain employees.

"7425. Employees: laws not applicable.

"7426. Retirement rights.";

(C) by inserting after the item relating to section 7440 (as added by section 102) the following:

"SUBCHAPTER IV—PAY FOR NURSES AND OTHER HEALTH-CARE PERSONNEL

"7451. Nurses and other health-care personnel: competitive pay.

"7452. Nurses and other health-care personnel: administration of pay.

"7453. Nurses: additional pay.

"7454. Physician assistants and other health care professionals: additional pay.

"7455. Increases in rates of basic pay.

"7456. Nurses: special rules for weekend duty.

"7457. On-call pay.

"7458. Recruitment and retention bonus pay.";

and

(D) by adding at the end the following:

"SUBCHAPTER VI—REGIONAL MEDICAL EDUCATION CENTERS

"7471. Designation of Regional Medical Education Centers.

"7472. Supervision and staffing of Centers.

"7473. Personnel eligible for training.

"7474. Consultation.".

(2) Such chapter is further amended by inserting before subchapter II (as added by section 202) the following:

"SUBCHAPTER I—APPOINTMENTS

"§7401. Appointments in Veterans Health Administration

"There may be appointed by the Secretary such personnel as the Secretary may find necessary for the medical care of veterans (in addition to those in the Office of the Chief Medical Director appointed under section 7306 of this title), as follows:

"(1) Physicians, dentists, podiatrists, optometrists, registered nurses, physician assistants, and expanded-function dental auxiliaries.

"(2) Psychologists (other than those described in paragraph (3)), dietitians, and other scientific and professional personnel, such as microbiologists, chemists, biostatisticians, and medical and dental technologists.

"(3) Clinical or counseling psychologists who hold diplomas as diplomates in psychology from an accrediting authority approved by the Secretary, certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists.

"§7402.

"§7402. Qualifications of appointees

"(a) To be eligible for appointment to the positions in the Administration covered by subsection (b), a person must have the applicable qualifications set forth in that subsection.

"(b)(1) PHYSICIAN.—To be eligible to be appointed to a physician position, a person must—

"(A) hold the degree of doctor of medicine or of doctor of osteopathy from a college or university approved by the Secretary,

"(B) have completed an internship satisfactory to the Secretary, and

"(C) be licensed to practice medicine, surgery, or osteopathy in a State.

"(2) DENTIST.—To be eligible to be appointed to a dentist position, a person must—

"(A) hold the degree of doctor of dental surgery or dental medicine from a college or university approved by the Secretary, and

"(B) be licensed to practice dentistry in a State.

"(3) NURSE.—To be eligible to be appointed to a nurse position, a person must—

"(A) have successfully completed a full course of nursing in a recognized school of nursing, approved by the Secretary, and

"(B) be registered as a graduate nurse in a State.

"(4) DIRECTOR OF A HOSPITAL, DOMICILIARY, CENTER, OR OUTPATIENT CLINIC.—To be eligible to be appointed to a director position, a person must have such business and administrative experience and qualifications as the Secretary shall prescribe.

"(5) PODIATRIST.—To be eligible to be appointed to a podiatrist position, a person must—

"(A) hold the degree of doctor of podiatric medicine, or its equivalent, from a school of podiatric medicine approved by the Secretary, and

"(B) be licensed to practice podiatry in a State.

"(6) OPTOMETRIST.—To be eligible to be appointed to an optometrist position, a person must—

"(A) hold the degree of doctor of optometry, or its equivalent, from a school of optometry approved by the Secretary, and

"(B) be licensed to practice optometry in a State.

"(7) PHARMACIST.—To be eligible to be appointed to a pharmacist position, a person must—

"(A) hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy, approved by the Secretary, and

"(B) be registered as a pharmacist in a State.

"(8) PSYCHOLOGIST.—To be eligible to be appointed to a psychologist position, a person must—

"(A) hold a doctoral degree in psychology from a college or university approved by the Secretary,

"(B) have completed study for such degree in a specialty area of psychology and an internship which are satisfactory to the Secretary, and

"(C) be licensed or certified as a psychologist in a State, except that the Secretary may waive the requirement of licensure or certification for an individual psychologist for a period not to exceed two years on the condition that that psychologist provide patient care only under the direct supervision of a psychologist who is so licensed or certified.

"(9) OTHER HEALTH-CARE POSITIONS.—To be appointed as a physician assistant, expanded-function dental auxiliary, certified or registered respiratory therapist, licensed physical therapist, licensed practical or vocational nurse, occupational therapist, dietitian, microbiologist, chemist, biostatistician, medical technologist, dental technologist, or other position, a person must have such medical, dental, scientific, or technical qualifications as the Secretary shall prescribe.

"(c) Except as provided in section 7407(a) of this title, a person may not be appointed in the Administration to a position listed in section 7401(1) of this title unless the person is a citizen of the United States.

"(d) A person may not be appointed under section 7401(1) of this title to serve in the Administration in any direct patient-care capacity unless the Chief Medical Director determines that the person possesses such basic proficiency in spoken and written English as will permit such degree of communication with patients and other health-care personnel as will enable the person to carry out the person's health-care responsibilities satisfactorily. Any determination by the Chief Medical Director under this subsection shall be in accordance with regulations which the Secretary shall prescribe.

"(e) A person may not serve as Chief of Staff of a Department health-care facility if the person is not serving on a full-time basis.

"§7403. Period of appointments; promotions

"(a)(1) Appointments under this chapter of health-care professionals to whom this section applies may be made only after qualifications have been satisfactorily established in accordance with regulations prescribed by the Secretary, without regard to civil-service requirements.

"(2) This section applies to the following persons appointed under this chapter:

"(A) Physicians.

"(B) Dentists.

"(C) Podiatrists.

"(D) Optometrists.

"(E) Nurses.

"(F) Physician assistants.

"(G) Expanded-function dental auxiliaries.

"(b)(1) Appointments described in subsection (a) shall be for a probationary period of two years.

"(2) The record of each person serving under such an appointment in the Medical, Dental, and Nursing Services shall be reviewed from time to time by a board, appointed in accordance with regulations of the Secretary. If such a board finds that such person is not fully qualified and satisfactory, such person shall be separated from the service.

"(c) Promotions of persons to whom this section applies shall be made only after examination given in accordance with regulations prescribed by the Secretary. Advancement within grade may be made in increments of the minimum rate of basic pay of the grade in accordance with regulations prescribed by the Secretary.

"(d) In determining eligibility for reinstatement in the Federal civil service of persons ap-

pointed to positions in the Administration under this chapter who at the time of appointment have a civil-service status, and whose employment in the Administration is terminated, the period of service performed in the Administration shall be included in computing the period of service under applicable civil-service rules and regulations.

"(e) In accordance with regulations prescribed by the Secretary, the grade and annual rate of basic pay of a person to whom this section applies whose level of assignment is changed from a level of assignment in which the grade level is based on both the nature of the assignment and personal qualifications may be adjusted to the grade and annual rate of basic pay otherwise appropriate.

"(f)(1) Upon the recommendation of the Chief Medical Director, the Secretary may—

"(A) use the authority in subsection (a) to establish the qualifications for and (subject to paragraph (2)) to appoint individuals to positions listed in section 7401(3) of this title; and

"(B) use the authority provided in subsection (c) for the promotion and advancement of Department employees serving in such positions.

"(2) In using such authority to appoint individuals to such positions, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.

"(3) Notwithstanding any other provision of this title or other law, all matters relating to adverse actions, disciplinary actions, and grievance procedures involving individuals appointed to such positions (including similar actions and procedures involving an employee in a probationary status) shall be resolved under the provisions of title 5 as though such individuals had been appointed under that title.

"(g)(1) The Secretary may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title) an individual who—

"(A) has a recognized degree or certificate from an accredited institution in a health-care profession or occupation; and

"(B) has successfully completed a clinical education program affiliated with the Department.

"(2) In using the authority provided by this subsection, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.

"§7404. Grades and pay scales

"(a) The annual rates or ranges of rates of basic pay for positions provided in section 7306 of this title shall be prescribed from time to time by Executive order as authorized by chapter 53 of title 5 or as otherwise authorized by law.

"(b)(1) The grades for positions provided for in paragraph (1) of section 7401 of this title shall be as follows. The annual ranges of rates of basic pay for those grades shall be prescribed from time to time by Executive order as authorized by chapter 53 of title 5 or as otherwise authorized by law:

"PHYSICIAN AND DENTIST SCHEDULE

- "Director grade.
- "Executive grade.
- "Chief grade.
- "Senior grade.
- "Intermediate grade.
- "Full grade.
- "Associate grade.

"NURSE SCHEDULE

- "Director grade.
- "Senior grade.
- "Intermediate grade.
- "Entry grade.

"CLINICAL PODIATRIST AND OPTOMETRIST SCHEDULE

- "Chief grade.

- "Senior grade.
- "Intermediate grade.
- "Full grade.
- "Associate grade.

"(2) A person may not hold the director grade in the Physician and Dentist Schedule unless the person is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). A person may not hold the executive grade in that Schedule unless the person holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position.

"(c) Notwithstanding the provisions of section 7425(a) of this title, a person appointed under section 7306 of this title who is not eligible for special pay under subchapter III shall be deemed to be a career appointee for the purposes of sections 4507 and 5384 of title 5.

"(d) Except as provided under subchapter III and in section 7457 of this title, pay may not be paid at a rate in excess of the rate of basic pay for an appropriate level authorized by section 5315 or 5316 of title 5 for positions in the Executive Schedule, as follows:

- "(1) Level IV for the Deputy Chief Medical Director.
- "(2) Level V for all other positions for which such basic pay is paid under this section.

"§7405. Temporary full-time appointments, part-time appointments, and without-compensation appointments

"(a) The Secretary, upon the recommendation of the Chief Medical Director, may employ, without regard to civil service or classification laws, rules, or regulations, personnel as follows:

"(1) On a temporary full-time basis, part-time basis, or without compensation basis, persons in the following positions:

- "(A) Positions listed in section 7401(1) of this title.
- "(B) Certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists.
- "(C) Dietitians, social workers, and librarians.
- "(D) Other professional, clerical, technical, and unskilled personnel (including interns, residents, trainees, and students in medical support programs).

"(2) On a fee basis, persons in the following positions:

- "(A) Positions listed in section 7401(1) of this title.
- "(B) Certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists.
- "(C) Other professional and technical personnel.

"(b) Personnel employed under subsection (a)—

- "(1) shall be in addition to personnel described in section 7306, paragraphs (1) and (3) of section 7401, and section 7408 of this title; and
- "(2) shall be paid such rates of pay as the Secretary may prescribe.

"(c)(1) Temporary full-time appointments under this section of persons in positions listed in section 7401(1) of this title may be for a period in excess of 90 days only if the Chief Medical Director finds that circumstances render it impracticable to obtain the necessary services through appointments under that section.

"(2) Temporary full-time appointments of persons who have successfully completed a full course of nursing in a recognized school of nursing, approved by the Secretary, or who have successfully completed a full course of training for any category of personnel described in paragraph (3) of section 7401 of this title in a recognized education or training institution approved by the Secretary, and who are pending registra-

tion or licensure in a State, or certification by a national board recognized by the Secretary, shall not exceed two years.

"(3) Temporary full-time appointments of other personnel may not be for a period in excess of one year except as authorized in subsection (f).

"(d) A part-time appointment may not be for a period of more than one year, except for appointments of persons specified in subsection (a)(1)(A) and interns, residents, and other trainees in medical support programs and except as authorized in subsection (f).

"(e) A student who has a temporary appointment under this section and who is pursuing a full course of nursing in a recognized school of nursing approved by the Secretary, or who is pursuing a full course of training for any category of personnel described in paragraph (3) of section 7401 of this title in a recognized education or training institution approved by the Secretary, may be reappointed for a period not to exceed the duration of the student's academic program.

"(f) During any period during which the Secretary is exercising the authority provided in subsections (a) and (f)(1) of section 7403 of this title in connection with the appointment, under paragraph (3) of section 7401 of this title, of personnel in a category of personnel described in such paragraph—

"(1) the Secretary may make temporary full-time appointments of personnel in such category for periods exceeding 90 days if the Chief Medical Director finds that circumstances render it impractical to obtain the necessary services through appointments under paragraph (3) of section 7401 of this title; and

"(2) part-time appointments of personnel in such category may be for periods of more than one year.

"§7406. Residencies and internships

"(a)(1) The Secretary may establish residencies and internships. The Secretary may appoint qualified persons to such positions without regard to civil service or classification laws, rules, or regulations.

"(2) For the purposes of this section: "A) The term 'internship' includes the equivalency of an internship as determined in accordance with regulations which the Secretary shall prescribe.

"B) The term 'intern' means a person serving an internship.

"(b) The Secretary may prescribe the conditions of employment of persons appointed under this section, including necessary training, and the customary amount and terms of pay for such positions during the period of such employment and training. The amount and terms of such pay may be established retroactively based on changes in such customary amount and terms.

"(c)(1) In order to carry out more efficiently the provisions of subsection (a)(1), the Secretary may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Department in the training of interns or residents to provide, by the designation of one such institution to serve as a central administrative agency, for the central administration—

- "(A) of stipend payments;
- "(B) provision of fringe benefits; and
- "(C) maintenance of records for such interns and residents.

"(2) The Secretary may pay to such designated agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Department hospital or—

"(A) stipends fixed by the Secretary pursuant to paragraph (1);

"(B) hospitalization, medical care, and life insurance and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Department hospital;

"(C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1986, where applicable; and

"(D) an amount to cover a pro rata share of the cost of expense of such central administrative agency.

"(3)(A) Any amounts paid by the Secretary to such central administrative agency to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim such recipient might have to any payment of stipends or employee benefits to which such recipient may be entitled under this title or title 5.

"(B) Notwithstanding subparagraph (A), any period of service of any such intern or resident in a Department hospital shall be deemed creditable service for the purposes of section 8332 of title 5.

"(4) The agreement with such central administrative agency may further provide that the designated central administrative agency shall—

"(A) make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes;

"(B) maintain all records pertinent to such deductions and make proper deposits of such deductions; and

"(C) maintain all records pertinent to the leave accrued by such intern and resident for the period during which such recipient serves in a participating hospital, including a Department hospital.

"(5) Leave described in paragraph (4)(C) may be pooled, and the intern or resident may be afforded leave by the hospital in which such person is serving at the time the leave is to be used to the extent of such person's total accumulated leave, whether or not earned at the hospital in which such person is serving at the time the leave is to be afforded.

"§7407. Administrative provisions for section 7405 and 7406 appointments

"(a) When the Chief Medical Director determines that it is not possible to recruit qualified citizens for the necessary services, appointments under sections 7405 and 7406 of this title may be made without regard to the citizenship requirements of section 7402(c) of this title or of any other law prohibiting the employment of, or payment of compensation to, a person who is not a citizen of the United States.

"(b)(1) Subject to paragraph (2), the Chief Medical Director may waive for the purpose of the appointment of an individual under section 7405 or 7406 of this title the requirements set forth in section 7402(b) of this title—

"(A) that a physician, dentist, psychologist, optometrist, registered nurse, practical or vocational nurse, or physical therapist be licensed or certified, as appropriate;

"(B) that the licensure or certification of such an individual be in a State; and

"(C) that a psychologist have completed an internship.

"(2) The waivers authorized in paragraph (1) may be granted—

"(A) in the case of clauses (A) and (C) of such paragraph, if the individual (i) will be employed to conduct research or serve in an academic position, and (ii) will have no responsibility for furnishing direct patient care services; and

"(B) in the case of clause (B) of such paragraph, if the individual will be employed to

serve in a country other than the United States and the individual's licensure or registration is in the country in which the individual is to serve.

"(c) The program of training prescribed by the Secretary in order to qualify a person for the position of full-time physician assistant or expanded-function dental auxiliary shall be considered a full-time institutional program for purposes of chapter 34 of this title. The Secretary may consider training for such a position to be on a less than full-time basis for purposes of such chapter when the combined classroom (and other formal instruction) portion of the program and the on-the-job training portion of the program total less than 30 hours per week.

"(d) A person may not be appointed under section 7405 or 7406 of this title to an occupational category described in section 7401(1) of this title or in section 7406 of this title unless the person meets the requirements established in section 7402(d) of this title and regulations prescribed under that section.

"(e) In accordance with the provisions of section 7425(b) of this title, the provisions of chapter 34 of title 5 pertaining to part-time career employment shall not apply to part-time appointments under sections 7405 and 7406 of this title.

"§7408. Appointment of additional employees

"(a) There shall be appointed by the Secretary under civil-service laws, rules, and regulations, such additional employees, other than those provided in section 7306 and paragraphs (1) and (3) of section 7401 of this title and those specified in sections 7405 and 7406 of this title, as may be necessary to carry out the provisions of this chapter.

"(b) The Secretary, after considering an individual's existing pay, higher or unique qualifications, or the special needs of the Department, may appoint the individual to a position in the Administration providing direct patient-care services or services incident to direct patient-services at a rate of pay above the minimum rate of the appropriate grade.

"§7409. Contracts for scarce medical specialist services

"(a) The Secretary may enter into contracts with institutions and persons described in subsection (b) to provide scarce medical specialist services at Department facilities. Such services may include the services of physicians, dentists, podiatrists, optometrists, nurses, physician assistants, expanded-function dental auxiliaries, technicians, and other medical support personnel.

"(b) Institutions and persons with whom the Secretary may enter into contracts under subsection (a) are the following:

"(1) Schools and colleges of medicine, osteopathy, dentistry, podiatry, optometry, and nursing.

"(2) Clinics.

"(3) Any other group or individual capable of furnishing such scarce medical specialist services."

(3) Subchapter II of such chapter (as added by section 202) is amended—

(A) by adding at the end of section 7423 the following new subsection:

"(e)(1) The Secretary shall establish a leave transfer program for the benefit of health-care professionals in positions listed in section 7401(1) of this title. The Secretary may also establish a leave bank program for the benefit of such health-care professionals.

"(2) To the maximum extent feasible—

"(A) the leave transfer program shall provide the same or similar requirements and conditions as are provided for the program established by the Director of the Office of Personnel Management under subchapter III of chapter 63 of title 5; and

"(B) any leave bank program established pursuant to paragraph (1) shall be consistent with the requirements and conditions provided for agency leave bank programs in subchapter IV of such chapter.

"(3) Participation by a health-care professional in the leave transfer program established pursuant to paragraph (1), and in any leave bank program established pursuant to such paragraph, shall be voluntary. The Secretary may not require any health-care professional to participate in such a program.

"(4)(A) The Secretary and the Director of the Office of Personnel Management may enter into an agreement that permits health-care professionals referred to in paragraph (1) to participate in the leave transfer program established by the Director of the Office of Personnel Management under subchapter III of chapter 63 of title 5 or in any leave bank program established for other employees of the Department pursuant to subchapter IV of chapter 63 of title 5, or both.

"(B) Participation of such health-care professionals in a leave transfer program or a leave bank program pursuant to an agreement entered into under subparagraph (A) shall be subject to such requirements and conditions as may be prescribed in such agreement.

"(5) The Secretary is not required to establish a leave transfer program for any personnel permitted to participate in a leave transfer program pursuant to an agreement referred to in paragraph (4); and

(B) by adding at the end the following new sections:

"§7424. Travel expenses of certain employees

"(a) The Secretary may pay the expenses (other than membership fees) of persons described in sections 7306 and 7401(1) of this title (including persons in positions described in section 7401(1) of this title who are appointed on a temporary full-time basis or a part-time basis under section 7405 of this title) who are detailed by the Chief Medical Director to attend meetings of associations for the promotion of medical and related science.

"(b)(1) The Secretary may prescribe regulations establishing conditions under which officers and employees of the Administration who are nationally recognized principal investigators in medical research may be permitted to accept payment, in cash or in kind, from non-Federal agencies, organizations, and individuals for travel and such reasonable subsistence expenses as are approved by the Secretary pursuant to such regulations—

"(A) in connection with their attendance at meetings or in performing advisory services concerned with the functions or activities of the Department; or

"(B) in connection with acceptance of significant awards or with activity related thereto concerned with functions or activities of the Department.

"(2) Any such payment may be retained by such officers and employees to cover the cost of such expenses or shall be deposited to the credit of the appropriation from which the cost of such expenses is paid, as may be provided in such regulations.

"§7425. Employees: laws not applicable

"(a) Physicians, dentists, nurses, and other health-care professionals employed by the Administration and appointed under section 7306, 7401(1), 7405, or 7406 of this chapter are not subject to the following provisions of law:

"(1) Section 413 of the Civil Service Reform Act of 1978.

"(2) Subchapter II of chapter 31 of title 5.

"(3) Subchapter VIII of chapter 33 of title 5.

"(4) Subchapter V of chapter 35 of title 5.

"(5) Subchapter II of chapter 43 of title 5.

"(6) Section 4507 of title 5.

"(7) Subchapter VIII of chapter 53 of title 5.

"(8) Subchapter V of chapter 75 of title 5.

"(b) Notwithstanding any other provision of law, no provision of title 5 or any other law pertaining to the civil service system which is inconsistent with any provision of section 7306 of this title or this chapter shall be considered to supersede, override, or otherwise modify such provision of that section or this chapter except to the extent that such provision of title 5 or of such other law specifically provides, by specific reference to a provision of this chapter, or such provision to be superseded, overridden, or otherwise modified.

"§7426. Retirement rights

"(a) Except as provided in subsection (b), persons appointed to the Administration shall be subject to the provisions of and entitled to benefits under subchapter III of chapter 83 of title 5 or subchapter II of chapter 84 of title 5, whichever is applicable.

"(b)(1) In computing the annuity under subchapter III of chapter 83, or subchapter II of chapter 84, of title 5 of an individual who retires under such subchapter (other than under section 8337 or 8451 of such title) after December 31, 1981, and who served at any time on a less-than-full-time basis in a position in the Administration to which such individual was appointed under subchapter I—

"(A) for the purpose of determining such individual's average pay, as defined by section 8331(4) or 8401(3) of title 5, whichever is applicable, the annual rate of basic pay for full-time service shall be deemed to be such individual's rate of basic pay; and

"(B) the amount of such individual's annuity as computed under section 8339 or 8415 of title 5 (before application of any reduction required by subsection (i) of section 8339) shall be multiplied by the fraction equal to the ratio that that individual's total full-time equivalent service bears to that individual's creditable service as determined under section 8332 or 8411 of title 5, whichever is applicable.

"(2) For the purposes of paragraph (1)(B), an individual's full-time equivalent service is the individual's creditable service as determined under section 8332 or 8411 of title 5, whichever is applicable, except that any period of service of such individual served on a less-than-full-time basis shall be prorated based on the fraction such service bears to full-time service. For the purposes of the preceding sentence, full-time service shall be considered to be 80 hours of service per biweekly pay period.

"(3) A survivor annuity computed under section 8341, or subchapter IV of chapter 84, of title 5 based on the service of an individual described in paragraph (1) shall be computed based upon such individual's annuity as determined in accordance with such paragraph.

"(c) The Secretary may authorize an exception to the restrictions in subsections (a), (b), and (c) of section 5532 of title 5 if necessary to meet special or emergency employment needs which result from a severe shortage of well-qualified candidates in physician positions, and registered nurse positions, which otherwise cannot be readily met. The authority of the Secretary under the preceding sentence with respect to registered-nurse positions expires on September 30, 1992."

"(4) Chapter 74 is further amended by inserting after subchapter III (as added by section 102) the following:

"SUBCHAPTER IV—PAY FOR NURSES AND OTHER HEALTH-CARE PERSONNEL

"§7453. Nurses: additional pay

"(a) In addition to the rate of basic pay provided for nurses, a nurse shall receive additional pay as provided by this section.

"(b) A nurse performing service on a tour of duty, any part of which is within the period

commencing at 6 postmeridian and ending at 6 antemeridian, shall receive additional pay for each hour of service on such tour at a rate equal to 10 percent of the nurse's hourly rate of basic pay if at least four hours of such tour fall between 6 postmeridian and 6 antemeridian. When less than four hours of such tour fall between 6 postmeridian and 6 antemeridian, the nurse shall be paid the differential for each hour of service performed between those hours.

"(c) A nurse performing service on a tour of duty, any part of which is within the period commencing at midnight Friday and ending at midnight Sunday, shall receive additional pay for each hour of service on such tour at a rate equal to 25 percent of such nurse's hourly rate of basic pay.

"(d) A nurse performing service on a holiday designated by Federal statute or Executive order shall receive for each hour of such service the nurse's hourly rate of basic pay, plus additional pay at a rate equal to such hourly rate of basic pay, for that holiday service, including overtime service. Any service required to be performed by a nurse on such a designated holiday shall be deemed to be a minimum of two hours in duration.

"(e)(1) A nurse performing officially ordered or approved hours of service in excess of 40 hours in an administrative workweek, or in excess of eight hours in a day, shall receive overtime pay for each hour of such additional service. The overtime rates shall be one and one-half times such nurse's hourly rate of basic pay.

"(2) For the purposes of this subsection, overtime must be of at least 15 minutes duration in a day to be creditable for overtime pay.

"(3) Compensatory time off in lieu of pay for service performed under the provisions of this subsection shall not be permitted, except as voluntarily requested in writing by the nurse in question.

"(4) Any excess service performed under this subsection on a day when service was not scheduled for such nurse, or for which such nurse is required to return to the nurse's place of employment, shall be deemed to be a minimum of two hours in duration.

"(5) For the purposes of this subsection, the period of a nurse's officially ordered or approved travel away from such nurse's duty station may not be considered to be hours of service unless—

"(A) such travel occurs during such nurse's tour of duty; or

"(B) such travel—

"(i) involves the performance of services while traveling,

"(ii) is incident to travel that involves the performance of services while traveling,

"(iii) is carried out under arduous conditions as determined by the Secretary, or

"(iv) results from an event which could not be scheduled or controlled administratively.

"(f) For the purpose of computing the additional pay provided by subsections (b), (c), (d), or (e), a nurse's hourly rate of basic pay shall be derived by dividing such nurse's annual rate of basic pay by 2,080.

"(g) When a nurse is entitled to two or more forms of additional pay under subsections (b), (c), (d), or (e) for the same period of service, the amounts of such additional pay shall be computed separately on the basis of such nurse's hourly rate of basic pay, except that no overtime pay as provided in subsection (e) shall be payable for overtime service performed on a holiday designated by Federal statute or Executive order in addition to pay received under subsection (d) for such service.

"(h) A nurse who is officially scheduled to be on call outside such nurse's regular hours or on a holiday designated by Federal statute or Executive order shall be paid for each hour of such

on-call duty, except for such time as such nurse may be called back to work, at a rate equal to 10 percent of the hourly rate for excess service as provided in subsection (e).

"(i) Any additional pay paid pursuant to this section shall not be considered as basic pay for the purposes of the following provisions of title 5 (and any other provision of law relating to benefits based on basic pay):

"(1) Subchapter VI of chapter 55.

"(2) Section 5595.

"(3) Chapters 81, 83, 84, and 87 of title 5.

"(j)(1) Notwithstanding any other provision of law and subject to paragraph (2), the Secretary may increase the rates of additional pay authorized under subsections (b) through (h) if the Secretary determines that it is necessary to do so in order to obtain or retain the services of nurses.

"(2) An increase under paragraph (1) in rates of additional pay—

"(A) may be made at any specific Department health-care facility in order to provide nurses, or any category of nurses, at such facility additional pay in an amount competitive with, but not exceeding, the amount of the same type of pay that is paid to the same category of nurses at non-Federal health-care facilities in the same geographic area as such Department health-care facility (based upon a reasonably representative sampling of such non-Federal facilities); and

"(B) may be made on a nationwide, local, or other geographic basis if the Secretary finds that such an increase is justified on the basis of a review of the need for such increase (based upon a reasonably representative sampling of non-Federal health-care facilities in the geographic area involved).

"§7454. Physician assistants and other health care professionals: additional pay

"(a) Physician assistants and expanded-function dental auxiliaries shall be entitled to additional pay on the same basis as provided for nurses in section 7453 of this title.

"(b) When the Secretary determines it to be necessary in order to obtain or retain the services of certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, or occupational therapists, the Secretary may, on a nationwide, local, or other geographic basis, pay persons employed in such positions additional pay on the same basis as provided for nurses in section 7453 of this title.

"(c) The Secretary shall prescribe by regulation standards for compensation and payment under this section.

"§7455. Increases in rates of basic pay

"(a)(1) Subject to subsections (b), (c), and (d), when the Secretary determines it to be necessary in order to obtain or retain the services of persons described in paragraph (2), the Secretary may increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations. Any increase in such rates of basic pay—

"(A) may be made on a nationwide basis, local basis, or other geographic basis; and

"(B) may be made—

"(i) for one or more of the grades listed in the schedules in subsection (b)(1) of section 7404 of this title;

"(ii) for one or more of the health personnel fields within such grades; or

"(iii) for one or more of the grades of the General Schedule under section 5332 of title 5.

"(2) Paragraph (1) applies to the following:

"(A) Individuals employed in positions listed in paragraphs (1) and (3) of section 7401 of this title.

"(B) Health-care personnel who—

"(i) are employed in the Administration (other than administrative, clerical, and physical plant maintenance and protective services employees);

"(ii) are paid under the General Schedule pursuant to section 5332 of title 5;

"(iii) are determined by the Secretary to be providing either direct patient-care services or services incident to direct patient-care services; and

"(iv) would not otherwise be available to provide medical care and treatment for veterans.

"(C) Employees who are Department police officers providing services under section 218 of this title.

"(b) Increases in rates of basic pay may be made under subsection (a) only in order—

"(1) to provide pay in an amount competitive with, but not exceeding, the amount of the same type of pay paid to the same category of personnel at non-Federal facilities in the same labor market;

"(2) to achieve adequate staffing at particular facilities; or

"(3) to recruit personnel with specialized skills, especially those with skills which are especially difficult or demanding.

"(c) The amount of any increase under subsection (a) in the maximum rate for any grade may not (except in the case of nurse anesthetists and licensed physical therapists) exceed the amount by which the maximum for such grade (under applicable provisions of law other than this subsection) exceeds the minimum for such grade (under applicable provisions of law other than this subsection), and the maximum rate as so increased may not exceed the rate paid for individuals serving as Assistant Chief Medical Director.

"(d)(1) In the exercise of the authority provided in subsection (a) with respect to personnel described in subparagraph (B) or (C) of paragraph (2) of that subsection to increase the rates of basic pay for any category of personnel not appointed under subchapter I, the Secretary shall, not less than 45 days before the effective date of a proposed increase, notify the President of the Secretary's intention to provide such an increase.

"(2) Such a proposed increase shall not take effect if, before the effective date of the proposed increase, the President disapproves such increase and provides the appropriate committees of the Congress with a written statement of the President's reasons for such disapproval.

"(3) If, before that effective date, the President approves such increase, the Secretary may advance the effective date to any date not earlier than the date of the President's approval.

"§7456. Nurses: special rules for weekend duty

"(a) Subject to subsection (b), if the Secretary determines it to be necessary in order to obtain or retain the services of nurses at any Department health-care facility, the Secretary may provide, in the case of nurses appointed under this chapter and employed at such facility, that such nurses who work two regularly scheduled 12-hour tours of duty within the period commencing at midnight Friday and ending at midnight the following Sunday shall be considered for all purposes (except computation of full-time equivalent employees for the purposes of determining compliance with personnel ceilings) to have worked a full 40-hour basic workweek.

"(b)(1) Basic and additional pay for a nurse who is considered under subsection (a) to have worked a full 40-hour basic workweek shall be subject to paragraphs (2) and (3).

"(2) The hourly rate of basic pay for such a nurse for service performed as part of a regularly scheduled 12-hour tour of duty within the period commencing at midnight Friday and ending at midnight the following Sunday shall be derived by dividing the nurse's annual rate of basic pay by 1,248.

"(3)(A) Such a nurse who performs a period of service in excess of such nurse's regularly scheduled two 12-hour tours of duty is entitled to

overtime pay under section 7453(e) of this title, or other applicable law, for officially ordered or approved service performed in excess of eight hours on a day other than a Saturday or Sunday or in excess of 24 hours within the period commencing at midnight Friday and ending at midnight the following Sunday.

"(B) Except as provided in subparagraph (C), a nurse to whom this subsection is applicable is not entitled to additional pay under section 7453 of this title, or other applicable law, for any period included in a regularly scheduled 12-hour tour of duty.

"(C) If the Secretary determines it to be further necessary in order to obtain or retain the services of nurses at a particular facility, a nurse to whom this paragraph is applicable who performs service in excess of such nurse's regularly scheduled two 12-hour tours of duty may be paid overtime pay under section 7453(e) of this title, or other applicable law, for all or part of the hours of officially ordered or approved service performed by such nurse in excess of 40 hours during an administrative workweek.

"(c) A nurse described in subsection (b)(1) who is absent on approved sick leave or annual leave during a regularly scheduled 12-hour tour of duty shall be charged for such leave at a rate of five hours of leave for three hours of absence.

"(d) The Secretary shall prescribe regulations for the implementation of this section.

"§7457. On-call pay

"(a) The Secretary may pay an employee to whom this section applies pay at the rate provided in section 7453(h) of this title except for such time as the employee may be called back to work.

"(b) This section applies to an employee who meets each of the following criteria:

"(1) The employee is employed in a position listed in paragraph (3) of section 7401 of this title or meets the criteria specified in clauses (i), (ii), and (iii) of section 7455(a)(2)(B) of this title.

"(2) The employee is employed in a work unit for which on-call premium pay is authorized.

"(3) The employee is officially scheduled to be on call outside such employee's regular hours or on a holiday designated by Federal statute or Executive order.

"(c) An employee who is eligible for on-call pay under subsection (a) and who was receiving standby premium pay pursuant to section 5545 of title 5 on May 20, 1988, shall, as long as such employee is employed in the same position and work unit and remains eligible for such standby pay, receive pay for any period of on-call duty at the rate equal to the greater of—

"(1) the rate of pay which such employee would receive if being paid the rate of standby pay pursuant to such section that such individual would be entitled to receive if such individual were not scheduled to be on call instead, or

"(2) the rate of pay which such employee is entitled to receive including on-call premium pay described in subsection (a)."

(5) Such chapter is further amended by adding after subchapter V (as added by section 203(a)) the following:

"SUBCHAPTER VI—REGIONAL MEDICAL EDUCATION CENTERS

"§7471. Designation of Regional Medical Education Centers

"(a) In carrying out the Secretary's functions under section 7302 of this title with regard to the training of health personnel, the Secretary shall implement a program under which the Secretary shall designate as Regional Medical Education Centers such Department hospitals as the Secretary determines appropriate to carry out the provisions of this subchapter.

"(b) Each Regional Medical Education Center (hereinafter in this subchapter referred to as 'Center') designated under subsection (a) shall

provide continuing medical and related education programs for personnel eligible for training under this subchapter. Such programs shall include the following:

"(1) The teaching of newly developed medical skills and the use of newly developed medical technologies and equipment.

"(2) Advanced clinical instruction.

"(3) The opportunity for conducting clinical investigations.

"(4) Clinical demonstrations in the use of new types of health personnel and in the better use of the skills of existing health personnel.

"(5) Routine verification of basic medical skills and, where determined necessary, remediation of any deficiency in such skills.

"§7472. Supervision and staffing of Centers

"(a) Centers shall be operated under the supervision of the Chief Medical Director and shall be staffed with personnel qualified to provide the highest quality instruction and training in various medical and health care disciplines.

"(b) As a means of providing appropriate recognition to persons in the career service of the Administration who possess outstanding qualifications in a particular medical or health care discipline, the Chief Medical Director shall from time to time and for such period as the Chief Medical Director considers appropriate assign such persons to serve as visiting instructors at Centers.

"(c) Whenever the Chief Medical Director considers it necessary for the effective conduct of the program provided for under this subchapter, the Chief Medical Director may contract for the services of highly qualified medical and health personnel from outside the Department to serve as instructors at such Centers.

"§7473. Personnel eligible for training

"(a) The Chief Medical Director shall determine the manner in which personnel are to be selected for training in the Centers. Preference shall be given to career personnel of the Administration.

"(b) To the extent that facilities are available medical and health personnel from outside the Administration may, on a reimbursable basis, be provided training in the Centers. Such reimbursement may include reciprocal training of personnel of the Administration provided under sharing arrangements entered into by the Chief Medical Director and the heads of the entities providing such reciprocal training. Any amounts received by the United States as reimbursement under this subsection shall be credited to the applicable Department medical appropriation account.

"§7474. Consultation

"The Chief Medical Director shall carry out this subchapter after consultation with the special medical advisory group established pursuant to section 7312(a) of this title."

(c) TRANSFERS OF CHAPTER 73 SECTIONS TO NEW CHAPTER 74.—(1)(A) Sections 4141 and 4142, as amended by section 301, are redesignated as sections 7451 and 7452, respectively, and are transferred to subchapter IV of chapter 74, as added by subsection (b), and inserted before section 7453.

(B) The heading for subchapter IV of chapter 73, as added by section 102(b) of Public Law 101-366, is repealed.

(2) Section 7451, as so redesignated and transferred, is amended—

(A) in subsection (a)—

(i) by striking out "clauses (1) and (3) of section 4104" in paragraph (2)(B) and inserting in lieu thereof "paragraphs (1) and (3) of section 7401";

(ii) by striking out "section 4107" in paragraph (3) and inserting in lieu thereof "section 7404";

(iii) by striking out "section 4142" in paragraph (4) and inserting in lieu thereof "section 7452";

(B) by striking out "section 4104(1)" and "section 4107(b)" in subsection (b) and inserting in lieu thereof "section 7401(1)" and "section 7404(b)", respectively; and

(C) by striking out "section 4142(b)(2)" in subsection (g)(8) and inserting in lieu thereof "section 7452(b)(2)".

(4) Section 7452, as so redesignated and transferred, is amended—

(A) in subsection (a)—

(i) by striking out "section 4141(a)" in paragraph (1) and inserting in lieu thereof "section 7451(a)"; and

(ii) by striking out "section 4141(c)(1)" in paragraph (2) and inserting in lieu thereof "section 7451(c)(1)";

(B) by striking out "section 4141(g)" in subsection (b)(2) and inserting in lieu thereof "section 7451(g)";

(C) by striking out "section 4104(1)" in subsections (c)(1) and (e) and inserting in lieu thereof "section 7401(1)"; and

(D) by striking out "section 4141" in subsection (f) and inserting in lieu thereof "section 7451".

(5) Section 4120 of such title, as in effect on the day before the date of the enactment of this Act, is redesignated as section 7458, transferred to the end of subchapter IV of chapter 74 of that title, as added by subsection (b), and amended by striking out "section 4118 of this title" in subsection (f) and inserting in lieu thereof "subchapter III".

SEC. 402. REDESIGNATION OF SECTIONS OF CHAPTERS 51 THROUGH 85.

(a) **TRANSFER OF CHAPTER 75.**—Chapter 75 is transferred to the end of part V and is redesignated as chapter 78.

(b) **REDESIGNATION OF SECTIONS TO CONFORM TO CHAPTER NUMBERS.**—(1) Each section contained in any of chapters 51, 53, 55, 57, 59, 61, 71, 72, 76, 78 (as redesignated by subsection (a)), 81, 83, and 85 is redesignated so that the first two digits of the section number of that section are the same as the chapter number of the chapter containing that section.

(2) Chapter 82 is amended—

(A) by redesignating section 5070 as section 8201;

(B) by redesignating sections 5071, 5072, 5073, and 5074 as sections 8211, 8212, 8213, and 8214, respectively;

(C) by redesignating sections 5081, 5082, and 5083 as sections 8221, 8222, and 8223, respectively;

(D) by redesignating sections 5091, 5092, and 5093 as sections 8231, 8232, and 8233, respectively; and

(E) by redesignating section 5096 as section 8241.

(c) **TABLES OF SECTIONS AND CHAPTERS.**—(1) The tables of sections at the beginning of the chapters referred to in subsection (b) are revised so as to conform the section references in those tables to the redesignations made by that subsection.

(2) The table of chapters before part I and the tables of chapters at the beginning of parts IV, V, and VI are revised so as to conform the section references in those tables to the redesignations made by subsection (b).

(d) **CROSS-REFERENCES.**—(1) Each provision of title 38, United States Code, that contains a reference to a section redesignated by section 401(a)(4) or by subsection (b) is amended so that the reference refers to the section as redesignated.

(2) Any reference in a provision of law other than title 38, United States Code, to a section redesignated by subsection (b) shall be deemed to refer to the section as so redesignated.

SEC. 403. CONFORMING AMENDMENTS.

(a) **SUBCHAPTERS OF CHAPTER 73.**—Subchapter III and subchapter IV (as redesignated by section 401(a)(2)) of chapter 73 are amended—

(1) by striking out "Administrator" and "Administrator's" each place they appear and inserting in lieu thereof "Secretary" and "Secretary's", respectively; and

(2) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department";

(3) by striking out "section 4101(c)(1)" in section 7362 and inserting in lieu thereof "section 7303(a)";

(4) by striking out "of this section" and "of this subsection" each place they appear (other than in subsections (d), (e), and (g) of section 7332 and in section 7333(b)); and

(5) by striking out "of this paragraph" in section 7332(f)(2)(B).

(b) **REFERENCES TO CHAPTER 73 PROVISIONS.**—(1) Section 1904(a) is amended by striking out "section 4101" and inserting in lieu thereof "section 7303".

(2) Section 5705(a) (as redesignated by section 402(b)) is amended by striking out "section 4152(b)" and inserting in lieu thereof "section 7311(g)".

(3) Section 7604(1)(B) (as redesignated by section 402(b)) is amended by striking out "section 4105" and inserting in lieu thereof "section 7402".

(4) Section 7612(b) (as redesignated by section 402(b)) is amended—

(A) in paragraph (2)—

(i) by striking out "section 4104" in the matter preceding subparagraph (A) and inserting in lieu thereof "section 7401"; and

(ii) by striking out "section 4104(3)" in subparagraph (B) and inserting in lieu thereof "section 7401(3)"; and

(B) in paragraph (3), by striking out "section 4107(g)(1)(B) of this title" and inserting in lieu thereof "subsection (a)(1) of section 7455 of this title for personnel described in subsection (a)(2)(B) of such section".

(5) Section 7616(b)(4) (as redesignated by section 402(b)) is amended by striking out "section 4108(c)(1)" and inserting in lieu thereof "section 7423(d)(1)".

(6) Section 8201(f) (as redesignated by section 402(b)) is amended by striking out "section 4101(b)" and inserting in lieu thereof "section 7302".

(7) Section 8241 (as redesignated by section 402(b)) is amended by striking out "section 4101(b)" and inserting in lieu thereof "section 7302".

(c) **REFERENCES IN TITLE 5, UNITED STATES CODE.**—Title 5, United States Code, is amended as follows:

(1) Section 5102(c) is amended—

(A) in paragraph (14), by striking out "section 4202 of title 38" and inserting in lieu thereof "section 7802 of title 38"; and

(B) in paragraph (16), by striking out "sections 7405 and 7406".

(2) Section 6123 is amended—

(A) in subsection (a)(1), by striking out "section 4107(e)(5)" and inserting in lieu thereof "section 7453(e)"; and

(B) in subsection (c)(2)—

(i) by striking out "section 4107(e)(2)" in the matter preceding subparagraph (A) and inserting in lieu thereof "section 7453(b)"; and

(ii) by striking out "subsection (e)(2) of such section 4107" in subparagraph (B) and inserting in lieu thereof "subsection (b) of such section 7453".

(3) Section 6128(a) is amended by striking out "section 4107(e)(5)" and inserting in lieu thereof "section 7453(e)".

(e) **PART V HEADING.**—

(1) The heading of part V is amended to read as follows:

"PART V—BOARDS, ADMINISTRATIONS, AND SERVICES".

(2) The item relating to part V in the table of parts before part I is amended to read as follows:

"V. Boards, Administrations, and Services 7101".

(f) **TABLES OF CHAPTERS.**—

(1) The table of chapters before part I is amended—

(A) by striking out the heading for part V and inserting in lieu thereof the following:

"PART V—BOARDS, ADMINISTRATIONS, AND SERVICES";

(B) by striking out the items relating to chapters 73 and 75 and inserting in lieu thereof the following:

"73. Veterans Health Administration—Organization and Functions 7301

"74. Veterans Health Administration—Personnel 7401";

and

(C) by inserting after the item relating to chapter 76 the following new item:

"78. Veterans' Canteen Service 7801".

(2) The table of chapters at the beginning of part V is amended—

(A) by striking out the items relating to chapters 73 and 75 and inserting in lieu thereof the following:

"73. Veterans Health Administration—Organization and Functions 7301

"74. Veterans Health Administration—Personnel 7401";

and

(B) by adding at the end the following new item:

"78. Veterans' Canteen Service 7801".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate amendment to H.R. 598, the bill now under consideration.

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

There was no objection.

□ 1250

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

Mr. Speaker, H.R. 598, as amended, would improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists. It would also streamline the process by which grievance procedures are handled within the Department as well as authorize collective bargaining

as to certain conditions of employment. The House has passed similar legislation twice, H.R. 4557 in the 101st Congress and H.R. 598 on January 30, 1991.

This bill, as amended, represents a compromise between the original House passed legislation H.R. 4557 and the original Senate bill, S. 2100. The compromise was reached after many months of negotiation between the two bodies and incorporates most of the major provisions of the respective bills.

Initially, Mr. Speaker, I had hoped that H.R. 598 would be the compromise between the House and Senate bills. However, there were some provisions in the House-passed bill which the Senate would not accept. The most important of these, in terms of its impact on the Department, was the exemption of title XXXVIII employees from the Ethics Reform Act of 1989. This House provision would have enabled title XXXVIII employees to receive payment for speeches, articles, and appearances as long as receipt of these payments did not create a conflict of interest or the appearance of a conflict of interest.

Mr. Speaker, the committee has received much testimony at hearings as well as correspondence from the Department concerning the adverse impact of the Ethics Reform Act on the ability of the VA to retain its physician work force. The law's ban will clearly discourage from VA employment the very specialists and teachers VA hopes to recruit and retain. I am disappointed that this House provision could not be a part of the final compromise agreement. At this point, I would like to insert a letter the committee received from the Chief Medical Director on August 20, 1990, regarding the impact of the ban on VA.

A second change represented in the amendment would authorize the Secretary to pay retention pay to those physicians and dentists who were in specialties in which the Secretary determined that the Department did not have significant recruitment and retention problems. Under current law, if the Secretary makes such a determination, physicians and dentists in those specialties would not be eligible for any special pay. The amendment would allow the Secretary, in those isolated instances, to maintain the current salaries of these medical professionals through the use of retention pay.

However, Mr. Speaker, it is the intent of the committee, which I believe is shared by members of the Senate committee, that the Secretary should fully exercise the special pay authority contained in the bill. The authority to pay retention pay should be exercised only in those isolated instances where the Secretary has clearly documented, for a category of physicians or dentists, that there are no significant recruitment or retention problems. The intention is not, however, for the Sec-

retary to use "retention pay" or other authorities in such a way as to exclude large numbers of physicians and dentists from the new special pay benefit.

In response to concerns, provisions in the bill would establish safeguards to protect against VA paying physicians and dentists unnecessarily high salaries. The compromise agreement would require a facility director to submit to the Secretary, via the Chief Medical Director, any special pay agreement which would cause a physician or dentist's total pay—basic pay and special pay—to exceed the annual rate of basic pay for Executive Level I, \$134,100 for calendar year 1991. The Secretary would have 60 days within which to approve or disapprove the agreement. The Secretary could disapprove such an agreement only after determining that the agreement provides a physician or dentist with a greater amount of special pay than is necessary for the recruitment or retention of that specific individual. Such a determination must be based on findings of fact regarding the specific position and the experience and qualifications of the individual physician or dentist. To assure adherence to the intent of this provision, the proposed new section calls for the Secretary to provide a detailed, annual report to the Congress regarding VA's experience under this new provision.

Mr. Speaker, let me state that there are other differences between H.R. 598 and the Senate amendment. Some of these differences reflect changes to address concerns that were raised by the Department subsequent to the passage of H.R. 598. For example, the Senate amendment would limit the mandatory amount of special pay that the Chief Medical Director [CMD] would receive.

Mr. Speaker, the underlying reason for this bill is the fact that VA salaries are nowhere near competitive with salaries in the private sector. In many instances the VA cannot compete, and I believe that efforts to restrict the amount of special pay that VA physicians and dentists can earn undermine the intent of the legislation.

During the conference on this bill, we were successful in defeating such effort to unnecessarily restrict physician and dentist salaries. I truly believe Mr. Speaker, that the provisions contained in the final compromise represent an agreement that both the Congress and the administration can support.

Mr. Speaker, as I stated earlier, in many markets the VA cannot compete because it cannot offer competitive salaries. This compromise would go a long way in helping to correct this problem. In short, Mr. Speaker, the VA needs this legislation in order to continue to provide high quality care to our Nation's veterans.

Finally, Mr. Speaker, the bill contains provisions included in H.R. 5093, a bill that was reported out of committee during the 101st Congress. These provi-

sions would recodify sections of title 38 and would effect no substantive changes. The committee appreciates the diligent work of the legislative counsel, Bob Cover, who spent a considerable amount of time adjusting the many sections of title 38 affected by the recodification.

Mr. Speaker, I have simply highlighted key provisions of this important legislation. The joint explanatory statement follows my remarks.

I urge that my colleagues support H.R. 598, as amended.

DEPARTMENT OF VETERANS AFFAIRS,
VETERANS HEALTH SERVICES AND
RESEARCH ADMINISTRATION,
Washington DC, August 20, 1990.

Hon. G.V. (SONNY) MONTGOMERY,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: You asked for my personal assessment of the potential impact of the Ethics Reform Act's honoraria ban, which is effective January 1, 1991, on VA medical personnel in light of the proposed increase in physician special pay.

We appreciate your strong efforts to increase the amount of special pay for VA Physicians and Dentists. Enactment of the legislation will greatly assist in our recruitment and retention efforts, however, any pay increases from this legislation would not be viewed as substituting for lost income from honoraria.

It is my understanding that the honoraria ban was part and parcel of the legislated pay increase for members of the House of Representatives, Federal judges, and Executive Level officials. The honoraria that members of the House will sacrifice flow from their legislative roles. Therefore, there is a logical consistency between members of the House agreeing not to accept honoraria in exchange for a pay raise. Unfortunately, the sweep of this ban would require VA medical professionals to forego all honoraria without additional compensation for this loss.

The honoraria ban will primarily affect part-time physicians, however, many full-time physicians, dentists, nurses, and other health-care professionals will be impacted.

Although loss of income is a major concern regarding the honoraria ban there are damaging aspects of the ban unrelated to economics. A major objection to this prohibition is that there is no connection whatsoever between the honoraria and part-time employees' Government duties. This ban is total, without regard to whether the activity for which an honorarium offered is, in any way, related to Federal Service. It particularly encompasses substantial amounts of compensation to part-time physicians for speeches, articles, or appearances emanating from their medical school activities. I believe these new restrictions are contrary to the current policy of the Government, as enunciated in the standards of conduct for all employees, that only outside activities that are incompatible with Government service are banned.

The part-time physicians who would make the largest sacrifice in the amount of lost honoraria are among those we consider our "best and brightest," i.e., those who have achieved distinction in their specialty and are in constant demand to deliver speeches and author articles on their work. Part-time physicians play a vital role in meeting VA's statutory missions of educating and training health-care professionals for the Nation and

providing a wide spectrum of medical services to veterans. VA particularly depends on part-time physicians in medical categories that do not warrant a full-time specialist and in training the thousands of medical residents who go through our facilities.

There is a great deal of concern in academia about the imposition of government rules which would control a physician's non-VA activities. This is almost universally viewed as an unwarranted intrusion into medical school's and the private practitioner's realm. We are concerned that the vitality of our affiliations and the quality of our professional staff could be adversely affected.

If VA lost these part-time physicians, we would be forced to seek alternatives, such as contracting with private physicians or groups. Because many part-time physicians work for VA at rates far less than what they can command from the private sector, contracting for their services would result in significant increased costs.

In sum, although economic considerations are important, applying the honoraria ban to part-time physicians is not in harmony with what I understand was the basic purpose of the Ethics Reform Act. I believe that this prohibition could adversely affect the VA health-care and education missions, and possibly result in significant increased costs.

Sincerely yours,

JAMES W. HOLSINGER, Jr., M.D.,
Chief Medical Director.

EXPLANATORY STATEMENT ON H.R. 598

H.R. 598 as amended by the Senate reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills relating to Department of Veterans Affairs physician and dentist pay and labor relations considered in the Senate and the House of Representatives, but not enacted, during the 101st Congress. Those bills are H.R. 4557, which the House passed on May 1, 1990, and S. 2100, which the Senate Committee on Veterans' Affairs reported on July 19, 1990, but which did not receive Senate consideration prior to the end of the 101st Congress.

The Committees on Veterans' Affairs of the Senate and the House of Representatives have prepared the following explanation of H.R. 598 as amended. Differences between the provisions contained in H.R. 598 as amended (hereinafter referred to as "Compromise agreement") and the related provisions in the House-passed version of H.R. 4557 (hereinafter referred to as the "House bill") and S. 2100 as reported in the Senate (hereinafter referred to as the "Senate bill") are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical and clarifying changes.

REVISION OF PHYSICIAN AND DENTIST SPECIAL PAY PROVISIONS

Current law: Section 4118 of title 38 United States Code, provides for a program of special pay for physicians and dentists employed in the Veterans Health Services and Research Administration (VHS&RA) of the Department of Veterans Affairs.

House bill: Section 101 would provide for a new program of special pay in a new subchapter III (consisting of proposed new sections 4131 through 4140) of chapter 73.

Senate bill: Section 262(a) would establish a new special-pay program in a new subchapter II (consisting of proposed new sections 4121-4130) of chapter 73.

Compromise agreement: Section 102 would provide for a new program of special pay in subchapter III (consisting of proposed new sections 7431 through 7440) of a new chapter 74.

REGULATIONS GOVERNING ADMINISTRATION OF SPECIAL PAY

Current law: Section 4118(a)(1) of title 38 requires that the Secretary, pursuant to the provisions of section 4118 and regulations prescribed by the Secretary, in order to recruit and retain highly qualified physicians and dentists, provide special pay to eligible physicians or dentists, in addition to any pay or allowance to which they are entitled, upon their execution of and for the duration of written agreements to complete specified periods of service in VHS&RA.

House bill: Proposed new section 4131(a) of title 38 would require the Secretary, pursuant to the provisions of proposed new subchapter III and regulations prescribed by the Secretary, to provide special pay to eligible physicians or dentists, in addition to any pay or allowance to which they are entitled, upon their execution of and for the duration of written agreements to complete specified periods of service in VHS&RA.

Senate bill: Proposed new section 4121(a) would authorize the Secretary, pursuant to the provisions of proposed new subchapter II and regulations prescribed by the Secretary after receiving the recommendations of the Chief Medical Director, to provide special pay to eligible physicians or dentists, in addition to any pay or allowance to which they are entitled, pursuant to a written agreement entered into by the physician or dentists with the Department.

Compromise agreement: Proposed new sections 7431(a) and 7431(b) would require the Secretary, pursuant to the provisions of proposed new subchapter III of proposed new chapter 74 and regulations prescribed by the Secretary after receiving the recommendations of the Chief Medical Director, to provide special pay to eligible physicians or dentists, only upon the execution of, and for the duration of, written agreements entered into by the physicians or dentists.

DESIGNATION OF CATEGORIES WITH NO RECRUITMENT AND RETENTION PROBLEMS

Current law: Section 4118(a)(3) of title 38 (a) permits the CMD, in accordance with regulations prescribed by the Secretary, to determine categories of physicians and dentists for which there are no significant recruitment and retention problems, (b) makes such physicians and dentists ineligible for special pay, and (c) requires the CMD to make a re-determination in accordance with those regulations not later than one year after making any such recruitment and retention determination and each year thereafter.

House bill: Proposed new section 4131(d) would follow current law, except that the determinations would be made by the Secretary rather than the CMD.

Senate bill: Proposed new section 4121(d) would follow current law, except that it would also expressly state the CMD's authority to withdraw the designation made with respect to any category of physician or dentist positions if the CMD determines, on the basis of an annual review, that a significant recruitment or retention problem exists for physicians or dentists in that category.

Compromise agreement: Proposed new section 7431(d) follows the House bill, except that it would permit the Secretary to make the determinations only after receiving the recommendations of the CMD. In addition, proposed new section 7431(g) would, in the

case of a physician or dentist who has a current section 4118 special pay agreement on the day before the effective date of this Act and who is in a category of physicians or dentists for which the Secretary has determined there is no recruitment and retention problem, authorize the Secretary, in accordance with regulations the Secretary is to prescribe, to pay "retention pay" in an amount not to exceed the rate which, when added to the basic pay payable to that individual, is equal to the sum of the annual rate of basic pay and the annual rate of special pay paid to that physician or dentist pursuant to the final agreement with that individual under section 4118. If such a determination is made after a physician or dentist has entered into a contract under this title, this determination would take effect at the end of the current contract.

PHYSICIANS OR DENTISTS PROHIBITED FROM RECEIVING SPECIAL PAY

Current law: Section 4118(a)(2) of title 38 prohibits the payment of special pay to any physician or dentist who (a) is employed on less than a half-time or on an intermittent basis, (b) occupies an internship or residency training position, or (c) is a reemployed annuitant.

House bill: Proposed new section 4131(e) 38 would follow current law.

Senate bill: Proposed new section 4127(e) would follow current law except that the CMD would be authorized to pay special pay to a physician or dentist employed on a less than half-time basis on the basis of the same factors as apply to those working full-time (except for full-time status) in proportion to hours worked if the CMD determines that payment of special pay to such a physician or dentist is the most cost-effective way for VA to acquire needed services.

Compromise agreement: Proposed new sections 7431(e) and 7431(f) follow the Senate bill, except that a physician or dentist employed on a less than one-quarter time basis would be prohibited from receiving special pay.

DURATION OF SPECIAL PAY AGREEMENTS

Current law: Section 4118(e)(1) of title 38 requires that any agreement entered into by a physician or dentist under this section be for a period of one year of service unless the physician or dentist requests an agreement for a longer period of service not to exceed four years.

House bill: Proposed new section 4132(a) would provide for written agreements entered into by a physician or dentist for special pay to cover a period of one year of service unless the physician or dentist agrees to a period of two, three, or four years of service.

Senate bill: Proposed new section 4122(a) would require a physician or dentist who enters into a special pay agreement to agree to serve for a period of one to four years.

Compromise agreement: Proposed new section 7432(a) follows the Senate bill.

REFUND OF SPECIAL PAY FOR BREACH OF CONTRACT

Current law: Section 4118(e)(2) of title 38 requires that a physician or dentist who voluntarily, or because of misconduct, fails to complete at least one year of service pursuant to a special pay agreement refund the total amount received under section 4118, unless the CMD determines, in accordance with regulations prescribed by the Secretary, that the failure is necessitated by circumstances beyond the control of the physician or dentist.

House bill: Proposed new section 4132(b) would require a physician or dentist who fails to complete any one of the years of obligated service under the physician or dentist's contract to refund the amount of special pay received since the last anniversary date of the agreement in any year of the agreement, unless the Secretary waives the refund requirement in whole or in part on the basis of a determination, in accordance with regulations prescribed by the Secretary, that the failure is necessitated by circumstances beyond the control of the physician or dentist.

Senate bill: Proposed new section 4122(b) is identical to the House provision, except that (a) the refund requirement would apply to a failure to complete only the first year of the physician or dentist's agreement, and (b) the CMD would make determinations regarding waivers of the refund requirement.

Compromise agreement: Proposed new section 7432(b) would (a) require a physician or dentist who falls voluntarily, or because of misconduct, to complete any of the years of service covered by the agreement (measured from the anniversary date of the agreement) to refund an amount of special pay received under the agreement for that year equal to (1) 100 percent of the amount of special pay received for the first year, in the case of a failure during the first year of service under the agreement; (2) 75 percent of the amount of special pay received for the second year, in the case of a failure during the second year; (3) 50 percent of the amount received for the third year, in the case of a failure during the third year; and (4) 25 percent of the amount received for the fourth year, in the case of a failure during the fourth year of service; and (b) authorize the Secretary to waive the refund requirement where the failure is determined to be the result of circumstances beyond the control of the physician or dentist.

SUBMISSION OF CERTAIN SPECIAL PAY AGREEMENTS TO CENTRAL OFFICE FOR APPROVAL

Current law: Current law contains no requirement for VA Central Office approval of special-pay agreements based on the amount by which an individual's special pay is increased or decreased from one year to the next.

House bill: Proposed new section 4132(c) would (a) require a facility director to submit to the Secretary any proposed special pay agreement that would provide a physician or dentist an amount of special pay that would exceed the preceding year's amount of special pay by more than 50 percent or would be more than 25 percent less than the preceding year's amount, (b) provide that any such agreement would take effect if not disapproved by the Secretary within 45 days after its submission, and (c) require the Secretary, in evaluating a special-pay agreement under this provision, to adjust amounts of special pay as necessary to reflect any change in the status of the physician or dentist from full-time to part-time status, from part-time to full-time status, or from one proportion of part-time status to another.

Senate bill: No comparable provision.

Compromise agreement: Proposed new section 7432(c) follows the House bill except that it would provide that any such agreement, other than in the case of a physician or dentist employed in an executive position in VA's Central Office, would take effect if not disapproved by the Secretary within 60 days. In addition, proposed new section 7432(d) would require that any proposed special pay agreement, other than in the case of the

Chief Medical Director, that would take effect before October 1, 1994, and would cause a physician or dentist's total pay to exceed the annual rate of basic pay for positions specified in section 5312 of title 5 (Executive Level I) be submitted to the Secretary through the Chief Medical Director for review. A proposed agreement may be either approved or disapproved, but if neither approved nor disapproved within 60 days after the date on which the physician or dentist entered into the proposed agreement, that agreement shall take effect at the end of that 60-day period. Neither the Secretary nor the Chief Medical Director may modify a proposed agreement or dictate changes to a proposed agreement. However, if a proposed special pay agreement is disapproved, the Committees anticipate that it would be returned to the medical center director along with recommendations as to the level the Secretary, or the Secretary's designee, considers appropriate in order to facilitate the approval of an agreement. The compromise agreement specified that a proposed agreement may be disapproved under new section 4242(d) only if it is determined that the proposed amount of special pay is not necessary to recruit or retain the individual.

RESTRICTIONS ON RECEIPT OF MULTIPLE CATEGORIES OF SPECIAL PAY

Current law: Section 4118(c)(5) of title 38 prohibits a physician or dentist who receives special pay for an executive position from also receiving special pay for full-time status, length of service, or scarce specialty categories, except that (a) a physician or dentist serving as a Service Chief (or in a comparable position as determined by the CMD) on a full-time basis may receive special pay for the position as well as for full-time status and, if eligible, for being in a scarce specialty; and (b) a physician or dentist serving as a Chief of Staff on a full-time basis may receive both special pay for that position as well as for full-time status.

House bill: Proposed new section 4137(a) would permit physicians and dentists to receive all categories of special pay for which they are eligible, except that physicians and dentists serving in executive positions in Central Office would be prohibited from receiving scarce-specialty special pay.

Senate bill: Proposed new section 4127(a) is identical to the House provision, except that it would (a) allow a physician or dentist serving in Central Office to receive scarce-specialty special pay if the CMD determines that the specialty skills of that physician or dentist are necessary for the physician or dentist to carry out effectively the responsibilities of the executive position in which the physician or dentist serves, and (b) allow a Chief of Staff to receive scarce specialty special pay only if (1) the CMD determines that such pay is necessary for the recruitment and retention of highly qualified Chiefs of Staff, and (2) the CMD personally approves payment of such pay on a case-by-case basis.

Compromise agreement: Proposed new section 7437(a) follows the House bill.

RATES OF SPECIAL PAY FOR FULL-TIME PHYSICIANS

Primary Special Pay

Current law: Section 4118(b)(2) of title 38 requires the Secretary to provide primary special pay to any eligible full-time physician at a rate of \$7,000 per year.

House bill: No provision providing for primary special pay.

Senate bill: No provision providing for primary special pay.

Compromise agreement: No provision providing for primary special pay.

Full-time Status

Current law: Section 4118(c)(1)(A)(i) of title 38 provides for special pay for physicians for full-time status at an annual rate no greater than \$6,000.

House bill: Proposed new section 4133(b)(1) would provide special pay for physicians for full-time status at an annual rate of \$9,000.

Senate bill: Proposed new section 4123(1) is substantively identical to the House provision.

Compromise agreement: Proposed new section 7433(b)(1) contains this provision.

Length of Service

Current law: Section 4118(c)(1)(A)(ii) of title 38 provides special pay for tenure of service of full-time physicians at an annual rate no greater than (a) \$1,000 for 2 years but less than 5 years of service, (b) \$2,000 for 5 years but less than 8 years of service, and (c) \$3,000 for 8 or more years of service.

House bill: Proposed new section 4133(b)(2) would provide special pay for tenure of service of full-time physicians at an annual rate within a range of (a) \$3,000 to \$6,000 for 2 years but less than 4 years of service, (b) \$6,000 to \$12,000 for 4 years but less than 8 years of service, (c) \$12,000 to \$18,000 for 8 years but less than 15 years of service, and (d) \$15,000 to \$25,000 for 15 or more years of service.

Senate bill: Proposed new section 4123(2) would (a) provide special pay for length of service of full-time physicians at a uniform national annual rate, specified by the CMD, within a range of (1) \$4,000 to \$6,000 for 2 years but less than 4 years of service, (2) \$6,000 to \$12,000 for 4 years but less than 8 years of service, and (3) \$12,000 to \$25,000 for 8 or more years of service; and (b) authorize the CMD, for length of service in excess of 8 years, to set uniform national rates for such ranges of years as the CMD considers appropriate.

Compromise agreement: Proposed new section 7433(b)(2) would (a) provide special pay for length of service of full-time physicians at a uniform national rate, specified by the CMD, of (1) \$4,000 to \$6,000 for 2 years but less than 4 years of service, (2) \$6,000 to \$12,000 for 4 years but less than 8 years of service, (3) \$12,000 to \$18,000 for 8 years but less than 12 years of service, and (4) \$12,000 to \$25,000 for 12 or more years of service; and (b) authorize the CMD, for length of service of 12 or more years, to set uniform national rates for such ranges of years as the CMD considers appropriate.

Scarce Specialty

Current law: Section 4118(c)(1)(A)(iii) of title 38 provides for special pay for service by full-time physicians in a medical specialty as to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians, at an annual rate of not less than \$4,000 and not more than \$15,500.

House bill: Proposed new section 4133(b)(3) would follow current law, except that it would (a) require the Secretary, or the Secretary's designee, to make the determinations regarding recruitment and retention difficulties and provide for such determinations to be made on a nationwide basis or on the basis of the needs of a specific medical facility, and (b) provide for an annual rate of not more than \$40,000.

Senate bill: Proposed new section 4123(3) would follow current law, except that it would (a) authorize the CMD to make determinations on a nation-wide basis, on the basis of the needs of a specific medical facility,

ity, or on any other geographic basis, (b) specify a \$4,000 minimum, and (c) provide that, for service by a physician who serves only a portion of a year in a position for which special pay is paid under this category, the annual rate would be calculated on the basis of the proportion of time served in that position.

Compromise agreement: Proposed new section 7433(b)(3) would (a) provide for special pay for service by full-time physicians in a medical specialty with respect to which there are extraordinary difficulties in the recruitment or retention of qualified physicians on a nationwide basis or on the basis of the needs of a specific medical facility, at an annual rate of not more than \$40,000 and (b) incorporate the Senate provision for calculation of the annual rate of special pay for a physician who serves only a portion of a year in a designated scarce specialty position on the basis of the proportion of time served in the position.

Field Executive Positions

Current law: Section 4118(c)(1)(B) of title 38 provides special pay for full-time service by physicians at annual rates no higher than (a) \$9,900 for service as a Service Chief or in a comparable position as determined by the CMD, (b) \$12,600 for service as a Chief of Staff or in an Executive Grade position, and (c) \$13,000 for service in a Director Grade position.

House bill: Proposed new section 4133(b)(4) would raise the maximum annual rate of special pay for such positions to (a) \$15,000 for service as a Service Chief or in a comparable position as determined by the CMD, (b) \$25,000 for service as a Chief of Staff or in an Executive Grade position, and (c) \$25,000 for service in a Director Grade position.

Senate bill: Proposed new section 4123(4)(A) is substantively identical to the House bill, but would include minimum as well as maximum rates as follows: (a) \$4,500 to \$15,000 for service as a Service Chief or in a comparable position as determined by the CMD, and (b) \$14,500 to \$25,000 for service as a Chief of Staff or in an Executive or Director Grade position.

Compromise agreement: New section 7433(b)(4)(A) would provide annual rates of special pay for such positions as follows: (a) within a range of \$4,500 to \$15,000 for service as a Service Chief or in a comparable position as determined by the CMD, (b) within a range of \$14,500 to \$25,000 for service as a Chief of Staff or in an Executive Grade position, and (c) a maximum of \$25,000 for service in a Director Grade position.

With respect to physicians serving in Director Grade positions, the Committees recommend that VA continue its current practice of providing varying rates of executive medicine special pay for physician facility directors based on the complexity of the facilities they direct.

Central Office Executive Positions

Current law: Section 4118(c)(1)(B) of title 38 provides physicians' special pay for full-time service by physicians at annual rates no higher than (a) \$13,000 for service as a Deputy Service Director, (b) \$13,500 for service as a Service Director, (c) \$14,400 for service as a Deputy Assistant CMD, and (d) \$15,300 for service as an Associate Deputy CMD or Assistant CMD.

House bill: Proposed new section 4133(b)(4)(B) would provide special pay for full-time service by physicians at annual rates of (a) \$25,000 for service as a Service Director, (b) \$30,000 for service as a Deputy Assistant CMD or Assistant CMD, (c) \$35,000 for

service as an Associate Deputy CMD, (d) \$40,000 for service as a Deputy CMD, and (e) \$45,000 for service as CMD.

Senate bill: Proposed new section 4123(4)(B) is substantively identical to the House provision except that it would (a) provide special pay at annual rates of \$22,500 for service as a Deputy Service Director and \$27,500 for service as a Deputy Assistant CMD, and (b) would provide that, for service by a physician who serves only a portion of a year in an executive position and also serves a portion of that same year in another position or grade for which special pay is provided, the annual rate of special pay would be calculated on the basis of proportion of time served in the position or positions for which special pay is provided.

Compromise agreement: Proposed new section 7433(b)(4)(B) follows the Senate bill, except that it would provide \$20,000 for service as a Deputy Service Director.

Board Certification

Current law: Section 4118(c)(1)(C) of title 38 provides for special pay for full-time physicians for board certification at an annual rate of (a) \$2,000 for specialty or first board certifications, and (b) an additional \$500 for subspecialty or secondary board certification.

House bill: Proposed new section 4133(b)(5) would follow current law.

Senate bill: Proposed new section 4123(5) would follow current law.

Compromise agreement: Proposed new section 7433(b)(5) follows current law.

Geographic Location

Current law: Section 4118(c)(1) of title 38 provides special pay for full-time physicians, in an amount to be determined by the CMD pursuant to regulations, of no less than \$2,000 nor more than \$5,000 for service (a) in a specific geographic location with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians in a specific category of physicians, or (b) in the VA Central Office.

House bill: Proposed new section 4133(b)(6) would follow current law except that (a) the Secretary, or the Secretary's designee, would be required to make the determination relating to recruitment and retention difficulties, (b) the annual rate of geographic special pay could not exceed \$17,000, and (c) the provision includes no reference to Central Office.

Senate bill: Proposed new section 4123(6) is identical to the House provision except that (a) the CMD would be required to make the determination relating to recruitment and retention difficulties, and (b) there would be a range of geographic special pay of \$2,000 to \$15,000.

Compromise agreement: Proposed new section 7433(b)(6) follows the House bill.

The Committees anticipate that, as to the determination that there are extraordinary difficulties in the recruitment or retention of qualified physicians at a specific medical facility, the Secretary, or the Secretary's designees, would consider the input of the director of that facility.

Exceptional qualifications

Current law: There is no provision for paying special pay to full-time physicians based on exceptional qualifications.

House bill: No provision.

Senate bill: Proposed new section 4123(7) of title 38 would (a) provide for special pay for full-time physicians with exceptional qualifications within a specialty at an annual rate of not more than \$15,000, and (b) provide that special pay may be paid under this cat-

egory only if personally approved by the CMD on a case-by-case basis and only to the extent that the amount paid under this category, when added to the total of other special pay categories, does not exceed the total amount that may be paid to a physician with the same length of service, specialty, and position as the physician concerned.

Compromise agreement: Proposed new section 7433(b)(7) contains the Senate provision.

Rates of special pay for the Chief Medical Director and Deputy Chief Medical Director

Current law: Section 4118(b)(1) of title 38 requires the Secretary to exercise the authority contained in section 4118 to provide the maximum amount of special pay authorized by that section to the CMD and the Deputy CMD.

House bill: proposed new section 4133(c) would follow current law.

Senate bill: No provision.

Compromise agreement: New section 7432(d)(2) would (a) provide that the CMD shall receive, in addition to basic pay, special pay for that position at the rate specified in proposed new section 7433(b)(4)(B), and (b) provide that, for the CMD to receive special pay in the other categories for which the CMD is eligible, the Secretary must authorize such additional special pay. As noted above, the Deputy CMD's pay would be subject to the review and approval requirement of new sections 742(c) and (d), as described above under the heading "Submission of Certain Special Pay Agreements to Central Office for Approval".

SPECIAL PAY FOR PART-TIME PHYSICIANS; HALF-TIME OR GREATER

Current law: Section 4118 of title 38 provides for the payment of special pay to an eligible physician employed less than full-time but at least half-time, calculated on the basis of the proportion which the part-time employment bears to full-time employment, in an amount proportional to the following annual rates: (a) for primary special pay, \$7,000; (b) for incentive special pay, a total of up to \$15,500 consisting of (1) for length of service (A) \$750 for more than two but less than five years of service, (B) \$1,500 for five years but less than eight years of service, or (C) \$2,250 for eight years or more of service; (2) for service in a medical specialty with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians, an amount of not less than \$3,000 but no more than \$12,375, as determined by the CMD pursuant to regulations; (3) for service in an executive position (A) \$7,220 for service as a Service Chief or in a comparable position as determined by the CMD, or (B) \$9,190 for service as a Chief of Staff or in an Executive Grade position; (4) for board certification (A) \$1,500 for specialty or first board certification, or (B) \$1,875 for subspecialty or second board certification; and (5) for service in either (A) a specific geographic location with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians, or (B) the VA Central Office, an amount not less than \$1,500 but not more than \$4,000, as determined by the CMD pursuant to regulations.

House bill: Proposed new section 4134 would provide special pay for physicians employed less than full-time but at least half-time in an amount directly proportional to the amount the physician would receive if employed on a full-time basis, with the exception of full-time status special pay, sub-

ject to a 5/8ths cap on the proportion of full-time employment used to calculate special pay and except that the amount used for calculating board certification special pay would be fixed at \$1,500 for specialty or first board certification and an additional \$375 for subspecialty or secondary board certification.

Senate bill: Proposed new section 4124 would provide special pay for physicians employed less than full-time but at least half-time, based upon the factors and at the rates specified for full-time physicians, except for full-time status, in direct proportion to the amount that the physician would receive if employed on a full-time basis.

Compromise agreement: Proposed new section 7434 follows the Senate provision, except that it would set a cap of 3/4 on the proportion of full-time employment that would be used to calculate special pay.

SPECIAL PAY FOR PART-TIME PHYSICIANS: LESS THAN HALF-TIME

Current law: Section 4118(a)(2) of title 38 prohibits the payment of special pay to any physician who is employed on a less than half-time basis.

House bill: Proposed new section 4131(e) would follow current law.

Senate bill: Proposed new section 4124 would provide special pay for physicians employed on a less than half-time basis, based upon the factors and at the rates specified for full-time physicians, except for full-time status, in direct proportion to the amount the physician would receive if employed on a full-time basis, subject to proposed new section 4127(e), which would require the CMD to determine that payment of special pay to a physician employed on a less than half-time basis is the most cost-effective way to provide needed medical or dental services at a VA facility.

Compromise agreement: Proposed new sections 7431(e) and 7431(f) follow the Senate provision, except that payment of special pay to a physician employed on less than a one-quarter time basis would be prohibited.

RATES OF SPECIAL PAY FOR FULL-TIME DENTISTS

Primary special pay

Current law: Section 4118(b)(2) of title 38 requires the Secretary to provide primary special pay to any eligible full-time dentist at a rate of \$2,500 per year.

House bill: No provision providing for primary special pay.

Senate bill: No provision providing for primary special pay.

Compromise agreement: No provision providing for primary special pay.

Full-time status

Current law: Section 4118(c)(2)(A)(i) of title 38 provides for special pay for dentists for full-time status at an annual rate no greater than \$1,000.

House bill: Proposed new section 4135(b)(1) would provide special pay for dentists for full-time status at an annual rate of \$3,500.

Senate bill: Proposed new section 4125(a)(1) is identical to the House provision.

Compromise agreement: Proposed new section 7435(b)(1) contains this provision.

Length of service

Current law: Section 4118(c)(2)(A)(ii) of title 38 provides special pay for tenure of service of full-time dentists in amounts not more than (a) \$500 for two years but less than seven years of service, and (b) \$1,000 for seven years or more of service.

House bill: Proposed new section 4135(b)(2) would provide special pay for tenure of serv-

ice of full-time dentists in the amount of (a) \$800 for two years but less than seven years of service, or (b) \$1,600 for seven years or more of service.

Senate bill: New section 4125(2) would (a) provide special pay for length of service of full-time dentists at a uniform annual national rate, as specified by the CMD, within a range of (1) \$1,300 to \$2,000 for two years but less than four years of service, (2) \$2,000 to \$4,000 for four years but less than eight years of service, and (3) \$4,000 to \$8,300 for eight years or more of service; and (b) authorize the CMD, for length of service in excess of eight years, to set uniform national rates for such ranges of years as the CMD considers appropriate.

Compromise agreement: Proposed new section 7435(b)(2) would (a) provide special pay for length of service of full-time dentists at a uniform annual national rate, specified by the CMD, of (1) \$1,000 to \$2,000 for two years but less than four years of service, (2) \$2,000 to \$3,000 for four years but less than eight years of service, and (3) \$3,000 to \$3,500 for eight years but less than twelve years of service; and (4) \$3,000 to \$4,000 for twelve years or more of service; and (b) authorize the CMD, for length of service of twelve or more years, to set uniform national rates for such ranges of years as the CMD considers appropriate.

Scarce specialty

Current law: Section 4118(c)(2)(A)(iii) of title 38 provides special pay for service by full-time dentists in a dental specialty as to which the CD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment and retention of qualified dentists, at an annual rate determined by the CMD, pursuant to regulations, of not less than \$2,000 and not more than \$7,500.

House bill: Proposed new section 4135(b)(3) would follow current law except that it would (a) require the Secretary, or the Secretary's designee, to make the determinations regarding recruitment and retention difficulties and provide for such determinations to be made on a nationwide or individual facility basis; and (b) provide for an annual rate of not more than \$20,000.

Senate bill: Proposed new section 4125(3) is identical to the House provision, except that it would (a) require the CMD to make the determinations regarding recruitment and retention difficulties, (b) authorize the CMD to make determinations on any "other geographic basis", (c) require that such special pay be paid at an annual rate not less than \$2,000 but not more than \$30,000, and (d) provide that, for service by a dentist who serves only a portion of a year in a position for which special pay is paid under this category, the annual rate would be calculated on the basis of the proportion of time served in that position.

Compromise agreement: Proposed new section 7435(b)(3) would (a) provide special pay for service by full-time dentists in a dental specialty with respect to which there are extraordinary difficulties in the recruitment and retention of qualified dentists on a nationwide basis or on the basis of the needs of a specific medical facility, at an annual rate of not more than \$20,000, and (b) incorporate the Senate provision for calculation of the annual rate of special pay for a dentist who serves only a portion of a year in a designated scarce specialty position on the basis of the proportion of time served in the position.

Field executive positions

Current law: Section 4118(c)(2)(B) of title 38 provides special pay for full-time service by dentists at annual rates no higher than (a) \$2,750 for service as a Service Chief or in a comparable position as determined by the CMD, (b) \$3,500 for service as a Chief of Staff or in an Executive Grade position, and (c) \$3,625 for service in a Director Grade position.

House bill: Proposed new section 4135(b)(4) would raise the maximum annual rates of special pay for dentists serving in such positions on a full-time basis to annual rates no higher than (a) \$5,000 for service as a Service Chief or in a comparable position as determined by the Secretary and (b) \$9,000 for service as a Chief of Staff or in an Executive or Director Grade position.

Senate bill: Proposed new section 4125(4)(A) would raise the maximum annual rate of special pay for dentists serving in such positions on a full-time basis to annual rates within a range of (a) \$3,000 to \$5,000 for service as a Service Chief or in a comparable position as determined by the CMD, and (b) \$3,500 to \$8,000 for service as a Chief of Staff or in an Executive or Director Grade position.

Compromise agreement: Proposed new section 7435(b)(4)(A) would raise the maximum annual rate of special pay for dentists serving in such positions on a full-time basis to annual rates (a) within a range of \$1,000 to \$5,000 for service as a Service Chief or in a comparable position as determined by the CMD, (b) within a range of \$1,000 to \$8,000 for service as a Chief of Staff or in an Executive Grade position, and (c) a maximum of \$8,000 for service in a Director Grade position.

Central office executive positions

Current law: Section 4118(c)(2)(B) of title 38 provides special pay for full-time service by dentists at annual rates no higher than (a) \$3,625 for service as a Deputy Service Director, (b) \$3,750 for service as a Service Director, (c) \$4,000 for service as a Deputy Assistant CMD, and (d) \$4,250 for service as an Assistant CMD.

House bill: Proposed new section 4135(b)(4) would provide special pay for full-time service by dentists at annual rates no higher than (a) \$9,000 for service as a Service Director, (b) \$10,000 for service as a Deputy Assistant CMD, and (c) \$10,000 for service as an Assistant CMD.

Senate bill: Proposed new section 4125(4)(B) would (a) provide special pay for full-time service by dentists at annual rates of (1) 8,000 for service as a Deputy Service Director, (2) \$9,000 for service as a Service Director, (3) \$10,000 for service as a Deputy Assistant CMD, and (4) \$10,000 for service as an Assistant CMD; and (b) provide that, for service by a dentist who serves only a portion of a year in an executive position specified in this provision and also serves a portion of that same year in another position or grade for which special pay is provided, the annual rate of special pay would be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

Compromise agreement: Proposed new section 7435(b)(4) (a) would provide (1) ranges of \$1,000 to \$8,000 for service as a Deputy Service Director and \$1,000 to \$9,000 for service as a Service Director and, (2) an annual rate of \$10,000 for service as a Deputy Assistant CMD or an Assistant CMD; and (b) contains the Senate provision for calculation of the annual rate of special pay for a dentist who serves only a portion of a year in a Central Office executive position.

Board certification

Current law: Section 4118 of title 38 does not provide special pay for full-time dentists for board certification.

House bill: Proposed new section 4135(b)(5) would provide special pay for full-time dentists for board certification at an annual rate of (a) \$2,000 for specialty or first board certification, and (b) an additional \$5,000 for subspecialty or secondary board certification.

Senate bill: Proposed new section 4125(5) is substantively identical to the House provision.

Compromise agreement: Proposed new section 7435(b)(5) contains this provision.

Geographic location

Current law: Section 4118(c)(2)(C) of title 38 provides special pay for full-time dentists in an amount to be determined by the CMD pursuant to regulations, of not less than \$1,750 nor more than \$2,500 for service (a) in a specific geographic location with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified dentists in a specific category of dentists, or (b) in the VA Central Office.

House bill: Proposed new section 4135(b)(6) would follow current law, except that (a) the Secretary, or the Secretary's designee, would be required to make the determination relating to recruitment and retention difficulties, (b) the annual rate of geographic special pay could not exceed \$5,000, and (c) the provision includes no reference to Central Office.

Senate bill: Proposed new section 4125(6) is identical to the House provision, except that (a) the CMD would be required to make the determination relating to recruitment and retention difficulties, and (b) there would be a range of geographic special pay of \$1,750 to \$5,000.

Compromise agreement: Proposed new section 7435(b)(6) follows the House bill.

The Committees anticipate that, as to the determination that there are extraordinary difficulties in the recruitment or retention of qualified physicians at a specific medical facility, the Secretary, or the Secretary's designees, would consider the input of the director of that facility.

Exceptional qualifications

Current law: There is no provision for paying special pay to full-time dentists based on exceptional qualifications.

House bill: No provision.

Senate bill: Proposed new section 4125(7) (a) would provide for special pay for full-time dentists for exceptional qualifications within a specialty at an annual rate of not more than \$5,000, and (b) would provide that special pay may be paid under this category only if personally approved by the CMD on a case-by-case basis and only to the extent that the amount paid under this category, when added to the total of other special pay categories, does not exceed the total amount that may be paid to a dentist with the same length of service, specialty, and position as the dentist concerned.

Compromise agreement: Proposed new section 7435(b)(7) contains the Senate provision.

SPECIAL PAY FOR PART-TIME DENTISTS: HALF-TIME OR GREATER

Current law: Section 4118 of title 38 provides for the payment of special pay to an eligible dentist employed less than full-time but at least half-time, calculated on the basis of the proportion which the part-time employment bears to full-time employment, in an amount proportional to the following annual rates: (a) for primary special pay,

\$2,500; (b) for incentive special pay, a total of up to \$7,500, consisting of (1) for length of service, (A) \$500 for more than two but less than seven years of service or (B) \$1,000 for seven or more years of service; (2) for service in a dental specialty with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified dentists, an amount not less than \$1,500 but no more than \$5,625, as determined by the CMD in accordance with regulations; (3) for service in an executive position (A) \$2,750 for service as a Service Chief or in a comparable position as determined by the CMD, or (B) \$3,500 for service as a Chief of Staff or in an Executive Grade position; and (4) for service in either (A) a specific geographic location with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified dentists, or (B) the VA Central Office, an amount not less than \$1,310 but not more than \$1,875, as determined by the CMD in accordance with regulations.

House bill: Proposed new section 4136 would provide special pay for dentists employed less than full-time but at least half-time in an amount directly proportional to the amount the dentist would receive if employed on a full-time basis, with the exception of full-time status special pay, subject to a 5/8ths cap on the proportion of full-time employment that may be used to calculate special pay, except that the amount used for calculating board certification special pay would be fixed at \$1,500 for specialty or first board certification and an additional \$375 for subspecialty or secondary board certification.

Senate bill: Proposed new section 4126 would provide special pay for part-time dentists employed on a half-time or greater basis, based upon the factors and at the rates specified for full-time dentists, except for full-time status, in direct proportion to the amount the dentist would receive if employed on a full-time basis.

Compromise agreement: Proposed new section 7436 follows the Senate provision, except that it would set a cap of 3/4 on the proportion of full-time employment that would be used to calculate special pay.

SPECIAL PAY FOR PART-TIME DENTISTS: LESS THAN HALF-TIME

Current law: Section 4118(a)(2) of title 38 prohibits the payment of special pay to any dentist employed on a less than half-time basis.

House bill: Proposed new section 4131(e) would follow current law.

Senate bill: Proposed new section 4126 would provide special pay for dentists employed on a less than half-time basis, based upon the factors and at the rates specified for full-time dentists, except for full-time status, in direct proportion to the amount the dentist would receive if employed on a full-time basis, subject to proposed new section 4127(e), which would require the CMD to determine that payment of special pay to a dentist employed on a less than half-time basis is the most cost-effective way to provide needed dental services at a VA facility.

Compromise agreement: Proposed new sections 7431(e) and 7431(f) follows the Senate provision, except that the payment of special pay to a dentist employed on less than a one-quarter time basis would be prohibited.

REGULATIONS FOR CERTAIN DETERMINATIONS

Current law: Section 4118 requires that the Secretary issue regulations to carry out the

special pay authorities, but contains no specific provisions specifying what determinations affecting special pay must be made under regulations.

House bill: Proposed new section 4137(b) would require that the following determinations be made under regulations prescribed by the Secretary: (a) a determination that there are extraordinary difficulties (on a nationwide or individual facility basis) in the recruitment or retention of qualified physicians in a medical specialty or in the recruitment or retention of qualified dentists in a dental specialty, (b) a determination of the amount of special pay to be paid to a physician or dentist for a factor of special pay for which the applicable rate is specified as a range of amounts, and (c) a determination of whether there are extraordinary difficulties in a specific geographic location in the recruitment or retention of qualified physicians in a specific category of physicians or in the recruitment or retention of qualified dentists in a specific category of dentists.

Senate bill: Proposed new section 4127(b) is identical to the House provision, except that (a) it would require that regulations be prescribed by the Secretary after receiving the recommendations of the CMD, (b) determinations that there are extraordinary difficulties in recruitment or retention of qualified physicians or dentists in each specialty could also be made on any "other geographic basis", and the CMD would be required to establish uniform national rates of special pay to be paid to a physician or dentist for a factor of special pay which the bill specifies a range of rates.

Compromise agreement: Proposed new section 7437(b) follows House bill, except that the Secretary would prescribe special pay regulations only after receiving the recommendations of the CMD.

The Committees note that, under section 553 of title 5, regulations having to do with matters relating to agency management or persons not subject to the rulemaking requirements of the Administrative Procedures Act.

PROCEDURES FOR AUTHORIZATION OF SCARCE SPECIALTY PAY ON AN INDIVIDUAL FACILITY BASIS

Current law: Section 4118 of title 38 does not provide for the payment of special pay for service in a scarce specialty on an individual facility basis.

House bill: Proposed new section 4137(c) would provide that the purpose of paying special pay, a determination by the Secretary that there are extraordinary difficulties in the recruitment or retention of qualified physicians in a medical specialty or in the recruitment of qualified dentists in a dental specialty, on the basis of the needs of a specific medical facility, may only be made upon the request of the director of that facility.

Senate bill: Proposed new section 4127(c) is identical to the House provision, except that (a) if a facility director determines that the facility is unable to recruit or retain physicians or dentists in a specific category through the use of scarce specialty and geographic special pay authorities, the facility director would be required to notify the CMD and recommend the payment of special pay or an increase in the payment of special pay, as appropriate for that category of physicians or dentists; (b) the special pay (or the increase in special pay) recommended by the director would become effective with respect to that facility 45 days after the date on which the CMD receives the notification, un-

less, before the expiration of that period, the CMD disapproves the director's recommendation; and (c) the CMD could delegate or redelegate the authority to approve or disapprove the facility director's recommendation to an officer or employee of VHS&RA who holds a position in the direct line of authority between the CMD and the facility director higher than the one held by the director making the recommendation, as determined by the CMD.

Compromise agreement: Proposed new section 7437(c) follows the House bill.

LIMITATION ON AUTHORIZATION OF SCARCE SPECIALTY SPECIAL PAY ON AN INDIVIDUAL FACILITY BASIS

Current law: As noted above, section 4118 of title 38 does not provide for the payment of special pay for service in a scarce specialty on an individual facility basis; thus, there is no basis in current law for any limitation on such authority.

House bill: Proposed new section 4137(d) would prohibit the Secretary from providing special pay for a scarce specialty on the basis of needs of a specific medical facility unless the Secretary also determines that special pay on the basis geographic location is insufficient to meet the needs of that facility for qualified physicians or dentists.

Senate bill: Proposed new section 4127(d) is identical to the House provision, except that it also would (a) specify that the CMD would make the determination of geographic-pay insufficiency upon the request of the facility director, (b) require that the determination relate expressly to the needs of the facility for qualified physicians or dentists in the specific category of physicians or dentists concerned, and (c) require that, if special pay is paid to a physician or dentist on any geographic or individual-facility basis, all physicians or dentists with the same specialty serving at the facility concerned be paid the same rate of such pay.

Compromise agreement: Proposed new section 7437(d) follows the House bill.

PROTECTION AGAINST REDUCTION IN SPECIAL PAY DUE TO ELIMINATION OF PRIMARY SPECIAL PAY CATEGORY

House bill: No provision.

Senate bill: Proposed new section 4127(f) of title 38 would require that a physician or dentist who was employed by VHS&RA, on an either full-time or part-time basis, on the day before the effective date of the new subchapter, and was receiving primary special pay and incentive special pay only for full-time-status, and tenure of service, be paid special pay under the new subchapter at a rate not less than the rate of special pay the physician or dentist received the day before the effective date of this bill.

Compromise agreement: Proposed new section 7437(e) follows the Senate bill. In addition, proposed new section 7431(g) would provide for retention pay, as described above under "Designation of Categories With No Recruitment or Retention Problems," for a physician or dentist who had been receiving special pay under a section 4118 agreement in a category for which the Secretary subsequently determines there is no significant recruitment and retention problem.

LIMITS ON THE MAXIMUM AMOUNT OF SPECIAL PAY

Current law: Section 4118(a)(1) of title 38 limits the total amount of special pay that may be paid to a physician or dentist to an amount no more than (a) \$22,500 per year for a full-time physician, and (b) \$10,000 per year for a full-time dentist, except that special pay received for service in a specific geo-

graphic location in which VA experiences severe recruitment and retention difficulties, which, under section 4118(d), is excluded from the maximum limit on total special pay.

House bill: Would place no limit on the maximum amount of special pay that a physician or dentist could receive.

Senate bill: Proposed new section 4127(h) of title 38 would set a cap on the total compensation (special pay plus basic pay) that a physician or dentist could receive at an amount no greater than the amount specified in section 102 of title 3, United States Code.

Compromise agreement: Proposed new section 7437(h) follows the Senate bill. In addition, as described above under "Submission of Certain Special Pay Agreements to Central Office for Approval," proposed new section 7432(d) would require that any agreement (other than an agreement relating to the CMD's pay) that would take effect before October 1, 1994, and would cause a physician or dentist's total pay to exceed the annual rate of basic pay for positions specified in section 5312 of title 5, be submitted for approval to the Secretary through the CMD.

BASIC PAY CALCULATIONS

Current law: Section 4118(f)(1) of title 38 provides that, except as provided in paragraph (2) of section 4118(f) (discussed below), any additional compensation provided as special pay under section 4118 not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81, 83, or 84 of title 5, or other benefits related to basic pay.

House bill: Proposed new section 4138(e) would provide that, except as provided in subsections (b) and (d) of section 4138 (discussed below), any special pay would not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81, 83, or 84 of title 5, or other benefits related to basic pay.

Senate bill: No provision.

Compromise agreement: Proposed new section 7438(b) follows the House bill.

CALCULATION OF RETIREMENT BENEFITS

Current law: Section 4118(f)(2) of title 38 provides that special pay paid to any full-time employee after September 30, 1980, be included in average pay, as defined in section 8331(4) or 8401(3) of title 5, only (a) for the purposes of computing disability or death benefits paid under section 8337, 8341(d) or (e), 8442(b), 8443, or 8451 of title 5; or (b) if the employee has completed not less than fifteen years of full-time service, for the purpose of computing an annuity, except that, regardless of the length of such employee's service, no special pay could be included in average pay in computing an annuity that commenced before October 1, 1985, and only one-half of any special pay in computing an annuity that commenced on or after October 1, 1985, but before October 1, 1990.

House bill: Proposed new section 4138(b) would follow current law with respect to disability or death benefits and, with respect to an annuity computation under chapter 83 or 84, provide for all special pay to be considered as basic pay for chapter 83 or 84 purposes with no phase-in.

Senate bill: Proposed new section 4128(b) would follow current law with respect to disability or death benefits and, with respect to annuity computations under chapter 83 or 84, would provide for special pay provided to a physician or dentist under the new authority to be considered basic pay (a) in the case of a physician or dentist who has no VA service prior to the effective date of this measure

but has at least fifteen years of service, and (b) in the case of a physician or dentist who has effective date service and at least fifteen years of service, only in (1) an amount equal to the amount of special pay the physician or dentist was receiving immediately prior to the effective date, plus (2) an amount equal to 20 percent of the increased amount of special pay under the new law for each two years served after the effective date.

Compromise agreement: Proposed new section 7438(b) follows the Senate bill, except that the phase-in of the increase for those with pre-effective date service would be at the rate of 25 percent of the increased amount of special pay for each two years served after the effective date.

LIFE INSURANCE CALCULATIONS

Current law: Section 4118(f)(3) of title 38 requires that any special pay be considered as annual pay for the purposes of chapter 87 of title 5, relating to life insurance for Federal employees.

House bill: Proposed new section 4138(c) would provide that special pay provided to a physician or dentist under the new authority or under an agreement entered into under section 4118 of title 38 and be considered as annual pay for the purposes of the provisions of chapter 87 of title 5, relating to life insurance for Federal employees.

Senate bill: No provision.

Compromise agreement: Proposed new section 7438(c) follows the House provision.

QUADRENNIAL REPORT ON SPECIAL PAY

Current law: Section 4118(g)(2) of title 38 requires the Secretary to (a) define the bases for pay distinctions, if any, among various categories of physician and dentists, including between physicians and dentists employed by VA and physicians and dentists employed by other Federal departments and agencies and between all Federal sector and non-Federal sector physicians and dentists; (b) obtain measures of income from the employment or practice of physicians and dentists in the non-VA sector, including Federal and non-Federal sectors, for use as guidelines for setting and periodically adjusting the amounts of special pay for VA physicians and dentists; (c) submit a report to the President, on such date as the President may designate but not later than December 31, 1988, and once every four years thereafter, recommending appropriate amounts of special pay; (d) include in such recommendations, when the Secretary considers it appropriate and necessary to do so, modifications of the special pay levels set forth in section 4118 of title 38 (1) whenever VA is unable to recruit or retain a sufficient work force of well-qualified physicians and dentists because the incomes of non-VA physicians and dentists performing comparable types of duties significantly exceed the levels of total pay of VA physicians and dentists, or (2) whenever other extraordinary circumstances are such that special pay levels are needed to recruit or retain a sufficient number of well-qualified physicians and dentists.

House bill: Proposed new section 4139 of title 38 follows current law, except that it would require the Secretary to submit the report on such date as the President may designate but not later than December 31, 1992, and once every four years thereafter.

Senate bill: Proposed new section 4129 is substantively identical to the House provision.

Compromise agreement: Proposed new section 7439 follows the House provision, except that it would require the Secretary to submit the report not later than December 31, 1994, and once every four years thereafter.

INCLUSION OF RECOMMENDATIONS IN THE
PRESIDENT'S BUDGET SUBMISSION

Current law: Section 4118(g)(3) of title 38 requires the President to include recommendations with respect to the exact rates of special pay for physicians and dentists under section 4118 in the Budget next transmitted to the Congress under section 1105 of title 31 after the submission of each report by the Secretary pursuant to section 4118(g)(2), (known as the "Quadrennial Report", described below).

House bill: Proposed new section 4139(c) follows current law.

Senate bill: Proposed new section 4129(c) follows current law, with an additional requirement that the President specify the added costs of the recommended rates of special pay.

Compromise agreement: Proposed new section 7439(c) follows the Senate bill.

ANNUAL REPORT ON SPECIAL PAY

Current law: Section 4118(g)(4) of title 38 requires the Secretary to submit to the House and Senate Committees on Veterans' Affairs, not later than April 30 of each year, a report on the implementation of section 4118, which must include (a) a review of the Secretary's and CMD's actions, findings, recommendations, and other activities to date for the fiscal year during which the report is submitted and for such portion of the preceding fiscal year as was not included in the previous annual report, and (b) a plan in connection with the implementation of section 4118 for the remainder of the fiscal year during which the report is submitted and for the succeeding fiscal year.

House bill: Proposed new section 4140 of title 38 would follow current law, but also would require the Secretary to include in the annual report (a) a description of the amounts of special pay paid during the preceding fiscal year by category of pay; (b) a list of (1) the geographic areas, and scarce specialties for which special pay was paid during the preceding fiscal year, (2) the areas and specialties for which special pay is being paid during the current fiscal year, and (3) the areas and specialties for which special pay is expected to be paid during the next fiscal year, and (4) a summary of any differences among those three lists; (c) a list of (1) the number of physicians and dentists who left employment with the Department during the preceding year, (2) the number who changed from full-time status to part-time status, and (3) the reasons therefor; and (d) the number of unfilled physician and dentist positions in VHS&RA and the reasons that each such position is unfilled.

Senate bill: Proposed new section 4130 is similar to the new section proposed in the House bill except that, the provision would be modified to require the Secretary to include (1) the number of physicians and dentists who change from part-time to full-time status, and (2) a summary of the reasons why physicians and dentists left employment with VHS&RA or changed their employment status; and (b) the following items would be added to the report: (1) the numbers of positions, by specialty, created and abolished during the preceding fiscal year and a summary of the reasons for such actions; (2) with respect to the number of unfilled physician and dentist positions (A) the number of unfilled positions in each specialty in VHS&RA, (B) the average and maximum lengths of time that those positions have been unfilled, (C) a summary of the reasons why the positions remain unfilled and, (D) in the case of any specialty not designated as a scarce specialty for purposes of special pay,

an explanation (including comparisons with other specialties that have been so designated) of why the specialty has not been so designated; and (3) an assessment of the need for periodically adjusting the rates of special pay of physicians and dentists to reflect cost-of-living increases as a means of recruiting and retaining high-quality medical personnel.

Compromise agreement: Proposed new section 7440 contains this provision. However, it does not contain an assessment of the need for periodically adjusting rates of special pay of physicians and dentists. In addition, new section 7432(d)(3) would require the Secretary to include in the annual report (1) the number of agreements entered into during the period covered by the report which caused a physician's or dentist's total annual salary to exceed the amount specified in section 5312 of title 5 (Executive Level I); (2) the number of proposed agreements exceeding the amount specified in section 5312 which were disapproved by the Secretary; and (3) a detailed explanation of the Secretary's reasons for disapproving any agreements.

REIMBURSEMENT OF CONTINUING EDUCATION
EXPENSES

Current law: Section 4113 of title 38 authorizes the Secretary to pay the expenses, except membership fees, of physicians and dentists to attend meetings of associations for the promotion of medical and related science.

House bill: Section 103 would require the Secretary to reimburse any full-time board-certified physician or dentist for up to \$1,000 per year for expenses incurred for continuing professional education after September 30, 1990.

Senate bill: Section 264 would (a) require the CMD to reimburse any full-time board-certified physician or dentist—and authorize the CMD to reimburse other physicians and dentists—for up to \$1,000 per year for continuing education expenses, and (b) authorize the CMD to reimburse continuing education expenses in excess of \$1,000.

Compromise agreement: Proposed new section 7411 follows the House bill, except that the provision would apply only with respect to expenses incurred after September 30, 1991.

ELECTION OF CREDITING SPECIAL PAY FOR
RETIREMENT ANNUITY AND INSURANCE

Current law: Under Section 103(b)(2) of Public Law 96-330, a physician or dentist who was employed by VHS&RA on October 1, 1980, in a full-time status was permitted to make an irrevocable election, no later than April 1, 1981, not to have special pay counted as basic pay for the purposes of computing an annuity under chapter 83 or 84 of title 5.

House bill: No comparable provision.

Senate bill: Section 266 would permit a physician or dentist who elected not to have special pay under section 4118 included as basic pay for the purposes of either chapter 83 or 84 of title 5 irrevocably to elect to have special pay received under the new special pay authority considered basic pay for such purposes and included in average pay for the purposes of sections 8331(4) and 8401(3) of title 5 in the same manner and to the same extent as provided in the new special pay authority. The physician or dentist would be required to make such an election in writing at the time the physician or dentist enters into an agreement under the new provisions.

Compromise agreement: No provision.

The Committees note that the goal of the Senate provision would be met by the repeal of section 4118 and by the enactment of sec-

tion 104 of the compromise agreement, which would authorize all physicians and dentists to enter into new agreements under new chapter 74. All special pay received under these new agreements would be counted as basic pay for the purpose of computing an annuity.

RECRUITMENT, RELOCATION, AND RETENTION
BONUSES

Current law: Section 5524a of title 5 permits the head of a Federal agency to provide advance payment of basic pay, covering not more than two pay periods, to any individual who is newly appointed to a position in the agency, at the initial rate of basic pay payable to the employee upon commencement of service in that position. Section 5706b of title 5 permits a Federal agency to pay an individual for expenses for travel to and from pre-employment interviews. Section 5753 of title 5 (a) permits the Director of the Office of Personnel Management (OPM), subject to regulations which OPM will prescribe, to authorize the head of an agency to pay a bonus to an employee who is newly appointed under the General Schedule, or an employee under any Federal pay authority who must relocate to accept a General Schedule position, if the Office determines that the agency would be likely to encounter difficulty in filling the position, in the absence of such a bonus; (b) requires the OPM to determine the amount of such a bonus up to a limit of 25 percent of the annual rate of basic pay for the position, exclusive of any locality comparability payment that may be applicable to the position; (c) requires that payment of such a bonus be contingent upon the employee entering into an agreement with the agency to complete a period of employment with the agency, pursuant to regulations prescribed by OPM, which the employee must repay on a pro rated basis, if the employee is separated from the agency or voluntarily fails to complete the agreed-upon period of service; and (d) requires that such a bonus be paid as a lump sum and not considered as part of the employee's basic pay. Section 5754 of title 5 (a) permits OPM, in accordance with regulations which OPM must prescribe, to authorize the head of an agency to pay an allowance to an employee under the General Schedule if the unusually high or unique qualifications of the employee make it essential for the agency to retain the employee and the agency determines that the employee would be likely to leave in the absence of a retention allowance; (b) provides that a retention allowance may not exceed 25 percent of the employee's annual rate of basic pay (exclusive of any locality comparability payment under section 5304 of title 5); and (c) requires that such an allowance be paid in at the same time and in the same manner as the employee's basic pay, but may not be considered part of the employee's basic pay.

House bill: Section 104 of H.R. 598 in the 102d Congress, as passed by the House of Representatives on January 30, 1991, would add new section 4120A to title 38 under which the Secretary would be authorized to permit the CMD to pay allowances or expenses to physicians, nurses, and other title 38 health-care employees, in the same manner, and subject to the same limitations as are provided in the authorities under sections 5524a, 5706b, 5753, and 5754 of title 5.

Senate bill: No provision.

Compromise agreement: Proposed new section 7410 follows the House bill.

EFFECTIVE DATES AND TRANSITION

House bill: Section 104 would (a) provide that the new special pay authority take ef-

fect on the later of (1) October 1, 1990, or (2) the date of enactment; (b) provide that the continuing education expenses provision apply to expenses incurred after September 30, 1990; (c) require that any agreement entered into under section 4118 of title 38 prior to the effective date remain in effect and be treated for all purposes in accordance with such section as in effect on the day before the effective date of the special pay authority, except that an agreement that covers a period in excess of one year and that would expire more than one year after such effective date may be terminated in order to allow a physician or dentist to enter into a new agreement; (d) require that any new agreement take effect only on the anniversary date of the terminated agreement; and (e) prohibit a special pay agreement from providing special pay with respect to a period before the date on which the agreement is entered into.

Senate bill: Section 265 would (a) provide that the new special pay authority would take effect with respect to pay periods beginning more than 180 days after the date of enactment; (b) require the Secretary to terminate a special pay agreement entered into under section 4118, if (1) the agreement covers a period in excess of one year, (2) the agreement expires more than one year after the effective date of the new special pay authority, (3) the physician or dentist concerned requests termination of the agreement, and (4) the agreement is terminated for the purpose of permitting the physician or dentist concerned to enter into a new special pay agreement; (c) require that any new agreement take effect only after completion of the first year of service under the terminated agreement; and (d) provide that the continuing education expenses provision apply to expenses incurred after September 30, 1990.

Compromise agreement: Section 104 would provide that the new special pay authority would take effect with respect to the first pay period beginning after the earlier of (a) July 1, 1991, or (b) the end of the 90-day period beginning on the date of enactment. A physician or dentist who entered into a special pay agreement under section 4118 of title 38 which would not expire until after the beginning of that pay period would be permitted to negotiate a new agreement that would begin with that pay period. A physician or dentist who entered into a section 4118 agreement that expires before the first pay period as to which the measures take effect would be permitted (1) to extend the 4118 agreement until the beginning of that pay period, and (2) to negotiate a new agreement that would begin with that pay period. A physician or dentist hired by VHS&RA after the date of enactment but before the effective date would be permitted to negotiate both (1) a 4118 agreement that would expire as of the beginning of that pay period, and (2) a new agreement that would begin with that pay period. Proposed new section 7411 would apply to continuing education expenses incurred after September 30, 1991.

EXTENSION OF COLLECTIVE BARGAINING RIGHTS TO TITLE 38 EMPLOYEES

Current law: Under the Federal Service Labor-Management Relations Act (FSLRA), which was enacted as part of the Civil Service Reform Act of 1978 (Public Law 95-454) and codified in chapter 71 of title 5, United States Code, Federal employees are granted the right to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with the terms of that Act.

Section 4108 of title 38 provides that the Secretary of Veterans Affairs "shall prescribe by regulation the hours and conditions of employment and leaves of absence" of health-care professionals appointed under title 38.

In a July 1988 decision, the U.S. Court of Appeals for the District of Columbia Circuit held, in the case *Colorado Nurses Association and VA Medical Center, Ft. Lyon, Colorado v. Federal Labor Relations Authority*, 851 F.2d 1486 (D.C. Cir. 1988), that the VA Secretary has exclusive discretion to establish regulations concerning the working conditions of those employees appointed under the title 38 personnel system and is, therefore, not under any obligation to bargain with such employees under the FSLRA.

House bill: Section 301 of H.R. 4557 would amend section 4108 of title 38 so as to provide that the Secretary's authority to prescribe by regulation the hours and conditions of employment and leaves of absence of title 38 employees is subject to the right of Federal employees to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with chapter 71 of title 5, which relates to labor management relations.

Senate bill: Section 249 would provide that the provisions of chapter 71 of title 5 would generally apply to the personnel-administration authorities in section 4108 of title 38.

Compromise agreement: New section 7422(a) (as proposed to be added by section 202 of the compromise agreement) follows the House bill.

Scope of Collective Bargaining

House bill: Section 301 of H.R. 4557 would provide that collective bargaining and any grievance procedures provided under a collective bargaining agreement may not cover, or have any applicability to, any matter or question concerning, or arising out of, "professional conduct or competence" (defined as (a) direct patient care, (b) clinical competence, (c) professional judgment, and (d) peer review).

Senate bill: Section 249 would provide that the collective bargaining rights of employees as set forth in chapter 71 of title 5 would not apply with respect to (a) the prohibitions set out in section 4108(a) (1) through (6) (relating to work outside VA and conflict-of-interest situations) or (b) matters covered by section 4110 (certain disciplinary actions, which are proposed to be limited to certain major actions by section 250 (discussed below)).

Compromise agreement: New section 7422(b) (as proposed to be added by section 202 of the compromise agreement) follows the House bill with an amendment clarifying that collective bargaining and any grievance procedures established under collective bargaining may not cover, or have any applicability to, any matter or question concerning or arising out of (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation under this title.

The Committees note that the reference to peer review in this section is intended to refer to, but is not limited to, the operation, determinations, and membership of the Professional Standards Boards of the Department.

The reference to "professional judgment" has been deleted from the definition of "professional conduct or competence" because it is the belief of the Committees that the meaning of that term is fully encompassed by the term "clinical competence".

Review of Secretary's Collective Bargaining Determinations

House bill: Section 301 of H.R. 4557 would grant the Secretary exclusive authority to determine, not subject to collective bargaining or review by any other agency or by any court, whether a matter concerns, or arises out of, professional conduct or competence.

Senate bill: No provision.

Compromise agreement: New section 7422(d) (as proposed to be added by section 202 of the compromise agreement) follows the House bill with an amendment deleting the prohibition against court review of the Secretary's determination whether a matter concerns, or arises out of, (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation.

Jurisdiction for Certain Cases

House bill: Section 301 of H.R. 4557 would provide that a petition for judicial review or petition for enforcement under section 7123 of title 5 in any case involving title 38 employees, or arising out of the applicability of title 5 to title 38 employees, may be pursued only in the United States Court of Appeals for the District of Columbia Circuit.

Senate bill: No provision.

Compromise agreement: New section 7422(e) (as proposed to be added by section 202 of the compromise agreement) follows the House bill.

PERSONNEL ADMINISTRATION: FULL-TIME EMPLOYEES

New Section 7423 (as proposed to be added by section 202 of the compromise agreement) is a recodification in the proposed new subchapter II of chapter 74 of the provisions contained in current section 4108(a)(1) through (6), which set forth prohibitions relating to work outside VA and conflict-of-interest situations applicable to full-time, title 38 employees.

ADVERSE PERSONNEL ACTIONS

Disciplinary Actions and Appeals Procedures

Current law: Section 4110 of title 38 requires the Chief Medical Director (CMD), under regulations prescribed by the Secretary, to appoint disciplinary boards comprised of not less than three nor more than five employees, senior in grade, of the Veterans Health Services and Research Administration, to determine charges of inaptitude, inefficiency, or misconduct, or any full-time, permanent health-care professional appointed under title 38.

House bill: Section 302 of H.R. 4557 would replace current section 4110 with four new sections: 4110, 4110A, 4110B, and 4110C. Revised section 4110 would provide that full-time, permanent title 38 employees have the right to appeal an adverse personnel action resulting from a charge brought by the CMD (or an official designated by the CMD) based on conduct or performance, as follows:

(a) In any case involving or including a question of professional conduct or competence in which a major adverse action was taken, the appeal would be required to be made to a Disciplinary Appeals Board (DAB) under new section 4110A (discussed below).

(b) In any case involving or including a question of professional conduct or competence in which a major adverse action was not taken, the appeal would be required to be made through Department grievance procedures under new section 4110B (discussed below).

(c) In any case not involving or including a question of professional conduct or competence in which either a major or minor ad-

verse action was taken, the appeal would be through Department grievance procedures under new section 4110B, except that an employee covered by a collective bargaining agreement would be authorized to elect to appeal through either the 4110B procedures or the grievance procedures provided through collective bargaining.

For these purposes, a major adverse action is an adverse action that includes a suspension, transfer, reduction in grade, reduction in basic pay, or discharge, and a question of professional conduct or competence is a question involving direct patient care, clinical competence, professional judgment, or peer review.

Senate bill: Section 250 would:

(a) Retain current 4110 disciplinary boards but provide that a disciplinary board is not required in a case in which the proposed action is suspension for 14 days or less, reassignment without a reduction in basic pay, reduction in rank without a reduction in basic pay, reprimand, or admonishment.

(b) Establish a new adjudication and review procedure for cases in which the proposed action is suspension for 14 days or less, reassignment without a reduction in basic pay, reduction in rank without a reduction in basic pay, reprimand, or admonishment.

(c) Require that (1) the Secretary authorize review, under procedures established through collective bargaining, of (A) grievances covered by a collective bargaining agreement, and (B) lesser disciplinary actions involving such employees, (2) in a case involving a question of clinical competence, as determined by either party, any person selected to serve as an arbitrator be qualified as an arbitrator and also be a physician, dentist, or nurse, or otherwise qualified in examining and adjudicating health-care issues, and (3) the Secretary authorize, through a Department review procedure, review of lesser disciplinary actions (suspension for 14 days or less, reassignment without a reduction in basic pay, reduction in rank without a reduction in basic pay, reprimand or admonishment) imposed on, and grievances of, supervisors and employees not covered by a collective bargaining agreement.

Compromise agreement: New section 7461 (as proposed to be added by section 203 of the compromise agreement) follows the House bill except the reference to "professional judgment" has been deleted (as in new section 7422, relating to collective bargaining) from the definition of "professional conduct or competence" because of the Committees' belief that the meaning of this term is fully encompassed by the term "clinical competence".

Judicial Review of Disciplinary Actions and Appeals

House bill: New section 4110(d) would provide that an issue of whether a matter or question concerns, or arises out of, professional conduct or competence is not itself subject to any grievance procedure provided by law, regulation, or collective bargaining and may not be reviewed by any other agency or by any court.

Senate bill: No provision.

Compromise agreement: New section 7461(d) (as proposed to be added by section 203 of the compromise agreement) follows the House bill except that the language that would prohibit court review of the Secretary's determination as to whether a matter or question concerns, or arises out of, professional conduct or competence is deleted.

As in section 202 of the compromise agreement (relating to collective bargaining) the

Committees have deleted the reference to "professional judgment" from the definition of "professional conduct or competence" because of the Committees' belief that the meaning of that term is fully encompassed by the term "clinical competence".

Publication of Proposed Regulations

House bill: Revised section 4110(e) would require the Secretary to publish in the Federal Register for notice-and-comment, not less than 30 days before the date on which they are to take effect, regulations the Secretary proposes to prescribe under proposed new sections 4110, 4110A, 4110B, and 4110C.

Senate bill: No provision.

Compromise agreement: New section 7461(e) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Appeal Procedures for Major Disciplinary Actions Involving Professional Conduct or Competence

House bill: New section 4110A(a) would provide that disciplinary appeals boards (DABs) appointed under new section 4110C would have exclusive jurisdiction to review any case which arises out of (or which includes) a question of professional conduct or competence of a fulltime, permanent title 38 employee and in which a major adverse action was taken.

Senate bill: Section 250 would require that section 4110 disciplinary boards be maintained to determine the charges in any disciplinary action brought on the basis of performance or conduct.

Compromise agreement: New section 7462(a) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Mixed Cases

House bill: New section 4110A(a) would require a DAB to include in its record of decision in a "mixed case"—a case including both a major adverse action arising out of a question of professional conduct or competence and an adverse action which is not a major adverse action or which does not arise out of a question of professional conduct or competence—a statement of the board's exclusive jurisdiction.

Senate bill: No provision.

Compromise agreement: New section 7462(a) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Notice and Opportunity to Respond—Major Adverse Actions

House bill: New section 4110A(a) would provide that in a case in which charges are brought against a title 38 employee involving a question of professional conduct or competence which could result in a major adverse action, the employee:

(a) is entitled to (1) advance written notice from the CMD or other charging official specifically stating the basis of the charge, the adverse actions that could be taken and a statement of any specific law, regulation, policy, procedure, practice, or other specific instruction that has been violated, (2) the opportunity to present an answer orally and in writing to the CMD or other deciding official, who must be higher in rank than the charging official, and to submit affidavits and other documentary evidence in support of the answer; and

(b) is entitled to be represented by an attorney or other representative of the employee's choice at all stages of the case.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section

203 of the compromise agreement) follows the House bill, with amendments to clarify the notice and opportunity to respond that would be required to be available to employees. Thus, new section 7462(b) provides that in any case in which charges are brought against an employee which arises out of, or includes, a question of professional conduct or competence which could result in a major adverse action, the employee is entitled to at least 30 days advance written notice. An exception is made for situations in which there is reasonable cause to believe that the employee has committed a crime for which the employee may be imprisoned, in which case the 30-day written notice would not be required. New section 7462(b) also provides that an employee has at least seven days to present an answer orally and in writing in response to the notice that charges are being brought.

The Committees note that these requirements parallel the notice requirement applicable to civil service employees under section 7513 of title 5.

Decisions

House bill: New section 4110A(b) would provide that (a) if a proposed adverse action covered section 4110A is not withdrawn, the deciding official must render a decision in writing within 21 days after receipt by the official of the employee's answer; (b) the decision must include a statement of the specific reasons for the decision with respect to each charge and in the case of a major adverse action, state whether any of the charges sustained arose out of a question of professional conduct or competence; and (c) if any of the charges are sustained, the notice of the decision to the employee must include notice of the employee's rights of appeal.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Authority to Hold Proposed Adverse Actions in Abeyance

House bill: New section 4110A(b) would provide that a proposed adverse action may be held in abeyance for up to a year if the employee requests, and the deciding official agrees, that the employee shall seek counseling or treatment for a condition covered under the Rehabilitation Act of 1973.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Opportunity to Respond to Charges

House bill: New section 4110A(b) would authorize the Secretary to require that any answer and submission from an employee be submitted so as to be received within 30 days of the date of the written notice of the charges, except that the Secretary shall allow the granting of extensions for good cause shown.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill with an amendment to provide that the Secretary may not require an employee to submit an answer prior to the passage of seven days after the date of written notice of the charges.

Timeliness of Appeals to Disciplinary Appeals Boards

House bill: New section 4110A(b) would require that the Secretary require any appeal

to a DAB from a decision to impose a major disciplinary action be received within 30 days after the date of service of the written decision on the employee.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Determination of Jurisdiction

House bill: New section 4110A(c) would require a DAB to determine whether a matter is properly before it prior to considering an appeal in a case under this section.

Senate bill: No provision.

Compromise agreement: New section 7462(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Authority of Disciplinary Appeals Boards

House bill: New section 4110A(c) would require a DAB to sustain, dismiss, or sustain in part and dismiss in part, each charge appealed to it and, if the deciding official is sustained (in whole or in part) with respect to any charge, to approve the action as imposed, approve the action with modification, reduction, or exception, or reverse the action.

Senate bill: No provision.

Compromise agreement: New section 7462(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Procedures

House bill: New section 4110A(c) would require that a DAB (a) afford an employee appealing an adverse action an opportunity for an oral hearing and, if such a hearing is held, provide the employee a transcript of it, and (b) render a decision within 45 days of completion of the hearing, if a hearing is held, and in any event no later than 120 days after the appeal commenced.

Senate bill: No provision.

Compromise agreement: Subsections (c) and (d) of new section 7462 (as proposed to be added by section 203 of the compromise agreement) follow the House bill.

Secretary's Action

House bill: New section 4110a(d) would provide that (a) except as discussed in items (b) and (c), below, after resolving any question as to whether a matter involves professional conduct or competence, the Secretary must cause the DAB decision to be executed in a timely manner and in any event not later than 90 days after it is received and, pursuant to the DAB's decision, may order reinstatement, award back pay, and provide such other remedies as the board found appropriate, including expungement of records relating to the action; (b) authorize the Secretary, upon a determination that a decision of a DAB is clearly contrary to the evidence or unlawful, to (1) reverse the decision of the DAB, or (2) reverse the decision of the DAB and remand the matter for further consideration; (c) the Secretary may mitigate the adverse action imposed if the Secretary finds the DAB decision (while not clearly contrary to the evidence or unlawful) to be not justified by the nature of the charges; and (d) the Secretary's execution of a DAB decision would be the final administrative action in a case.

Senate bill: No provision.

Compromise agreement: Subsections (d) and (e) of new section 7462 (as proposed to be added by section 203 of the compromise agreement) follow the House bill with an amendment to clarify that the Secretary,

upon a determination that a decision of a DAB is clearly contrary to the evidence or unlawful, may vacate a decision of the DAB and remand the matter for further consideration.

Management Representation Before Disciplinary Appeals Boards

House bill: New section 4110A(e) would authorize the Secretary to designate a Department employee to represent management in any case before a DAB.

Senate bill: No provision.

Compromise agreement: New section 7462(e) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Judicial Review of a Final Decision by a Disciplinary Appeals Board

House bill: New section 4110A(f) would (a) authorize a title 38 employee adversely affected by a final decision of a DAB (after action by the Secretary) to obtain judicial review of the decision; and (b) require that a reviewing court review the record and hold unlawful and set aside any action, finding, or conclusion found to be (1) arbitrary capricious, an abuse of discretion, or otherwise not in accordance with law; (2) obtained without procedures required by law, rule, or regulation having been followed; or (3) unsupported by substantial evidence.

Senate bill: No provision.

Compromise agreement: New section 7462(f) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Disciplinary Actions and Appeal Procedures Applicable to Cases other than those Involving Major Adverse Actions Arising out of Professional Conduct or Competence

House bill: New section 4110B(a) would require the Secretary to prescribe by regulations procedures for the consideration of grievances of title 38 employees arising from an adverse personnel action in which the action taken either is not a major adverse action or does not arise out of a question of professional conduct or competence.

Senate bill: Section 250 would require that the Secretary prescribe regulations for the consideration of a proposed action in which the proposed action is suspension of 14 days or less, reassignment without reduction in basic pay, reduction in rank without reduction in basic pay, reprimand, or admonishment.

Compromise agreement: New section 7463(a) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Procedures

House bill: Subsections (a) and (b) of new section 4110B would provide in a case of an adverse personnel action in which the action taken either is not a major adverse action or does not arise out of a question of professional conduct or competence (a) DABs would have no jurisdiction; (b) an employee who is a member of a collective bargaining unit may seek review of the adverse action either under Department grievance procedures prescribed by the Secretary or through grievance procedures determined through collective bargaining, but not under both; and (c) the employee's election of which grievance procedures to follow is non-revocable.

Senate bill: No provisions.

Compromise agreement: Subsections (a) and (b) of new section 7463 (as proposed to be added by section 203 of the compromise agreement) follow the House bill.

Required Components of Appeal Procedures

House bill: New section 4110B(c) would require grievance procedures established under new section 4110B to include:

(a) A right to formal review by an impartial examiner within VA, who, in a case arising from a question of professional conduct or competence, would be required to be selected from the panel of employees designated by the Secretary as qualified to sit on a DAB.

(b) A right to a prompt report of the findings and recommendations by the impartial examiner.

(c) A right to a prompt review of the examiner's findings and recommendations by an official of a higher level than the official imposing the adverse action.

(d) A right to be represented by an attorney or other representative at all stages of the appeal procedure.

Senate bill: Section 250 would provide that an employee against whom a lesser disciplinary action is proposed would be entitled to:

(a) Advance written notice stating the specific reasons for the proposed action.

(b) A reasonable time to answer orally and in writing and to furnish affidavits and other supporting documentary evidence in support of the answer.

(c) Representation by an attorney or other spokesperson.

(d) A written decision and the specific reasons for the decision at the earliest practicable date.

Any agency review procedure would be required to include:

(a) An informal review by an official of a higher level than the official who made the decision.

(b) A prompt decision by such higher level official and a right to formal review by an impartial examiner within VA.

(c) A prompt report of the findings and recommendations by the impartial examiner.

(d) A prompt review of the examiner's findings and recommendations, together with any comments by the employee and the Department on such findings and recommendations, by an official of a higher level than the official who conducted the review.

Compromise agreement: Subsections (c), (d), and (e) of new section 7463 (as proposed to be added by section 203 of the compromise agreement) follow the House bill with an amendment providing that an employee against whom are brought charges not involving professional conduct or competence which could result in a major adverse action being imposed is entitled to the same notice and opportunity to answer those charges as provided in the case of an employee against whom are brought charges involving professional conduct or competence that could result in a major adverse action. In any other case in which charges are brought against an employee, the employee would be entitled to (a) an advance written notice stating the specific reason for the proposed action, and (b), a reasonable time to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer.

Appointment of Disciplinary Appeals Boards

House bill: New section 4110c(a) that would require that (a) the Secretary from time to time to appoint boards, to be known as DABs, to hear appeals of major adverse actions; (b) each DAB consist of three Department employees who are senior in grade or the same grade as the employee appealing an adverse action; and (c) the Secretary designate one member of each DAB to be chairman and another to be secretary and that

both would have the authority to administer oaths.

Senate bill: Section 250 would provide that, as under current law, the 4110 disciplinary boards would have not less than 3 nor more than 5 members who are senior in grade to the charged employee and that the majority of the board members would be required to be employed in the same category of position as the charged employee.

Compromise agreement: New section 7464 (as proposed to be added by section 203 of the compromise agreement) follows the House bill except that a majority of the members of a DAB are required to be employed in the same category of position as the appealing employee.

Regulations Pertaining to Disciplinary Appeals Boards' Operations

House bill: New section 4110C(b) would require that the appointment of DABs and the DABs' proceedings be carried out under regulations prescribed by the Secretary.

Senate bill: No provision.

Compromise agreement: New section 7464(b)(2) (as proposed to be added by section 203 of the compromise agreement) follows the House provision.

Maintenance of Verbatim Records of Hearings

House bill: New section 4110C(b) would require that verbatim records be maintained of DAB hearings.

Senate bill: No provision.

Compromise agreement: New section 7464(b)(2) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Confidential Records

House bill: New section 4110C(c) would (a) authorize notwithstanding sections 3301 (regarding the confidential nature of claims) and 4132 (regarding the confidentiality of certain medical records), the chairman of a DAB, upon the request of the employee whose case is before the DAB (or the employee's representative), to review records or information covered by those sections; (b) authorize the chairman of a DAB to authorize the disclosure of such records or information to the employee (or representative) to the extent the DAB considers appropriate for purposes of proceedings of the DAB in the case; (c) authorize the chairman, in cases where the chairman has exercised the authority to review or release to the employee information that is covered by sections 3301 and 4132 (relating to confidentiality of medical records), to direct that measures be taken to protect the personal privacy of individuals whose records are involved; and (d) provide that any person who uses or discloses such a record or information for any purpose other than in connection with the DAB's proceedings shall be fined not more than \$5,000 for a first offense and not more than \$20,000 for a subsequent offense.

Senate bill: No provision.

Compromise agreement: New section 7464(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Designation of Employees to Serve on Disciplinary Appeals Boards

House bill: New section 4110C(d) would (a) require the Secretary to provide for the periodic designation of VA employees who are qualified to serve on DABs and provide that those designated shall constitute the panel from which DAB members are appointed; (b) require that the Secretary provide without charge a list of the names of those employees on the panel to any person who requests one;

(c) require the Secretary to announce periodically (at least once a year) at VA medical facilities and in the Federal Register that the roster of employees on the panel is available; (d) require that the Secretary provide notice of a new name being on the list of panel members at least 30 days before the individual may serve on a DAB or as a grievance examiner; and (e) authorize employees, employee organizations, and other interested parties to submit to the Secretary comments concerning the suitability for service of any-one named on the list.

Senate bill: No provision.

Compromise agreement: New section 7464(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Training of Panel Members

House bill: New section 4110C(d) would require that the Secretary provide training in the functions and duties of DABs and in grievance procedures for employees selected to be on the panel.

Senate bill: No provision.

Compromise agreement: New section 7464(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Requirement to Prescribe Regulations

House bill: Section 303 of H.R. 4557 would require the Secretary to prescribe regulations under new sections 4110, 4110A, 4110B, and 4110C within 180 days after the date of enactment, and require that such regulations be published in the Federal Register for notice-and-comment not less than 30 days before they are to take effect.

Senate bill: No provision.

Compromise agreement: Section 204 follows the House bill.

Preservation of Existing Collective-Bargaining Arrangements

House bill: Section 304(a) of H.R. 4557 would provide that any determination under chapter 71 of title 5, of a collective bargaining unit within VHSA&RA, any recognition under chapter 71 of an employee labor organization as the exclusive bargaining representative for employees in a collective bargaining unit for VA employees, that is in effect on the date of enactment shall not be affected by the amendment made by the Act and shall continue in effect in accordance with the terms of such determination of regulation.

Senate bill: No provision.

Compromise agreement: Section 205 follows the House bill.

Pending Actions

House bill: Section 304(b) of H.R. 4557 would require that cases pending on the date of enactment or brought before either the establishment of Department grievance procedures pursuant to new section 4110B or a negotiated grievance procedure through collective bargaining proceed in the same manner they would have if the provisions of this legislation had not been enacted.

Senate bill: No provision.

Compromise agreement: Section 204 follows the House bill.

TECHNICAL AMENDMENTS TO THE NURSE PAY ACT OF 1990

RATES OF PAY FOR PHYSICIAN ASSISTANTS AND EXPANDED-FUNCTION DENTAL AUXILIARIES

Current law: The Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101-366) established a new section 4141 of title 38, pursuant to which rates of pay for registered nurses working in VA, and for certain

other health-care positions as determined by the Secretary, generally, are to be established at locally competitive levels based on local wage surveys. The authority provided in section 4141 to establish ranges of basic pay for grades in covered positions replaced the authority in prior section 4107(b) to establish a schedule for nurses (and, by cross reference, for physician assistants and expanded-function dental auxiliaries).

House bill: Section 301(a) of H.R. 598 would require that, after August 14, 1990 (the day before the date of enactment of the Nurse Pay Act), physician assistants and expanded-function dental auxiliaries continue to be paid according to the salary schedule in section 4107(b) of title 38 as in effect on August 14, 1990, until the effective date of a determination by the Secretary that one or both of these occupations are to be covered by a new salary schedule and thus be paid based under the provisions of section 4141.

Senate bill: Section 301(a) of S. 675 is substantively identical to the House bill.

Compromise agreement: Section 301(a) contains this provision.

The Committees note their expectation that the requirement for continuation of payments to physician assistants and expanded-function dental auxiliaries "according" to the salary schedule in section 4107(b) as in effect on August 14, 1990, will mean that employees in these groups will receive any cost-of-living adjustment to the rates in that salary schedule since August 1990.

RATES OF PAY FOR CENTRAL AND REGIONAL OFFICE EMPLOYEES IN POSITIONS COVERED BY THE NURSE PAY ACT OF 1990

Current law: Section 4141 of title 38, enacted in the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101-366), contains provisions which (a) require the adjustment of the rate of basic pay for each grade in a position covered by a new schedule created according to section 4141 (1) whenever there is an adjustment under section 5305 of title 5 in the rates of pay under the General Schedule, and (2) at such additional times as the director of a VA health-care facility determines appropriate, with respect to covered positions at that facility (section 4141(d)(1)); (b) prohibit the director of a VA health-care facility from adjusting rates of basic pay for any pay grade so that the minimum rate of basic pay for that grade is greater than the beginning rates of compensation for corresponding positions at non-VA health-care facilities (section 4141(d)(3)); (c) provide that, if the director of a VA health-care facility determines—after conducting a survey under the new authority or at any other time that an adjustment in rates of pay is scheduled to take place under section 4141—that it is not necessary to adjust the rates of basic pay for employees in covered positions at that facility, the director is not required to make such an adjustment (section 4141(d)(4)).

House bill: Section 301(c) of H.R. 598 would (a) require the Chief Medical Director to prescribe regulations providing for the adjustment of the rates of basic pay for Regional Office and Central Office employees in positions covered by the new pay schedule, and (b) provide the Chief Medical Director with the same authority to adjust or not adjust rates of basic pay for Regional and Central Office employees in covered positions as is provided to facility directors in section 4141(d).

Senate bill: Section 301(b) of S. 675 is identical to the House bill.

Compromise agreement: Section 301(b) contains this provision.

EXTENSION OF ANNUAL REPORT ON FURNISHING HEALTH CARE

Current law: Section 19011(e)(1) of the Veterans' Health Care Amendments of 1986 (Public Law 99-272) requires the Secretary to submit to the House and Senate Committees on Veterans' Affairs an annual report for each of fiscal years 1986, 1987, 1988, and 1989 on the impact of that law on the furnishing of medical care and services to veterans.

House bill: Section 302 of H.R. 598 would extend the requirement for that annual report through fiscal year 1991.

Senate bill: Section 302 of S. 675 is identical to the House provision.

Compromise agreement: Section 302 contains this provision.

MODIFICATION OF ADMINISTRATIVE REORGANIZATION REQUIREMENTS

Current law: Section 210(b)(2) of title 38 imposes certain requirements for advance notification to the Congress of planned VA administrative reorganizations which result in full-time equivalent employees (FTEE) reductions that exceed specified levels.

Definition of an Administrative Reorganization and a Covered Facility

Current law: For certain reorganizations, an advance report detailing the reorganization must be provided to the Congress not later than the date on which the President submits the budget for the fiscal year in which the reorganization is to be implemented. For purposes of this report-and-wait requirement, an administrative reorganization of a covered field office (a VA facility outside of the Central Office that is the permanent duty station for 25 or more employees) is defined as one which results in a reduction during any fiscal year in the number of FTEE with permanent duty station at the office by 10 percent or more, or by a percentage which, when added to the percentage of FTEE reduced during the preceding year, is 15 percent or more. An administrative reorganization of a covered Central Office unit (a Central Office unit that is the permanent duty station for 100 or more employees) is defined as one which results in a reduction in the number of FTEE with permanent duty station at the office by 25 percent or more during any fiscal year, or by a percentage which, when added to the percentage of FTEE reduced during the preceding year, is 30 percent or more.

House bill: Section 301 of H.R. 5740 would for purposes of this report-and-wait requirement (1) redefine the administrative reorganization of a covered field office as one which results in reduction during any fiscal year in the number of FTEE with permanent duty station at the office by 15 percent or more, or by a percentage which, when added to the percentage reduction of FTEE during the preceding year, is 25 percent or more; and (2) delete Central Office units from the coverage of this requirement.

Senate bill: No provision.

Compromise agreement: Section 303 follows the House bill.

Reporting Requirement

Current law: As noted above, reorganization proposal for a fiscal year must be submitted to the Congress no later than the day the President submits the budget in January for that fiscal year.

House bill: Section 301 of H.R. 5740 would revise this report-and-wait requirement so as to allow action to implement a reorganization of a covered field office to begin upon the expiration of 60 days of continuous Session of Congress following the date of sub-

mission of the report, regardless of when the report is submitted.

Senate bill: Section 703 would require that a VA reorganization proposal be submitted to Congress not later than April 1 of the year preceding the fiscal year in which the reorganization is to be implemented, thus shortening the current waiting period by approximately two-and-a-half months.

Compromise agreement: Section 303 follows the House bill except that it would require a waiting period of 90 days, rather than 60 days, of continuous Session of Congress.

Notification Requirements for Central Office Reorganizations

Current law: The Secretary of Veterans Affairs is required to provide the Congressional Committees on Veterans' Affairs notice of a reorganization of a Central Office unit if the unit is the duty station for more than 25 but less than 100 employees and the reorganization involves a reduction in any fiscal year in the number of FTEE with permanent duty station at the office by 10 percent or more, or by a percentage which, when added to the percentage reduction made in the preceding year, is 15 percent or more.

House bill: Section 301 of H.R. 5740 would modify the 30-day advance notice requirement to apply only to administrative reorganizations of VA Central Office units that are duty stations for 100 or more employees and then only if the reorganization results in the reduction of 25 percent or more of the office's FTEE in any fiscal year.

Senate bill: No provision.

Compromise agreement: Section 303 would require a 30-day advance notice to the Committees of an administrative reorganization of the Central Office unit if the unit is the duty station for more than 30 employees and the FTEE reduction would be 50 percent or more in any fiscal year.

Exemptions

Current law: For the purposes of the report-and-wait provisions in section 210(b)(2), an administrative reorganization means the consolidation, elimination, abolition, or redistribution of functions under the authority granted to the Secretary.

House bill: Section 301 of H.R. 5740 would exempt from the report-and-wait requirements a consolidation or redistribution of functions at a covered field office or facility, or between components of the Veterans Benefits Administration and the Veterans Health Services and Research Administration at a VA medical and regional office center, if after the consolidation or redistribution the same number of FTEE continues to perform the affected functions at the facility.

Senate bill: Section 703 of S. 2100 contains a similar provision and would further limit the report-and-wait requirements to offices and facilities which have as their primary mission providing care and services to veterans.

Compromise agreement: Section 303 follows the House bill.

TECHNICAL CORRECTION TO LIMITATION ON PAYMENT OF PENSION TO VETERANS IN NURSING HOMES

Current law: The Omnibus Budget Reconciliation Act of 1990 (OBRA), Public Law 101-508, amended section 3203(f)(1)(B) of title 38 so as to limit, from the date of enactment until September 30, 1992, monthly VA pension payments to \$90 to veterans receiving a VA pension who are also eligible for Medicaid, have no dependents, and receive nursing home care in a nursing home participating in Medicaid.

House bill: No provision.

Senate bill: Section 304 of S. 675 would make a technical correction to section 3203(f)(1)(B) so as to provide, consistent with the express limit of the OBRA conferees (H. Rept. No. 101-964, pages 982-83), that veterans receiving care in State veterans homes would be excluded from the reduction in pension payments.

Compromise agreement: Section 304 follows the Senate bill.

RECEIPT OF HONORARIA BY VETERANS HEALTH ADMINISTRATION EMPLOYEES

Current law: Section 601(a) of the Ethics Reform Act of 1989 (Public Law 101-194) prohibits all federal officers and employees (except members and staff of the Senate) from receiving a payment of money (or any other thing of value), except for certain necessary travel expenses, for an appearance, speech, or article.

House bill: Section 303 of H.R. 598 would amend sections 4233 and 4114 of title 38 so as to permit an employee of the Veterans Health Administration to receive and retain fees (or any other thing of value) paid to that person for an appearance, speech, or article, so long as the appearance, speech, or article does not create a conflict of interest or an appearance of a conflict of interest.

Senate bill: No provision.

Compromise agreement: No provision.

REORGANIZATION AND REDESIGNATION OF PARTS IV, V, AND VI OF TITLE 38

Current law: Current chapter 73 of title 38, entitled "Department of Medicine and Surgery", contains provisions relating to the organization of VA's health-care system.

Senate bill: Title IV of S. 675 would divide existing chapter 73 into two new chapters—chapter 73, entitled "Veterans Health Administration—Organizations and Functions", which contains provisions dealing with the overall organization of VA's health-care system, and chapter 74, entitled "Veterans Health Administration—Personnel", which contains all of the personnel-related provisions relating to VA's health-care system. In addition, these provisions renumber provisions in current chapters 51, 53, 55, 57, 59, 61, 71, 72, 76, 78, 81, 83, and 85 so that the provisions would be renumbered to begin with the first two digits of the chapter. This same renumbering is carried out in new chapters 73 and 74.

Compromise agreement: Title VI follows the Senate bill.

The committees note that the changes made by title IV are purely technical in nature and are meant to have no substantive impact.

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

Mr. Speaker, I rise in strong support of H.R. 598, as amended. As ranking member of the full committee and member of the Subcommittee on Hospitals and Health Care, I am acutely aware of the difficulties the Department of Veterans Affairs faces in its ability to recruit and retain physicians and dentists.

This legislation is the result of many months of hearings, research, and negotiations with our counterpart committee in the other body and the VA itself. In fact, this legislation had its genesis based on the VA's own report done in March 1989, entitled the Quadrennial Report to the President on the

Adequacy of Special Pay for Physicians and Dentists.

Mr. Speaker, I believe this legislation is a cooperative effort of all individuals and groups who have an interest in improving the VA's ability to attract and maintain a talented professional team of physicians and dentists.

I want to thank my good friend and distinguished chairman, SONNY MONTGOMERY, and the ranking member of the subcommittee, JOHN PAUL HAMMERSCHMIDT, for their leadership and steadfast efforts to resolve this issue.

This legislation contains provisions which have the bipartisan and unanimous approval of the Committees on Veterans' Affairs both House and Senate. I urge my colleagues to support H.R. 598, as amended.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member of the subcommittee.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise today in strong support of H.R. 598, as amended, the Department of Veterans' Affairs [DVA] Physicians' and Dentists' Compensation and Labor-Relations Act of 1991.

This critical piece of legislation, which passed overwhelmingly in the House on January 30, 1991, establishes vital improvements in the pay structure of DVA physicians and dentists. It also provides for improved grievance procedures for title XXXVIII employees.

The current pay structure has perpetuated a staffing shortage in DVA hospitals of immense proportion. Congress has taken action to alleviate this stress by providing the DVA with a necessary tool to compete with the private sector in attracting qualified health care professionals to its medical facilities.—H.R. 598, as amended, will improve the ability of the DVA to compete for these professionals, thereby improving the quality of care given to our Nation's veterans, young and old.

H.R. 598, as amended, is the result of countless hours of hard work and compromise. I commend my colleagues in both bodies for the expedient passage of H.R. 598, as amended, and urge the President to sign this bill into law in similar fashion.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute to commend and thank the ranking minority member, the gentleman from Arizona [Mr. STUMP] for his cooperation in this legislation that we brought before the House this year, and I also want to thank my close friend, the gentleman from Arkansas, [Mr. HAMMERSCHMIDT] for the work he has done in serving as a ranking member on the Subcommittee on Hospitals and Health Care.

I urge adoption of this bill.

Mr. SMITH of New Jersey. Mr. Speaker, I ask my colleagues to support H.R. 598, the Department of Veterans Affairs Physician and Dentists Compensation and Labor-Relations

Act of 1991. As an original cosponsor of H.R. 598, I am pleased that we are considering legislation today to improve the delivery of health care services to our Nation's veterans.

Mr. Speaker, H.R. 598 will improve the ability of VA medical facilities to recruit and retain physicians and dentists by addressing the disparity in pay received by doctors working at VA medical facilities as compared to those working in the private sector. As you know, VA facilities have experienced difficulties in retaining health care professionals who have certain specialties or are located in certain geographic areas due to the noncompetitive salaries offered by VA.

Under the compromise worked out with the Senate, H.R. 598 will increase the maximum rates of special pay for individuals with scarce specialties, longevity of service or exceptional qualifications. H.R. 598 provides local VA medical directors the flexibility to set special pay rates, subject to review, in order to meet the specific needs of their facilities rather than setting uniform national rates. H.R. 598 responds to the unique circumstances at each VA facility and is likely to save VA money over the long run by reducing the need to contract out for medical services, which cost \$42 million in 1988.

Mr. Speaker, we have an obligation as a nation to provide higher quality health care for the men and women who served in the defense of our Nation. It is imperative that VA have the ability to continue to recruit and retain doctors and dentists with top notch skills. Passage of H.R. 598 will provide additional incentives for these dedicated professionals to continue to serve at VA medical facilities.

Mr. Speaker, I urge all of my colleagues to support H.R. 598, the Department of Veterans Affairs Physicians and Dentists Compensation and Labor-Relations Act of 1991.

Mr. ROWLAND. Mr. Speaker, the bill which we are considering today is vital if we are to improve the care provided to this country's veterans. The VA typically has a high number of vacancies in its physician staff, and special pay for VA dentists and doctors has not been increased to help recruit and retain professionals in over a decade.

The Carl Vinson VA Health Center in Dublin, GA, in my district, has five vacancies out of a fulltime physician staff of 38. Three of the positions have been filled with contract physicians, as are many physicians' positions in VA hospitals. Contracting out is an expensive way to operate. It costs twice as much to retain physicians on a contract basis as it does to employ them on a fulltime basis. In these times of budgetary pressures, we need to reform the pay system so that we can attract qualified full-time physicians and dentists and operate more efficiently.

The special pay increases provided in this bill and the new procedures it establishes for addressing employee grievances are desperately needed. The committee has worked diligently for over a year to arrive at a compromise with the Senate on this legislation. I urge that the bill be passed so that we can fulfill the promise of quality health care that we have given our veterans.

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

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and concur in the Senate amendment to H.R. 598.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AGING AIRCRAFT SAFETY ACT OF 1991

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 172) to assure the continuing airworthiness of aging aircraft, and for other purposes, as amended.

The Clerk read as follows:

H.R. 172

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aging Aircraft Safety Act of 1991".

SEC. 2. AGING AIRCRAFT RULEMAKING PROCEEDING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall initiate a rulemaking proceeding for the purpose of issuing a rule to assure the continuing airworthiness of aging aircraft.

(b) INSPECTIONS AND RECORD REVIEWS.—

(1) GENERAL REQUIREMENT.—The rule issued pursuant to this section shall, at a minimum, require the Administrator to make such inspections, and conduct such reviews of maintenance and other records, of each aircraft used by an air carrier to provide air transportation as may be necessary to enable the Administrator to determine that such aircraft is in safe condition and is properly maintained for operation in air transportation.

(2) PART OF HEAVY MAINTENANCE CHECKS.—The inspections and reviews required under paragraph (1) shall be carried out as part of each heavy maintenance check of the aircraft conducted on or after the first day of the 15th year in which the aircraft is in service.

(3) APPLICABILITY OF FEDERAL AVIATION ACT.—The inspections required under paragraph (1) shall be conducted as provided in section 601(a)(3)(C) of the Federal Aviation Act of 1958.

(c) DEMONSTRATION OF STRUCTURAL AND PARTS MAINTENANCE.—The rule issued pursuant to this section shall, at a minimum, require the air carrier to demonstrate to the Administrator, as part of the inspection required by the rule, that maintenance of the aircraft's structure, skin, and other age-sensitive parts and components has been adequate and timely enough to ensure the highest degree of safety.

(d) PROCEDURES.—The rule issued pursuant to this section shall establish procedures to be followed in carrying out the inspections required by the rule.

(e) AVAILABILITY OF AIRCRAFT.—The rule issued pursuant to this section shall require

the air carrier to make available to the Administrator the aircraft and such inspection, maintenance, and other records pertaining to the aircraft as the Administrator may require for carrying out reviews required by the rule.

SEC. 3. AIRCRAFT MAINTENANCE SAFETY PROGRAMS.

Not later than 180 days after the date of the enactment of this Act, the Administrator shall establish—

(1) a program to verify that air carriers are maintaining their aircraft in accordance with maintenance programs approved by the Federal Aviation Administration;

(2) a program—

(A) to provide inspectors and engineers of the Federal Aviation Administration with training necessary for conducting auditing inspections of aircraft operated by air carriers for corrosion and metal fatigue; and

(B) to enhance participation of such inspectors and engineers in such inspections; and

(3) a program to ensure that air carriers demonstrate to the Administrator their commitment and technical competence to assure the airworthiness of aircraft operated by such carriers.

SEC. 4. FOREIGN AIR TRANSPORTATION.

(a) GENERAL RULE.—The Administrator shall take all possible steps to encourage foreign governments and relevant international organizations to develop standards and requirements for inspections and reviews which will ensure the continuing airworthiness of aging aircraft used by foreign air carriers to provide foreign air transportation to and from the United States and which will afford passengers of such foreign air carriers the same level of safety as will be afforded passengers of air carriers by implementation of this Act.

(b) REPORT.—Not later than the last day of the second fiscal year beginning after the date of the enactment of this Act, the Administrator shall report to Congress on implementation of this section.

SEC. 5. ADMINISTRATOR DEFINED.

As used in this Act, the term "Administrator" means the Administrator of the Federal Aviation Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

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

Mr. Speaker, I rise in strong support of this important legislation to promote aviation safety. This bill is necessary to assure the traveling public that as the Nation's airline fleet grows older, the highest standards of safety will continue to be maintained.

The bill now before us is virtually identical to a bill, H.R. 3774, passed by the House last July. Unfortunately, the other body did not consider the bill in the last Congress. The problems of aging aircraft are important enough for us to pass this bill again.

□ 1300

Now, at the outset I want to pay high regard to our Aviation Subcommittee chairman, the gentleman from Minnesota [Mr. OBERSTAR], as well as the gentleman from Pennsylvania [Mr. CLINGER], the ranking Republican, who deserve congratulations for their strong leadership and persistence in getting this bill to protect the safety of the traveling public enacted into law and on the issue they have been leaders on in the concern about aging aircraft in general.

I also want to commend them for their dedication to the safety of the traveling public, and as would be appropriate at this moment, I want to pay my high regard to the staff, both of the majority and the minority in the Public Works Committee, Dave Hiemsfield, Dave Trainman, Charley Ziegler, and Dave Schaeffer for their outstanding contributions to this very important bill.

By the end of the decade, it will be much more common for airlines to continue to use aircraft that are 25 and 30 years old. The public has every right to expect that these older planes will be as safe as the new aircraft rolling off the assembly line this afternoon.

Ever since the Aloha Airlines accident 2 years ago, the traveling public has been very concerned about flying on older aircraft. The average age of the airlines' fleet is approaching 13 years and will increase for the balance of the decade. To meet the growing demand for air transportation, the airlines will not be able to retire aircraft as soon as they expected when they purchased the aircraft.

If this is going to be the case, we need to have a special safety regulatory and legal framework that takes account of the aging of the airline fleet. This bill directs the Federal Aviation Administration to initiate rules to require a special inspection of older aircraft with that inspection focused on aging aircraft problems.

This inspection will come at a point around the 15th year in the life of an aircraft when the aircraft is undergoing what is known as a heavy maintenance check. The FAA and the air carrier will inspect the aircraft and review maintenance records to specifically assure themselves that the particular aircraft has undergone all the required maintenance and repairs aimed at problems associated with the aging process.

With a successful completion of this inspection, a traveling public apprehensive about climbing aboard a 20-, 25-, or even 30-year-old aircraft will know that these aircraft have received special attention and a seal of approval from the Federal Aviation Administration.

This bill also directs the FAA Administrator to take all possible steps to encourage foreign governments and rel-

evant international organizations to develop standards for inspections of aging aircraft similar to those required by this bill. In an aviation world that is increasingly global in nature, it is important that the legal and regulatory steps we implement in the country be emulated elsewhere. One aspect of globalization is that increasing numbers of citizens of the United States are flying on foreign carriers, and they should be afforded the same level of safety that they have come to expect on U.S. carriers.

It is also important for competitive reasons that foreign carriers be subjected to similar regulatory requirements as we impose on U.S. carriers. It would put U.S. carriers at a competitive disadvantage to have this additional regulatory burden if their foreign competitors are not subject to similar requirements.

The bill directs the FAA Administrator to use his good offices aggressively to convince other governments of the importance of special inspections of aging aircraft.

The traveling public is looking for strong assurances from the Congress that their safety is being protected to the greatest extent possible. Since the summer of 1988, the FAA and the industry have been doing a great deal to rectify the problems of aging aircraft. This bill mandates an additional layer of protection for the traveling public. With this legislation, the public will have assurances that the Government has addressed their concerns regarding aging aircraft and has moved aggressively to cure any safety problems.

Again, I urge the House to pass this important aircraft safety legislation.

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

Mr. Speaker, I want to commend the chairman of our Aviation Subcommittee, the gentleman from Minnesota [Mr. OBERSTAR], the ranking minority member, the gentleman from Pennsylvania [Mr. CLINGER] for their initiative on H.R. 172, and I also appreciate the help of the very able chairman, the gentleman from New Jersey [Mr. ROE] and his leadership in bringing this bill to the floor today.

For many years, aviation experts had assumed that an aircraft, properly inspected and maintained, could fly virtually forever. However, that assumption was dramatically called into question 3 years ago when the top blew off a 19-year-old Aloha Airlines Boeing 737 over Hawaii and a flight attendant was swept to her death.

The aircraft involved in that accident was one of the oldest 737's in the fleet. After the accident, the National Transportation Safety Board inspected the plane. It found that there was significant corrosion and cracking throughout the airplane's structure.

The Aloha Airlines accident and other incidents have heightened concern about aging aircraft and led to a complete reexamination of the way we approach the problem.

Some have suggested that older aircraft should automatically be retired when they reach a certain age. However, this sort of drastic action does not seem to be necessary.

Moreover, given the current backlog in aircraft orders, I doubt that our manufacturers could replace the old planes fast enough.

Therefore, the industry has taken a different approach. It has formed a task force that has made recommendations to the FAA. These recommendations require airlines to undertake extensive and costly structural modifications to older planes. In some cases, parts will have to be entirely replaced.

The FAA is implementing these recommendations. This represents a significant shift from its past policy of merely relying on inspections to uncover problem areas.

Now it will require changes to be made to the aircraft at certain intervals even before problems begin to appear.

The cost of all of this to the Government will be about \$1 million over the next 3 years. However, the cost to the airlines will be much greater. For Boeing aircraft, it has been estimated that the cost of making the required changes will be \$600,000 per aircraft and \$800 million for the entire fleet. Repairs on the McDonnell Douglas aircraft are expected to cost \$269,000 per aircraft and \$563 million for the entire fleet.

While these costs are not insignificant, they are necessary in order to ensure the safety of an aging fleet.

So I am pleased that the aviation industry and the FAA have acknowledged the aging aircraft problem and have moved to address it, but it is also important for Congress to act in this area.

The laws must be changed to reflect the fact that repair of aging aircraft will play an increasingly important role in the maintenance programs of the FAA and the airlines.

In my view, the bill before us now is a good one. It will help to reassure the flying public about the safety of older airplanes. It should give them confidence that the commercial aircraft in which they fly are safe regardless of their age. Therefore, I support this bill and urge its passage by the House.

Mr. Speaker, let me say that if it was not for the initiative of our good friend and distinguished chairman, the gentleman from Minnesota [Mr. OBERSTAR] and the ranking member, the gentleman from Pennsylvania [Mr. CLINGER], this bill would not be on the floor; so again I compliment them and I thank my distinguished chairman, the gentleman from New Jersey [Mr.

ROE] for bringing it to the House today.

Mr. ROE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Speaker, as a member of the House Public Works and Transportation Committee and the Subcommittee on Aviation, I am glad to express my support for H.R. 172, the Aging Aircraft Safety Act. I commend our subcommittee and full committee chairman for expeditiously bringing this legislation to the floor.

In 1988, the number of aircraft 20 years or older comprised 28 percent of the world jet transport fleet. The FAA projects that this will increase to 35 percent in 1995 and 40 percent in the year 2000. These figures make maintenance on aging aircraft an increasingly important aspect of air carriers' maintenance programs.

I believe that requiring special inspections and implementing mandatory review procedures for aircraft which have been in service for extended periods of time is a move in the right direction to eliminate the possibilities of danger in older aircraft. The Aging Aircraft Safety Act directs the FAA to inspect and evaluate the consequences of aging individual aircraft after they are 15 years old. This added safety check would confirm that an older plane is airworthy along with ensuring passengers that all necessary steps have been taken to properly operate older aircraft. It is also important to note that the Public Works and Transportation Committee voted to encourage foreign carriers to inspect aging aircraft. Many U.S. citizens fly on foreign carriers as well as many foreigners fly on our aircraft and I would hope that all carriers, foreign and domestic, would want to provide the best service and safest planes for their passengers. Assuredly, I and the other members of the Public Works and Transportation Committee want to send a strong message to the traveling public that the planes they are riding in are inspected to ensure the utmost safety during their flight.

□ 1310

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the distinguished ranking minority member of our subcommittee, the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I thank the gentleman from Arkansas for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 172.

Before beginning my formal remarks, I wish to commend the chairman of the committee, BOB ROE, ranking Republican JOHN PAUL HAMMERSCHMIDT, and especially the chairman of the Aviation Subcommittee, JIM OBERSTAR, for

their leadership bringing this bill to the House floor.

Mr. Speaker, during the 101st Congress, the House considered similar legislation on the suspensions calendar and the bill, H.R. 3774, was unanimously approved by voice vote. However, the Senate failed to take it up.

The legislation before us today, H.R. 172, is identical to the previous bill with one minor, but important, exception. During committee consideration last week, Chairman BOB ROE offered an amendment that was unanimously adopted. I will explain his amendment in one moment.

The Aging Aircraft Safety Act is a product of extensive hearings held by the Aviation Subcommittee and the Investigations and Oversight Subcommittee during the 100th and 101st Congresses. Our committee had begun to explore the phenomenon of aging aircraft well before the Aloha Airlines accident that occurred in April 1988.

Testimony delivered during these hearings clearly demonstrated that operators flying identical types of aircraft often approached the task of maintenance, inspection, and replacement in significantly different fashions, raising the specter that approved maintenance practices are not uniform and may not be equally effective.

Compounding this uneven treatment of aircraft maintenance is the practice of buying, selling, and leasing aircraft. I have great concerns about individual aircraft being bought and sold repetitively during its lifetime without any one carrier doing more than minimally necessary to satisfy maintenance requirements. In addition, I suspect there are commercial operators who don't have the financial resources to pay for expensive maintenance and overhaul, and who only do the absolute minimum to keep their fleet airworthy.

The Aloha accident had the effect of galvanizing government and industry from simply discussing the problem to initiating an extensive and comprehensive array of programs directed toward inspection and repair of aircraft for aging related defects.

Much to their credit, the Federal Aviation Administration, the carriers and the manufacturers developed a series of mandated inspections and replacement programs for commercial aircraft, which is well underway today.

And I might add, enactment of last year's airport construction legislation will have the beneficial effect of accelerating the retirement of older and potentially less-safe aircraft because of the stringent stage 3 noise standards included in the bill.

H.R. 172 would impose an additional step beyond those taken by the government industry task force I mentioned a moment ago; it would require the operator to demonstrate that the aircraft has met all maintenance requirements; that critical life-limited components

have been replaced; and that ongoing, thorough inspections demonstrate the continued airworthiness of the aircraft.

The Roe amendment requires the FAA Administrator to encourage foreign governments and international organizations to adopt similar aging aircraft programs for inspections and reviews, so as to afford passengers on foreign-flagged aircraft the same level of safety.

Mr. Chairman, while I believe the industry-government initiatives have, for the most part, achieved many of the goals of this legislation, I strongly support H.R. 172. Older aircraft should be subject to continuing inspections during heavy maintenance checks to insure airworthiness. Such an inspection would not only reassure the carrier, but it would serve to reinforce the flying public's confidence in our aviation system.

I encourage all Members to support this legislation.

Mr. ROE. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Speaker, I rise this afternoon to lend my solid support to H.R. 172. As a frequent passenger on the Nation's airlines, I have a keen sense of concern that the Federal Government, and the FAA specifically, utilize every resource available to ensure the safety of the traveling public. Indeed, the statistics presented by my friends Mr. ROE and Mr. OBERSTAR concerning the aging air fleet is alarming.

Given the substantial increase in the number of passengers flying today, airlines are forced to increase the size of their fleets. However, commercial aircraft orders are backlogged and deliveries are taking much longer—sometimes as long as 5 years. Hence, we see airlines retaining their existing fleets longer than originally anticipated. For example, in 1988, 28 percent of the world's commercial jets were 20 years old or older. By the year 2000, that number is expected to rise to 40 percent. This legislation specifically addresses the issue of the aging air fleet with a bold approach to enhance the FAA's ability to monitor this situation.

I am specifically impressed with the bill's mandate that the FAA develop a safety program to enhance the training of its inspectors and engineers to conduct corrosion and metal fatigue inspections. This is a particularly important response to the aging air-fleet issue. Today's FAA inspectors must have the very best training available to ensure that aging aircraft are maintained to the most rigid safety standards possible.

Finally, Mr. Speaker, I hope that Congress will soon address a similar matter which is of great concern to me. Since 1926, aircraft mechanics and repairmen have been issued one type of rating, commonly known as the air-

frame and powerplant, or A&P. While pilot ratings have expanded with the advent of new technology, aircraft mechanics to this day are still issued the same rating, the A&P. I know the FAA is exploring this issue and I hope that I can work with my colleagues Mr. ROE and Mr. OBERSTAR to ensure that this important matter is addressed in the near future.

I urge my colleagues to support this bill.

Mr. Speaker, I would like to engage, if I could, the chairman, the gentleman from New Jersey [Mr. ROE], in a colloquy.

Mr. Speaker, I have been concerned about the need for all FAA maintenance safety inspectors, particularly those who work with commercial transport category aircraft, to have the finest training available in the world. Today's FAA inspector is typically hired out of the general aviation industry with little or no practical experience on commercial transport aircraft. One significant reason for this is the salary level available to pay FAA inspectors. When compared with the commercial airline industry's salaries for mechanics and inspectors, the FAA's salary level is simply not competitive. Hence, we tend to see general aviation-trained inspectors and mechanics being rushed through an FAA commercial transport category training and orientation program in a matter of a few weeks. Upon completion, they are sent to the field and expected to ensure that commercial aircraft mechanics and inspectors, with years of experience, are properly doing their jobs. I am anxious to give the FAA the tools it needs to effectively train its commercial aircraft maintenance safety inspectors. We owe the general public no less. To accomplish this, I feel it is important that the FAA utilize outside resources to support the new requirements you establish in this legislation.

My question is this: Would it be consistent with this measure that the FAA could look to outside sources, such as public aviation maintenance training schools, as effective tools to enhance the training of its inspectors in order that they may receive the very best training available?

□ 1320

Mr. ROE. Mr. Speaker, if the gentleman will yield, yes; it certainly would be consistent with the bill's purpose that the FAA draw upon whatever resources, including those outside the agency, to carry out the training of its personnel. And I would encourage the agency to do so when it appeared to be the best way to get this important training accomplished. I thank the gentleman for bringing this point to the debate on this bill.

Mr. OBERSTAR. Mr. Speaker, would the gentleman yield further.

Mr. ENGLISH. I am happy to yield to the subcommittee chairman.

Mr. OBERSTAR. Mr. Speaker, subsection 2 of section 3 of the bill directs the Administrator of FAA to establish a program to provide inspectors and engineers of the Federal Aviation Administration with training necessary to conduct the "auditing inspections of aircraft operated by air carriers for corrosion and metal fatigue," the exact words of the bill. The FAA could very well include in such rulemaking the opportunities outside the agency for such training and enhancement. Certainly there is plenty of opportunity for the FAA to engage and to bring into its orbit all the technical expertise available to this vitally important subject matter. So what the gentleman is suggesting is certainly in line with what we have in mind in the bill.

Human factors are critically important. Training the inspectors to the best technology available today is what we have in mind in this legislation.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman from Minnesota. I want to commend the committee.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. LEWIS], the ranking minority member of the Technology and Competitiveness Subcommittee of the Committee on Science, Space, and Technology.

Mr. LEWIS of Florida. Mr. Speaker, I rise in strong support of H.R. 172, the Aging Aircraft Safety Act of 1991. This legislation is indeed an important step toward improving aviation safety.

The Public Works and Transportation Committee is to be congratulated for bringing this legislation to the floor in such a timely fashion.

I especially want to recognize the hard work of Chairman ROE, ranking Republican member HAMMERSCHMIDT, and the Aviation Subcommittee, led by Mr. OBERSTAR and Mr. CLINGER.

Few would have expected the impact of the 1988 Aloha Airlines flight which had the top torn off. At the time, it was thought to be a 1 in 10 billion occurrence.

However, closer examination showed it to be caused by structural cracks, which have become all too common. Although significant progress in both research toward uncovering structural problems—and in regulating the industry—have been made, I fully agree with the committee that a more aggressive schedule of rulemaking is needed to ensure the continuing airworthiness of aging aircraft.

This bill is a bold step but one whose time has come. I urge my colleagues to support this landmark legislation that will improve aviation safety for the flying public.

Mr. ROE. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Subcommittee on Economic Devel-

opment, the gentleman from Pennsylvania [Mr. KOLTER].

Mr. KOLTER. Mr. Speaker, I rise in strong support of H.R. 172, the Aging Aircraft Act of 1991.

H.R. 172 received unanimous, bipartisan support in the Public Works and Transportation Committee. Last year, the House of Representatives passed identical legislation by voice vote but the bill died awaiting action by the other body.

This legislation comes at a troubling time for the American airline industry. Each of the major carriers is suffering from some degree of financial stress as a result of the national recession, Gulf War terrorism threats, and fuel price increases. Pressure is mounting on the airlines to cut back whenever and wherever possible. We must ensure that safety is not sacrificed through the use of older planes that have outlived their airworthiness. I believe this bill accomplishes that goal.

H.R. 172 will establish a thorough system of aircraft inspection which will aid in avoiding any future accidents similar to the Aloha Airlines' 737 accident of April 1988, that killed a flight attendant and seriously wounded eight others. The National Transportation Safety Board determined that metal fatigue was a major contributing factor in that accident. The Board also determined that there was a breakdown in the inspection and maintenance program. The legislation we are debating today will address these problems by requiring a comprehensive inspection of each aircraft as part of its heavy maintenance check after 15 years of service.

Mr. Speaker, this legislation will provide for safer aircraft, without placing burdensome requirements on the airlines. It is a bill that everyone can live with.

I urge my colleagues to support this bill, and I thank my colleague, Chairman JIM OBERSTAR, for his many hours of time and effort on behalf of aircraft safety.

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

Mr. ROE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I thank my colleagues, the chairman of the Committee on Public Works and Transportation, for yielding time to me.

Mr. Speaker, this is a very important bill. Millions of Americans fly every year. It is the primary means of mass transportation in America. Yet over the last 10 or 15 years, particularly as we have gone into this era of deregulation, there have been more and more questions about the safety of air transportation.

For the most part, air transportation is very safe, but there are some very

significant facts which should be brought out. First, most airlines in this country are suffering financially. Most have suffered economic losses in the last couple of years. Their planes are getting older. Airplanes are older, and there are fewer newer planes in the system than there used to be. That means the older planes that are being flown, coupled with the airlines that have suffered some economic loss, is a recipe not for automatic safety loss but for the possibility that maintenance will not be done as well as it should be.

This bill acts as a good disincentive to that particular fact, and I compliment the chairman of the committee.

Second, deregulation of the airlines changed the way airplanes fly in this country. Before deregulation, airplanes were flying fewer hours every day, making fewer landings and fewer takeoffs. There were no hub airports. They did not have to keep an airplane in the sky 12, 14, or 16 hours in the day just to keep that airplane flying profitably. When they have as many landings and takeoffs as they do, there is much more stress on a particular airplane than there used to be in days gone by. That means the plane needs more inspection, more maintenance, not less.

Deregulation is OK in some cases, as long as the safety aspects are properly adhered to. This bill makes sure that these older airplanes, flying under very stressful, deregulated conditions, will have the appropriate kind of maintenance, and it may just prevent an accident of the type that Aloha Airlines was involved in.

Mr. Speaker, for the millions of Americans who fly all the time on the great airlines of this country, this bill should give them some confidence that aviation is safe.

□ 1330

Mr. ROE. Mr. Speaker, I yield 5 minutes to the distinguished chairman of our Subcommittee on Aviation, the gentleman from Minnesota [Mr. OBERSTAR], who has been a real true leader in this field of safety in aircraft.

Mr. OBERSTAR. Mr. Speaker, I appreciate the kind words of the gentleman from New Jersey [Mr. ROE].

Mr. Speaker, we meet on the eve of the third anniversary of an event that shook the aviation world to its roots and triggered the legislation pending before us today, H.R. 172, the Aging Aircraft Safety Act of 1991.

On April 28, 1988, during what otherwise would have been a routine inter-Hawaiian Islands flight, some 18 feet of the fuselage of an Aloha Airlines 737 ripped off the top of that aircraft, defying an accepted theory of aircraft metal fatigue, corrosion, and cracking, that the hull is so designed and built to fall safely. It did not.

That incident, in and of itself, changed the way we think about main-

tenance of aircraft, changed the way the industry, manufacturers, air carriers, and the FAA, conduct maintenance on what we call in the trade high-time aircraft.

What concerned me then was not that there was not a tracking system for aging aircraft. There was. It was not that the system was not used. It was.

What concerned me, was that all the right steps were taken, but for flight attendant Clara Bell Lansing and the injured and frightened passengers aboard Aloha flight 243, the system failed. For Ms. Lansing, the failure was fatal.

As the Nation's air traffic continues to skyrocket, aircraft that were expected to be retired at the end of their design lives will be kept in service to meet growing passenger demand. Last year some 2,400 aircraft were more than 20 years old. By the end of this decade, by the turn of the century, we expect that more than 5,700 aircraft will reach that age. The aging aircraft phenomenon is on our doorstep for keeps.

The industry, that is, manufacturers and air carriers, and the FAA, responded appropriately. I will still recall with very vivid feeling the first aging aircraft conference called by then FAA Administrator Allan McArtor.

There was an electricity in that room as over 400 experts from all over the world gathered in 1 room here in Washington to talk about this phenomenon that had so shaken their confidence in the theory of aircraft design and aircraft maintenance and inspection.

They were determined that something good would come of that tragedy, and that something useful and lasting would come of that conference. And it did.

The industry has taken appropriate steps, the FAA has taken appropriate steps. But those of us on the then Subcommittee on Investigations and Oversight, and now on the Subcommittee on Aviation, who have been following the maintenance issue for so many years and holding so many hearings on it, felt that more was needed, that there needed to be a legislative framework within which the administrative steps and actions taken by the industry, as well as the FAA, could be monitored and given a clearer legal definition.

Mr. Speaker, I want to take this opportunity to thank the gentleman from Pennsylvania [Mr. CLINGER], the ranking Republican on our subcommittee, for the hours and hours that he put in with me on this issue, both in the Subcommittee on Investigations and Oversight, and the Subcommittee on Aviation. We literally devoted dozens and dozens of hours, both in committee and in preparation for hearings and developing of this legislation, to bring this

bill to the floor in the shape that it is today. Of course, I would also like to commend our dedicated staff, whom the chairman of the full committee has already recognized.

Mr. Speaker, I also want to pay appropriate recognition to our ranking member of the full committee, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], who devoted a good many of the hours, at the I&O Subcommittee hearings, and the Subcommittee on Aviation hearings, to walking through this issue with us, and to our full committee chairman, the gentleman from New Jersey [Mr. ROE], who has demonstrated his real commitment and concern to aviation safety.

Mr. Speaker, this legislation brings to its fullness the series of regulatory actions taken by the FAA to put in place a framework within which more effective maintenance can be done on high-time aircraft.

Mr. Speaker, I would include in the RECORD a more detailed statement of the specifics that this legislation includes in the direction and the path on which it takes us for the future.

Before Aloha, a key assumption was that inspections for cracks and other damage could be discovered through routine, periodic inspections, and after discovered, the cracks could be repaired. The Achilles heel of this approach was the reliance and dependence on inspections to detect cracks. The Aloha accident revealed that placing so much reliance on inspections did not serve the highest degree of safety, because cracks could be missed even under optimum inspection conditions.

Given the difficulty of these sorts of inspections to detect all potentially dangerous cracks, that assumption has been scrapped and we now have a new and improved approach. The approach now is to establish life limits to various structures and parts so that replacement of parts comes at certain intervals even if no crack reveals itself through inspections.

H.R. 172 builds on this new approach by requiring the FAA to make a special aircraft-by-aircraft inspection and assessment focused specifically on aging aircraft issues.

While I generally expect the industry and the FAA to do what is expected on the aging aircraft problem, I believe we need to develop a special regulatory and safety assurance system to ensure that all of the aging aircraft maintenance work now being required is actually accomplished.

This is necessary for three reasons. First, relatively few aircraft in the fleet will be retired over the next several years which means the average age of the fleet will significantly increase. Maintenance on aging aircraft will become an increasingly important aspect of air carriers' maintenance programs. Also, aircraft are increasingly being operated longer than was anticipated at the time of their manufacture. Prudence dictates that our legal and regulatory philosophy and framework recognize this, so that we are not simply relying upon the ordinary airworthiness compliance process

for addressing this critical problem of increasing significance.

Second, when it comes to ownership of aircraft, the airline industry today is a web of complex ownership and leasing relationships and financial transactions. The specter of maintenance work being deferred to the next owner or lessee in order to save money is very real. This bill will ensure that from an FAA perspective that necessary work is accomplished and not deferred from owner to owner.

Third, for all the industry and the FAA have done to address the aging aircraft problem and they are to be strongly commended—I have a sense most of it has been lost on the traveling public. The public should not be expected to sort out airworthiness directives, service bulletins, economic design life, and other arcane terms in determining their comfort level with flying. The public is very concerned about older aircraft. Let's develop a system of safety assurance that the public does not have to struggle and grapple with in order to feel assured. Under this bill, the question asked is straightforward: "Is this old airplane safe?" And under this bill, the answer will be equally straightforward: "yes" or "no."

The bill also directs the addition of and emphasis on three aircraft safety maintenance programs: A program to verify air carrier compliance with approved maintenance procedures; a program of improved training of FAA's inspectors and engineers and enhanced participation for them in the aircraft inspection process; and a program to ensure air carriers' commitment and technical competence with regard to airworthiness. These programs were suggested by testimony in the hearings, and I believe they improve the bill and its purpose.

Again, I urge our colleagues to support and pass H.R. 172.

Mr. Speaker, suffice it to say, this legislation will keep us on a path toward maintenance, more effectively, more diligently, more intensively, toward maintaining aircraft as they reach the higher end of their economic design life. Never again should a tragedy of the kind that occurred to Ms. Lansing and the passengers aboard Aloha 243 occur because the system failed. With this legislation, we intend to fix the system, and to assure air travelers that when they get on board an aircraft, all has been done that reasonably and responsibly could and should be done to ensure this is a safe aircraft.

Mr. BORSKI. Mr. Speaker, I rise in strong support of H.R. 172.

I want to congratulate the chairman of the Aviation Subcommittee JIM OBERSTAR and ranking minority member BILL CLINGER for bringing to the floor legislation which mandates tough new protections to assure the continuing airworthiness of aging U.S. aircraft.

And I want to commend Public Works Committee Chairman BOB ROE for his great foresight in amending the bill at committee markup to ensure that aging foreign carriers meet the same level of safety as U.S. carriers.

GAO has documented that a considerable number of U.S. aircraft are being sold to foreign carriers whose maintenance and oper-

ations procedures are beyond the reach of the FAA.

This raises serious concerns about the safety of U.S. citizens traveling aboard these aircraft and the millions of Americans who live and work close to airports where these planes takeoff and land.

Of equal importance is the economic threat to U.S. carriers from foreign carriers who gain an unfair advantage by cutting corners on inspections and maintenance of aging aircraft.

Presently the investigations and oversight subcommittee, which I chair, is exploring the safety consequences posed by so-called loop-hole airlines.

These airlines are operated and controlled by American businessmen but fly under foreign flag to avoid U.S. regulations and surveillance.

The chairman's amendment to this bill is a step in the right direction in creating a more level playing field and I heartedly support his efforts.

Mr. POSHARD. Mr. Speaker, I rise in strong support of H.R. 172, the Aging Aircraft Safety Act of 1991. As a member of the Committee on Public Works and Transportation's Subcommittee on Aviation, I have followed the progress of this important bill since it was introduced and I am pleased it is being considered on the floor of the House today.

I believe that passage of this bill sends the signal to the administration and the aviation industry that safety must be the No. 1 issue on their agenda.

With the stiff competition all our Nation's airlines face, there will be increasing pressures to keep our current fleet in the air as long as possible. New planes are very expensive and using older planes longer is clearly an industrywide trend. In addition, many smaller carriers and charter companies simply do not have the resources to buy new planes.

Together, these and many other factors are working to keep planes in service longer. I believe that it is appropriate and responsible for us to be moving ahead with a bill which will protect the flying public and improve airline safety.

I strongly support H.R. 172, and I urge all of my colleagues to support its passage and enactment into law.

The SPEAKER pro tempore (Mr. MAZZOLI). All time on the part of the gentleman from New Jersey [Mr. ROE] has expired.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 172, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 172, the bill just passed.

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

There was no objection.

MORRISTOWN NATIONAL HISTORICAL PARK EXPANSION ACT

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

Mr. ZIMMER. Mr. Speaker, I am introducing legislation today that will expand the Morristown National Historical Park in New Jersey.

Morristown National Historical Park is our country's first national historical park. The park was the site of the Continental Army's encampment during the long, hard winter of 1777 following its great victories at Trenton and Princeton and again in the winter of 1779.

Purchasing the property immediately adjacent to the existing park would add 13 acres to this historic site. The land is being sold to the Park Service in the interest of preserving it for future generations. The appropriation to make the purchase was made during the last Congress and this legislation will enable the Park Service to acquire the land.

The tract to be acquired is known as the Sterling North property after its former owner, the well-loved 20th century novelist Sterling North, author of the children's classic "Rascal, Thoreau of Walden Pond" and other books. Because the Sterling North property housed the 1st and 2d Connecticut Brigades during the difficult winters at Morristown, acquisition of the land would enable the Park Service to perform archeological studies that would provide a great deal of information about our forefathers' efforts to win independence.

The property is environmentally sensitive as well as historically significant. Inclusion of these 13 acres in the park will add a "protected natural corridor" to the Patriots Path National Recreation Trail. Primrose Brook, whose pristine waters once supplied George Washington's troops, flows through the property and feeds the sensitive wetlands of the Great Swamp, a national wildlife refuge. Acquisition of the land will add to the park an area of great natural beauty and ecological value.

Mr. Speaker, it is essential that this bill pass quickly. Passage will ensure that we preserve this tract of land for the enjoyment of the residents of my district and of New Jersey, and for all

Americans who wish to preserve our Nation's heritage.

New Jersey's rural landscapes are being threatened by an open space crisis. Overdevelopment and suburban sprawl have severely burdened the State's infrastructure, including our State and National parks. At a time when New Jerseyans are struggling to save undeveloped tracts of land, this legislation will put us one step closer to preserving the natural and historic heritage of our State and our Nation.

It is fitting that on this 75th anniversary of our National Park Service we proceed with this important purchase to expand our country's first national historical park.

The text of the bill follows:

H.R. 2035

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

SECTION 1. ADDITION TO PARK.

The Act entitled "An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes", approved September 18, 1964 (16 U.S.C. 409g), is amended by striking "600" each place it appears and inserting "615".

TRIBUTE TO A&M UNIVERSITY GRADUATES WHO SERVED IN OPERATION DESERT STORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. LAUGHLIN] is recognized for 5 minutes.

Mr. LAUGHLIN. Mr. Speaker, I rise today to pay tribute to a group of men and women who are very special to me. They are soldiers who served in Operation Desert Storm and are graduates of the Texas A&M University system. In particular, I would like to recognize Lt. Gen. Calvin A.H. Waller, deputy commander of the American forces in Operation Desert Storm, and a 1959 graduate of Prairie View A&M University located in the 14th Congressional District of Texas.

Mr. Speaker, former students of the Texas A&M University system have a proud history of supporting this Nation in time of war. During the 20th century, students and former students from these institutions have answered their country's call to arms and have distinguished themselves in combat.

Operation Desert Storm was no exception. Over 200 officers from Texas A&M University alone have had the privilege to serve recently in the Middle East. Several former students of the A&M system distinguished themselves by their leadership roles in the Operation Desert Storm. Col. George Walton, who was the lead pilot in the first attack against Iraq, and Brig. Gen. Terry Scott, assistant commander of the 24th Infantry Division, are two such individuals.

Today, Mr. Speaker, I would like to pay special tribute to Lt. Gen. Calvin

Waller. General Waller is a 1959 graduate of Prairie View A&M University. After Prairie View, General Waller earned a master of science degree in public administration at Shippensburg State University. He also attended the Infantry School, the Chemical School, the U.S. Army Command and General Staff College and the U.S. Army War College.

During his distinguished career of more than 30 years in the Army, General Waller has served at many posts and has received numerous decorations for his service, including the Bronze Star with oak leaf cluster and the Distinguished Service Medal. To add to these honors, General Waller has served with distinction and honor in Operation Desert Storm.

For his faithful service to our country, as well as all former students of the Texas A&M University system who served in Operation Desert Storm, we owe a salute.

Mr. Speaker, I submit this resolution adopted by the Texas A&M University system board of regents to be inserted in the RECORD.

RESOLUTION

Whereas, students and former students of Prairie View A&M University and other institutions in The Texas A&M University System have a proud history of supporting this nation in time of war; and

Whereas, during the 20th Century, students and former students from these institutions have answered their country's call to arms and have distinguished themselves in combat; and

Whereas, the United States is currently engaged in Operation Desert Storm for the liberation of Kuwait; and

Whereas, Lieutenant General Calvin A. H. Waller is serving as Deputy Commander, American Forces, Operation Desert Storm; and

Whereas, General Waller earned a bachelor of science degree in agriculture from Prairie View A&M University and a master of science degree in public administration at Shippensburg State University; and

Whereas, he also attended the Infantry School, the Chemical School, the U.S. Army Command and General Staff College and the U.S.C. Army War College; and

Whereas, during his distinguished career of more than 30 years in the U.S. Army, he has served at many posts in both the United States and overseas, including service in the Vietnam War; and

Whereas, he has received numerous decorations for his service, including the Bronze Star with Oak Leaf Cluster and the Distinguished Service Medal; now, therefore, be it

Resolved, that we, the members of the Board of Regents of The Texas A&M University System, meeting on this 25th day of January 1991, hereby express our admiration and our support for General Waller in this important assignment; and be it further

Resolved, that we commend all former students of The Texas A&M University System institutions who are serving in Operation Desert Storm; and be it further

Resolved, that we extend our prayers for the safe return of General Waller and all the others who are in harm's way in the Persian Gulf area; and be it further

Resolved, that this resolution be spread upon the minutes, and copies thereof, signed by the Chairman of the Board of Regents, be presented to General Waller, to the Archives of Prairie View A&M University and the Prairie View National Alumni Association as an expression of the heartfelt sentiments of Prairie View students and former students as well as those from other institutions in The Texas A&M University System.

Adopted, this 25th day of January 1991.

END COURT SECRECY FOR PUBLIC HAZARD INFORMATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Florida. Mr. Speaker, today I am introducing the Federal Sunshine in Litigation Act of 1991. This legislation, modeled after the 1990 Florida statute, would make it more difficult to hide from the public information that is learned prior to litigation on health and safety hazards. Specifically, the bill—

Prohibits protective orders respecting discovery that would conceal information on a public hazard;

Void settlement agreements that conceal information on a public hazard;

Grant broad standing to third parties—including the media—to obtain disclosure of information on a public hazard;

Require in camera examinations of disputed information; and

Defines public hazard as "any condition, circumstance, person, or thing whatsoever that has caused injury and is likely to do so again."

The bill also includes a provision prohibiting the copywriting of information to evade disclosure of a public hazard.

Under current civil procedure rules, courts may issue protective orders controlling information obtained during discovery and approve secrecy agreements that seal a case's files after settlement. Very often plaintiffs agree to secrecy to avoid lengthy and expensive litigation or to obtain compensation for their injuries.

However, while one victim may obtain redress, similarly situated individuals would be denied access to the very information that would remedy an injustice. In addition, thousands of unsuspecting consumers may purchase and use a defective product ignorant of the dangers involved.

Very often the courts are dealing with a David v. Goliath situation. People who have seen the movie "Class Action" were appalled by the mountains of information defendant's attorneys heaped on the plaintiff just to hide one piece of incriminating evidence. Victims just do not have the resources to review every piece of relevant information. Secrecy simply compounds a victim's plight.

In a recent article entitled "Protective and Secrecy Orders: Time for Change" in *Trial*, Eugene I. Pavalon and Thomas G. Alvary suggested changing the current rule:

Uniform recognition by court rules of the important interest of the public's access to information regarding defective products and hazards generated through discovery procedures will limit court-imposed secrecy to its originally intended purpose.

Supporters of secrecy contend that virtually every corporate document would be open to anybody interested in spending the time to delve through voluminous court records. That is why my bill is limited to information on hazards. That is why my bill permits in camera determinations of the relevance of disclosure. It is information on the defective product that would be open to the public—not private information unrelated to a public hazard.

One major problem with the current situation is that our courts are determining matters of public policy. Congress should determine whether the greater societal good of information availability outweighs the potential adverse impact on one individual or corporation.

I firmly believe that protective orders and secrecy agreements should be the exception to open judicial proceedings. These orders subject the general public to potential danger, injury, and suffering that might be avoided if the information were available. That is why I introduced my bill.

I urge all my colleagues to review this legislation by itself and not in conjunction with any other proposal. If the current situation is unfair, then we should correct it this year. I offer my bill as an alternative to continued concealment of vital information that could affect each and every person in this country.

VA EMPLOYEES RECOGNIZED FOR DISTINCTION IN FINANCIAL MANAGEMENT IMPROVEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I am always pleased to see extraordinary talent, hard work and achievement in Federal service brought to public attention. Such was the case when, on April 4, the Treasury Department honored six Department of Veterans Affairs [VA] employees with its prestigious Award for Distinction in Financial Management Improvements. The presentation was made by Secretary of the Treasury Nicholas F. Brady in ceremonies in Washington.

These awards, made annually to individuals or groups in a department or agency within the executive branch and the private sector, are the highest awards granted by the Federal Government for specific achievements in the areas of collections, payments, and credit/debt management.

The employees so honored work in the VA Home Loan Guaranty Service. Loan Guaranty Service Director Keith Pedigo, and Leonard A. Levy and David A. Polikoff from the Loan Service Policy Staff at VA Central Office here in Washington shared the award with Houston VA Regional Office Loan Guaranty Officer Michael McReaken, Loan Service Chief Kathleen A. Frazier, and Assistant Chief Helen M. Galer.

The basis for the award was a pilot loan service project conducted in 1988-89 by the Houston VA regional office and the VA Loan Guaranty Service in Washington. The project demonstrated the cost effectiveness of increased and innovative supplemental servicing of delinquent VA-guaranteed loans in reducing foreclosures and claim payments to lenders.

With a modest budget of less than \$325,000, this management team made more than 20,000 servicing contacts through the Houston office during the test period. More important, 559 veterans and their families retained their homes and VA avoided claim and acquisition payments of \$11.2 million. The project was so successful that the methods tested in Houston were exported to regional offices nationwide. VA central office now estimates that since the program's inception in August 1988, this new approach to loan servicing on a national scale enabled over 6,000 veterans to retain their homes with savings to the Government of \$114.9 million.

The Houston pilot project led to further useful management initiatives such as the creation of a foreclosure avoidance with VA involvement ratio [FAVIR]. This index relates specific supplemental servicing initiatives to the volume of reported loan defaults and is used to evaluate regional office servicing activities. The project also proved the cost effectiveness of use of alternatives to foreclosure such as: deeds in lieu of foreclosure; reduced claim payments by assisting veterans to sell their homes prior to foreclosure; and mortgage purchases from lenders who are no longer willing to work with veterans to reinstate their loans and who want to foreclose.

As a result of this team's accomplishments, the Department of Veterans Affairs demonstrated that increased supplemental servicing is an effective tool in reducing home loan foreclosures and claim payments to lenders.

This national recognition and cash award means much to the Houston Loan Guaranty Division. Michael McReaken and his staff have experienced the highs and the lows. They lived through the worst of times in the 1980s, when the Houston economy was so depressed. But they worked hard for several years and, through their extraordinary efforts, and with help from VA central office by way of additional staff and resources, they have set an example for others to follow.

Mr. Speaker, I know my colleagues will want to join with me in congratulating these individuals for this prestigious recognition from the Treasury Department and in commending them for their dedication and innovation in service to America.

OPERATION COASTAL SHIELD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. STUDDS] is recognized for 5 minutes.

Mr. STUDDS. Mr. Speaker, I am today introducing legislation to help combat coastal pollution and reauthorize and strengthen the Federal Water Pollution Control Act—one of the major environmental goals for this Congress. Titled Operation Coastal Shield [OCS], the bill seeks to free our shorelines from the choke of increasing pollution and our towns and cities from the crush of skyrocketing sewer rates. We must through the reauthorization of the Clean Water Act reaffirm the national commitment to both clean water and reasonable rates.

For our coastal and Great Lakes, the task of controlling the pollution monster is particularly daunting. The demographic trends for our

coastal areas promise only more houses, more septic tanks, more highways, more malls, more pavement, more construction, more waste, more runoff, more habitat losses and more problems.

The challenges we face in fashioning more effective water quality programs are clear. How can we steer our efforts to produce less pollution? How can we redouble our efforts when our coffers are empty? Are we faced with the awful choice of clean water or affordable rates, or can we have both? Can we allow States and cities and towns to target their more important problems first with the certainty that they'll do so, or ought we again resort to national minimum requirements that all must adhere to? In short, what works best?

The OCS bill I introduce today is designed to address our burgeoning problems and to establish once again a firm and unflinching Federal commitment to assist our towns and cities. The House Committee on Merchant Marine and Fisheries will begin hearings on the proposal this week, and I hope will move rapidly on it this session, working closely with our colleagues on the House Public Works and Transportation Committee.

The OCS bill is largely patterned after last Congress' H.R. 2647, the Coastal Defense Initiative, with three exceptions. First, title III—which contained amendments to the Coastal Zone Management Act [CZMA] that were enacted as a part of the CZMA bill late last fall—now contains a new title on contaminated sediments. Second, the enforcement provisions in title V have been strengthened in several respects. Third, the funding title has been expanded to include major changes to the basic funding section of the Clean Water Act to continue the Federal commitment to help states and localities finance water pollution control through the end of the century at \$2.1 billion per year.

The following is a brief, title by title, discussion of the bill:

TITLE I

Title I contains definitions and a general statement of purposes for the act.

TITLE II

Title II seeks to strengthen the manner in which states are directed to protect water quality under the Clean Water Act.

It will require EPA and the States to develop a broad array of coastal water quality standards for the important pollutants. If the States don't get their standards into place, EPA's criteria will take effect on an interim basis until State standards are promulgated. Without a full set of water quality standards in place, any major reliance on a water quality approach to pollution control will fail.

It will revamp the entire process by which States develop and implement programs to control pollution in waters that are not achieving their water quality standards. Under current law, the process is generally weak, ineffective, and ignored. The bill will preserve the right of States to identify their own important local water pollution priorities and the right to develop their own water quality restoration plans—but also make the obligation to do what they promise to do enforceable and require the development of schedules by which to measure progress. The bill, in short, seeks

to blend local flexibility with reliable commitments.

Third, it will address the vessel-source pollution problem—a significant problem for southern New England and many coastal areas—by allowing local communities to enforce the rules governing vessel discharges—right now it is only States and the Coast Guard under the Clean Water Act and they don't do much because it's not a priority for them—the funds a town collects in its enforcement it would keep. Further, the bill will require EPA and the Coast Guard to revamp their regulations to tighten down on the technical requirements to make it harder for a vessel to bypass the holding tanks and discharge untreated sewage directly.

Fourth, title III will contain significant amendments to the National Estuary Program to extend the life of the management conferences to 10 years—current law is 5—and to spell out a clear Federal role in implementing the clean-up plans developed by these management conferences—both grants and technical assistance—these amendments will have a significant impact on the success of efforts now underway in 12 major estuaries around the Nation, including Buzzards Bay and Massachusetts Bay and Cape Cod Bay. Right now, the law is silent on implementation and the administration says EPA should have no role. The bill will authorize a \$20 billion grants program for implementing approved programs.

TITLE III

Title III authorizes a new national program for cleaning up contaminated sediments in coastal and Great Lakes waters. It proposes two sets of standards to governing remedial projects: first, standards to define what level of cleanup will be necessary to protect public health; and second, what level of short-term increases in pollution can be tolerated during cleanup operations without jeopardizing health or the environment. Under current law—both the Clean Water Act and CERCLA—there are no such standards and it is very tough to determine what is a proper type of cleanup and how much to cleanup. The bill will also require EPA to develop the technical criteria that States will then use to develop State sediment standards. These State standards, in turn, will be key to developing effective pollution reduction requirements on the source of pollutants causing the sediments problem.

Second, title III will require EPA to inventory the severity of contamination around the United States and then go ahead and clean up the worst places. These efforts will be outside of and in addition to the Superfund program.

TITLE IV

Title IV contains a national coastal waters monitoring program largely patterned after last year's bill. It will require EPA to develop much more detailed guidance on how to design and implement good monitoring programs—not a simple task. It will then require the Regional Marine Research and Monitoring Teams established by last year's Regional Research Act—now title IV of the Marine Protection, Research and Sanctuaries Act—to develop monitoring programs for high priority coastal waters and implement them with Federal assistance.

TITLE V

Title V contains numerous very technical but important provisions to strengthen the enforcement authorities of the Clean Water Act. It will impose prohibitions on Federal procurement contracting with repeated polluters; authorize EPA and the courts to order people to clean up their mess if they've been violating their discharge requirements beyond just ordering compliance and assessing penalties; and require environment audits of polluters who repeatedly violate Clean Water Act requirements.

TITLE VI

Title VI contains perhaps the most significant provisions in the bill. It does three things.

First, it establishes a national permit fee system on all industrial dischargers into coastal waters and industrial users of municipal sewer systems that themselves discharge into coastal waters. The fees would be designed to recoup the costs of running the permit programs, and the funds would be dedicated to help finance these programs. Those who issue permits would collect the money; hence, for delegated States the revenues would go to the State permit program.

Second, it reauthorizes all the basic programs in the Clean Water Act through 1999.

Third, it proposes major changes to title VI of the Clean Water Act—which is the funding title. The result of these changes would be more than double the amount of money available to States to make loans from their loan funds, and to make the terms of the assistance much easier for cities and communities in need.

The 1987 amendments to the Clean Water Act ended the construction grants program—direct Federal grants to cities to help pay for sewage treatment works—and replaced it with States revolving funds [SRF's], by which each State was to set up a revolving fund from which it would make low interest loans to municipalities to help finance their water pollution control obligations. These loans would be paid back over a 20 year period, and the SRFs would retain a permanent block of capital from which it could make loans in perpetuity. The 1987 amendments promised \$18 billion in Federal capitalization grants to these SRF's, which are slated to phase down and out by 1994.

Two problems occur. First, the State funds don't have nearly enough capital to meet needs, particularly since some very expensive requirements are now coming into play, like fixing storm sewers and combined sewer overflows. Second, these SRF's aren't much help to the very small communities or financially strapped communities that simply can't raise the money to pay back the loans.

Title VI proposes four important changes. It would:

Extend Federal contributions to SRF's through the end of the century at \$2.1 billion per year, which is what was appropriated in 1991 and therefore complies with last year's budget agreement. Currently, the authorizations in the act are \$1.8 billion for 1992; \$1.2 billion for 1993; \$600 million for 1994 and nothing thereafter. The proposition that the Federal Government ought to end its assistance after 1994 is absurd.

Broaden eligibilities—the types of projects for which funding is available from the SRFs—to include projects to fix combined sewer overflows, which are not now eligible. Estimates of the price tag nationally for CSO work ranges from \$16 billion to \$100 billion.

Provide special help for financially restricted communities by authorizing each SRF to use up to 15 percent of its fund to issue grants and negative interest loans to needy cities and towns. A financially restricted community is defined as all small towns under 3,500 in population and other municipalities where the ratio of the average sewer and water bill to the average annual household income exceeds a certain percentage.

Extend payback periods to 40 years for financially restricted communities. The current law requires payback by 20 twenty years, which is impossible for many towns and cities.

Mr. Speaker, I look forward to working with my colleagues on this legislation. I welcome and encourage their suggestions for it and their support of it.

CIRCLE OF POISON PREVENTION ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today, I am pleased to join Senators LEAHY, MIKE SYNAR, and DAN GLICKMAN, in sponsoring the Circle of Poison Prevention Act of 1991.

Some of us on Capitol Hill have been working for years to improve the safety of our food supply. Domestically, we've pushed for changes in Federal laws to strengthen pesticide regulation, to increase FDA resources for monitoring chemical residues on food, and to promote alternatives to pesticides for food production. Yet, many chemicals banned in this country are still being shipped overseas or south of the border for use by agricultural producers in other lands. These same producers may in turn use these chemicals on produce that they export back to the United States. The result is a morally unacceptable double standard.

How can the United States prohibit the use of certain chemicals as unsafe and yet allow the same chemicals to be sold to other nations? There is no justification for such a policy.

If we are concerned about the health of Americans, shouldn't we be equally concerned about the safety of farm workers and consumers who may be exposed to these chemicals in other parts of the world?

Beyond that, what of the threat to our own consumers? Despite efforts by some governments and grower groups to police the use of these dangerous chemicals, the fact is that they continue to be used. And, as a result, they can find their way back into the United States as residues on the fruits and vegetables we import.

A 1990 GAO report which I requested showed that the five Central and South American governments on which it focused still permitted the use of 6 to 18 percent of 52 pesticides whose registration EPA had canceled or suspended.

Furthermore, only 1 to 2 percent of all produce in the United States is actually tested for pesticide residues. Violations of residue standards on imported produce are nearly double those for domestic fruits and vegetables—4.6 percent compared to 2.7 percent.

We all recognize that FDA is ill-prepared to deal with the problem of monitoring the mountain of imports we receive. And clearly we cannot count on other governments to do the job.

California has the toughest food safety standards in the country. And California farmers have met these requirements, while maintaining their place as America's leader in producing safe, nutritional, and affordable fruits and vegetables.

But when it comes to imported produce, these standards haven't applied. It's unfair to U.S. growers to effectively exempt producers in other countries—countries that already benefit from cheap labor and longer growing seasons—from the pesticide standards our own producers must meet. Restricting the export of these chemicals will address this long-standing inequity.

Finally, I want to mention some of the cost considerations associated with this issue. U.S. agencies and U.N. organizations spend millions of dollars each year to educate growers in other countries to the restrictions on pesticide imports into the United States. It seems ludicrous to continue to permit the export of unregistered pesticides, at considerable profit to the chemical industry, and then send agency personnel overseas, at considerable cost to the taxpayer, to explain to foreign growers that they can't use these same chemicals on produce bound for the United States.

Another important factor is the potential establishment of a United States-Mexico Free Trade Agreement, which heightens the urgent need for this legislation since, according to the GAO, Mexico continues to permit the use of more U.S.-banned pesticides than the other five countries studied.

The Circle of Poison Prevention Act of 1991 is an important step toward achieving the goal of protecting American consumers and farmers by ensuring that all nations meet the same high food safety standards for pesticides as are required of our own farmers. It is my hope that, working together, we can get the job done this year.

TRIBUTE TO THE LATE HONORABLE JOHN HEINZ, SENATOR FROM THE STATE OF PENNSYLVANIA

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

Mr. MCDADE. Mr. Speaker, the members of the Pennsylvania delegation have asked for this special order as a way to pay tribute to the life of our friend and colleague Senator JOHN HEINZ.

It has been nearly 3 weeks since the tragic death of our friend and colleague, but it is still difficult to contemplate the loss of this outstanding individual. He was a man who was

taken from us while he was in the prime of his life. He gave so much, but he had so much more to give.

Our sympathies go to the family of Senator HEINZ—his wife, Teresa, and their three sons, John, Andre, and Christopher. They have lost a loving and devoted husband and father. They are and will be in our prayers.

The people of Pennsylvania and the Nation have unquestionably lost one of their finest public servants. JOHN HEINZ could have easily chosen to lead a life of luxury. Instead, he worked to make our country and world a better place. He was a man of great wealth who could relate to the concerns of the underprivileged and the working men and women of this country.

JOHN HEINZ used his position in the U.S. Congress to fight for the economic interests of the people of Pennsylvania, to protect the environment, to create more affordable housing opportunities and to improve the lives of senior citizens. His causes were noble and his commitment was genuine.

JOHN HEINZ excelled at everything he did. He was in the top 10 percent of his class at Harvard Business School. He was a master politician who never lost an election. He was elected to the U.S. Senate three times, each time with a higher margin. He was an outstanding athlete. He was an expert on 16th and 17th century European art. He left his legislative mark on countless public laws dealing with such diverse subjects as trade, health insurance, tax reform, the environment and age discrimination.

It is rare when a man of such dedication, energy, intelligence, talent, and compassion comes into our lives. We are fortunate to have worked in Congress with JOHN HEINZ, to have counted him as our friend, and to have benefited from his contributions as a public servant. We mourn his death, but are grateful that we were able to know such a remarkable man.

At his funeral, Senator JOHN DANFORTH of Missouri reminded us that the life of a Christian is represented by the act of giving, typified by the Father giving his son for our redemption. Senator HEINZ represented that Christian attitude through a life of giving through public service. Indeed, he made the ultimate sacrifice.

I know that my colleagues will want to share their thoughts at this time.

Mr. Speaker, I yield to my friend, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I thank my good friend for yielding and certainly join with him to extol our dear departed friend and colleague, Senator JOHN HEINZ.

Mr. Speaker, Pennsylvania was dealt a glancing blow when Senator JOHN HEINZ suddenly and tragically lost his life in a plane crash. Typically, he was working his way across the State to help those for whom he

had so long been a champion—the poor, the disadvantaged, the elderly, the ill.

At times like this, one must reach deeply into his soul to try to understand why one so young, so vital and so needed would be taken from us. In wrestling with our grief, it is comforting to recollect the countless ways in which JOHN HEINZ enriched the lives of his family, his colleagues, and friends and those he so capably served.

For the past two decades, I have had the honor of working with JOHN in Congress. There was never a time when I couldn't count on him to help with a project in my district. Although the scion of a wealthy family, JOHN held a deep understanding of the hardships being faced by people in rural communities. In fact, the day before he lost his life, JOHN was in Altoona to receive an award for his efforts on behalf of the elderly residents of Blair Towers, a project he had supported. Although these people are deeply saddened by his loss, they are proud that they had one of the final opportunities to express their gratitude to their esteemed Senator.

Remembering JOHN's many contributions of the past 20 years is only a part of the tribute we pay to him today. Perhaps the most important testimony we can give to his life would be to praise him for the legacy he has left for the future. For generations to come, young Pennsylvanians will study this man. They will see that a rich life results not from material wealth, but from service to others. He was a rare, unique man who left his part of the world far better than he found it.

To his widow, Teresa, and his three sons, I extend my deepest sympathy.

Mr. McDADE. Mr. Speaker, I yield to my colleague from Pittsburgh, PA [Mr. SANTORUM].

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

Mr. Speaker, the untimely death of Senator JOHN HEINZ has deeply saddened all of us. He has had a particularly profound effect on my life, and I would like to share that with Members here today.

Not only do I represent the district JOHN HEINZ represented as a Congressman before he was elected to the U.S. Senate, JOHN HEINZ was frankly the principal reason I got involved in politics. I was a freshman in college in 1976 at Pennsylvania State University and I was captivated by a man who tirelessly crisscrossed the State of Pennsylvania, fighting the odds, the registration odds which were approximately a million more of the other party than of his. He fought an uphill battle against considerable odds and he fought it well. He represented to me, the way he charismatically went around and talked to folks, someone who was a true public servant, someone who really cared about people and their concerns. His message was straightforward and believable.

He motivated me to become the Heinz activist on the Penn State campus. In fact, I became chairman of his campaign on that campus, and it was

one of the most fruitful experiences of my life, frankly.

As we all know, JOHN HEINZ won that campaign, and in 1982 and in 1988 he won reelection by overwhelming margins because the Commonwealth clearly could see that he had kept his promise to serve the people, to be a public servant.

During his 14 years and 3 months in the Senate, he more than anyone else was my mentor, my example of what a public servant should be. The remembrances of JOHN HEINZ have poured out during the last 2 weeks, an incredible testimony to this man's service as a public official. They reveal a Senator who treated every constituent's concern as a matter worthy of his own personal attention. They recall the national leader who perfected the unseen technicalities and fine points of the government system because he knew that was the way to get things accomplished and because he was more interested in meeting the people's needs than attaching his name to some high profile piece of legislation.

They memorialized a man of great financial wealth who devoted his stature and his influence to local causes and social services.

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JOHN HEINZ' greatness was not that he turned away from the opportunity his lineage granted him but that he used those opportunities so selflessly. He was committed to using his power and position for the benefit of those who had neither. This is why he won the respect and admiration of both parties to a degree very few of our national leaders and our State leaders can say.

In the days since the accident, many have referred to JOHN as a man who could have lived in comfort and who, instead, gave his life to public service. While that assessment is accurate, I would prefer to emphasize not on what JOHN HEINZ gave up but what JOHN HEINZ achieved. For this was a man in whom financial resources complemented personal traits in extraordinary fashion. JOHN HEINZ was a tireless advocate of the underprivileged, of seniors, of veterans. JOHN HEINZ was a tireless advocate of the environment and the future of this world. It was to this end, in pursuit of constituent service and advancement, that JOHN HEINZ worked during the Easter recess and throughout his career.

The day before the accident on April 3, JOHN HEINZ visited the port authority of Allegheny County, a group he had worked with closely over the years.

Mr. Speaker, on behalf of the port authority, I enclose their sentiments for inclusion in my statement.

All of us who knew JOHN HEINZ will remember something special about him. I remember how he interrupted an

already incredibly busy schedule on a Saturday afternoon to make a special trip to Pittsburgh during the summer to be the main dignitary at a campaign event that I had. I remember how, with several hundreds of people gathered around him clamoring for his attention, he took the time to meet my new bride at the time, and we had been married 2 months, and take her aside and talk with her and get to know her. He took that time with her, and we shared that we were married just 3 months earlier at Heinz Chapel, a chapel named after his family, and that he, too, was married at Heinz Chapel. We talked about the architecture and the interesting points in the chapel and really developed a tremendously warm relationship during the time when it seemed like something like that could not occur.

But JOHN HEINZ had a way of focusing in on people. While all was going on about him, he had the opportunity, and he took the opportunity, to focus in and care about each individual that he was talking to. That was the greatness of JOHN HEINZ.

Most of all, though, I remember a man and the way that he served people without regard for recognition or personal gain. He elevated public service to its highest level.

As many have said, JOHN HEINZ will not be replaced, but he will be long remembered.

PAT MOURNS LOSS OF SENATOR HEINZ

PITTSBURGH, PA.—Port Authority Transit (PAT) Executive Director William W. Millar today expressed on behalf of the PAT Board of Directors and employees his deepest sympathies to the family of U.S. Senator John Heinz, calling his untimely death a "great loss to this country and to the advancement of social services."

"Senator Heinz was a champion in the truest sense of the word," Mr. Millar said. "He was a tireless worker who thought only of the welfare of his constituents. He was a man who delivered on his promises."

"We will miss his kindness, his compassion and his unending desire to serve this country."

A leading member of the Banking, Housing, and Urban Affairs Committee which oversees public transit legislation, Senator Heinz was instrumental in helping advance critical public transit bills and in maintaining federal transit funding. A co-sponsor of the Surface Transportation Assistance Acts of 1982 and 1987, he had recently pledged to introduce new legislation reauthorizing this key transportation bill through which all transportation funding (money for roads, bridges and public transit) will be determined for the next five years. The current Surface Transportation Assistance Act expires in October of this year.

During his political career, Senator Heinz was instrumental in securing federal funding for numerous PAT projects including the building of the Downtown Subway and South Hills light rail transit system. He also recently obtained essential federal funds enabling PAT to purchase 150 new buses and he committed himself to the construction of future transit projects including the Airport

Busway and Martin Luther King, Jr. East Busway extension.

Senator Heinz was in Pittsburgh on Wednesday, April 3 during which time he visited PAT's West Mifflin Division and reaffirmed his strong support of public transit, calling on Congress to double the proposed federal funding investment in mass transportation compared to what has been proposed by the Bush Administration.

"Regardless of party affiliation, Senator Heinz was willing to support causes in which he believed," Mr. Millar said. "Public transit was one of those causes."

In observance of Senator Heinz, Mr. Millar has ordered all U.S. flags on PAT property to be flown at half mast.

Mr. McDADE. Mr. Speaker, I thank our friend, the gentleman from western Pennsylvania, for sharing those remarks.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KANJORSKI], my friend and neighbor in northeastern Pennsylvania.

Mr. KANJORSKI. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, being a relatively younger Member of the Democratic side of the Pennsylvania congressional delegation, I had the opportunity to know JOHN both as a friend, as a colleague, and as an interesting American.

I recall that I first met JOHN back in the 1970's when he had just been elected to the U.S. Senate. I had the occasion to come to one of his special 3-day periods in Washington when he invited various leaders from the Commonwealth of Pennsylvania to come down and discuss the issues.

JOHN was the type of person who not only involved himself on a national scale but involved himself on the local community level of government interaction.

After we had spent a very successful 3-day period in Washington those many years ago, I remember that JOHN had a party at his house, and at that time he took the time, as my friend from Pittsburgh indicated, to talk to each individual personally and to gain something from them and to know something of them. As a result, he left part of himself with each individual, and all through life we each had that occasion to remember JOHN HEINZ by.

Then subsequently I recall, after my election to Congress, at the first White House party, JOHN was the type of fellow who sought out the new Members of Congress, and then they discovered that he was something more than just a wealthy man. He was something more than just a bright individual. He was probably one of the most advanced and studied politicians in the highest sense of the word that Pennsylvania has recently produced.

JOHN impressed me with knowing more probably about my district than any other political leader to my knowledge. He knew more of Pennsylvania. He knew more of its people, its needs,

but more than that, he brought his personal warmth to those needs, and it was his whole life. That was his dedication. That probably was one of the most memorable occasions, that hour or two that I spent with JOHN at the White House way back in 1985, now that I think of it.

But then, every week, we as is our tradition in the congressional delegation, have the occasion to luncheon together to discuss issues among ourselves that are important to Pennsylvania and our constituents. JOHN was almost always there. Sometimes in spite of the very busy schedule he had the occasion to come by to speak, to meet, to talk.

The last recollection I have of JOHN HEINZ was at a function just 2 days before his death when we met here on Capitol Hill. He again took time to discuss projects in my district that he was interested in. As a matter of fact, the next week we were supposed to be working on those projects, and little did any of us imagine that fate would strike.

I suspect that none of us who are involved in public life will ever forget the precise moment in time that we discovered the untimely death of JOHN HEINZ. It is frozen in my mind, as I am sure the assassination of President Kennedy is frozen in our minds. We will always know where we were, what we were doing, and what we were thinking about.

As one of his colleagues mentioned to me in our flight out to Pittsburgh for JOHN's funeral, it causes any of us who are in public life to sit back and wonder what we are doing here and whether it is really having an effect. In that conversation with the Senator, a man from out West who has been in the Senate for many years, it became obvious that he and his colleagues had been contemplating that very idea as a result of JOHN's death.

I sat in that chapel, and I thought to myself, "Who was JOHN HEINZ? What would Pennsylvania, what would this country be like if he had not been a Senator, if he had not been involved in public life?" All I can is that in every instance of every group in Pennsylvania, whether it was the elderly, the disabled, the veteran, the worker, the community leader, the industrial leader, in any strata of life, JOHN was always a person whom one could talk to, have access to and, most of all, who showed a fundamental warm interest in whatever the problem was.

Can JOHN HEINZ be replaced? I guess we can say all men are replaceable. Can JOHN, as an individual, be replaced? I think he was one of a kind, and once he was made the mold was broken.

Pennsylvania definitely has suffered a great loss and tragedy as a result of the untimely death of JOHN HEINZ, but in addition I think that perhaps history and this Nation may have lost a

great contributor, because all of us, regardless of what party we are in, we looked at JOHN as being one of the few people who would eventually be on a list of names as a future President or Vice President of this country. He was our hope in Pennsylvania to have a second President.

Well, tragedy has denied us that hope. But as I look back on JOHN HEINZ's life, with all the choices that he had, with all the doors open to him, he did without a doubt select the best course of action for him, for Pennsylvania and for this Nation in public service.

I think the Senate of the United States, this Nation, and certainly my State will be much poorer as a result of his loss.

To his great family, to the people of Pennsylvania who mourn his death, I can only express my sorrow and my wish that it had never happened, but there is something out of the whole occasion that I did see that day in the Heinz Chapel in Pittsburgh. He left three great sons.

□ 1400

Interestingly enough, I saw in each one of them a few of the characteristics of their father. If the future of the acorn can be foretold by the tree, I suggest we have not heard the last of the name of JOHN HEINZ in American politics, in Pennsylvania politics, and most of all, in public service.

Today, I join my colleagues of the Pennsylvania delegation, and I mourn not only the loss of a great U.S. Senator, a great American, or a great Pennsylvanian, but a personal friend.

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

Mr. SANTORUM. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I am honored to join with my colleagues today in this special order paying tribute to our late friend and colleague, JOHN HEINZ of Pennsylvania, whose life ended in the crash of a plane taking JOHN from one meeting in his State to another.

Many of us here today were privileged to serve with JOHN when he began his legislative career in the House in 1971, as a late arrival to the freshman class of the 92d Congress. As such, he and I were congressional classmates, arriving here the same year. We remained friends after his career took him to the Senate following 3 terms in the House representing the 18th Congressional District of Pennsylvania.

JOHN HEINZ was blessed with material advantages in life which few enjoy. However, his privileged upbringing never blinded him to the plight of the less fortunate, particularly our Nation's elderly. JOHN's work for the senior citizens of Pennsylvania and America was begun here in the House of Representatives and was carried forward

aggressively throughout his tenure in the Senate as chairman or ranking Republican of the Select Committee on Aging.

JOHN's vigor and conscientious regard for his legislative duties quickly dismissed any notion one might have that he was a showhorse, merely killing time in pursuits without any clear purpose or goal.

It would have been understandable if JOHN HEINZ had chosen to pursue a career in the family business, but politics, government, and public service were more compelling personal interests.

It speaks highly of JOHN that he, who had boundless opportunities for more remunerative pursuits in the business world, offered himself in public service and sadly gave his very life in the course of serving his constituents in Pennsylvania.

Senator HEINZ was a formidable and influential leader in the debate on trade issues so critical to the industrial vitality of his home State and the country. Guided by conscience and conviction, he was not unwilling to speak out forcefully on issues that may not have been warmly embraced by the leadership of his own party.

JOHN HEINZ will be remembered as a good and decent man, an intelligent, generous, hard-working man, whose career was dedicated to the service of others and to making this Nation stronger and respectful of her obligations to those without a strong voice in their own behalf.

I know that I join with all my colleagues in expressing our sincere condolences to the Heinz family at their tragic loss which we in the Congress and all Americans share.

Mr. SANTORUM. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, first of all, I would like to commend the gentleman's colleagues from Pennsylvania, as well as Mr. MCDADE, for holding this special order to honor a great Pennsylvanian and a great American, JOHN HEINZ. He was an outstanding Senator, and I think we all recognize that.

He was an extraordinary American. Those Members who served with him from Pennsylvania I think also recognize that he was an enormously effective champion of and advocate for the Commonwealth of Pennsylvania. Since his tragic death a few weeks ago, it is really almost impossible to describe the almost universal sense of grief that has taken hold of the people of the State. He was loved and admired by people from all walks of life, all political persuasions, liberals and conservatives, young and old. It really ran the gamut.

I do not believe I have found any person who really felt hostile toward JOHN HEINZ, because I think he was recog-

nized as being someone who fought for Pennsylvania all the time. He took leadership, as has been mentioned here, he took strong leadership roles in many areas of public policy. The area that I think is most often alluded to, certainly the senior citizens, the older Americans of this country, owe a great deal to JOHN HEINZ who was tireless in working for their best interests and working for their concerns, and focusing the attention of the American people on the concerns of the elderly and his role as chairman of the Committee on Aging in the Senate, and later as the ranking member. I think he had a continuity of interest in that issue, which is another thing that needs to be said about JOHN HEINZ.

He was not a person who grabbed an issue, milked it for publicity, and moved on. He stuck with the issues. When he took an interest in something, he stayed with it to the conclusion.

I think that the other thing I would stress again where he was a spokesman on, on many national issues and very effective spokesman, on the issues he was really a premier promoter of Pennsylvania who worked with great skill to advance the interests of Pennsylvania. I had an opportunity to learn about the persistence, that dedication, firsthand back in 1976, at which time I was serving as chief counsel for the Economic Development Administration, when a new piece of legislation called the Local Public Works Act was passed. I was asked to come down to the Senate Office Building to meet with Senator HEINZ at that time. It was on a Saturday morning, and JOHN wanted to find out what that bill was about, how Pennsylvania could get the maximum advantage, and we spent 5 hours going through the regulations, going through the law so that JOHN understood very, very clearly, exactly what he needed to do to be sure that Pennsylvania was going to be taken care of, going to be well served by that piece of legislation. In fact, he was so thorough in his examination of me, that the regulations which I had actually written, there were a couple of times he stumped me on what they actually meant. He used to kid me about that after that time.

He was a good friend to me, a good friend to practically all Members. He campaigned, as he did for me and as he did for other Members, as I suspect for most Republicans in the delegation, he campaigned for all Members. He certainly knew Pennsylvania and its people exceptionally well. He was very, very close to thousands of Pennsylvanians, and he listened to people. That was another important aspect of JOHN HEINZ. We politicians are often said to talk too much and not to listen. JOHN HEINZ was a listener. That was one of his great strengths. He did not listen to just people of his own social class. He did not listen just to Pittsburghers

where he was from, or Philadelphians, the major cities, but he listened to people all across the Commonwealth. He listened to people from Bradford, Bellefonte, Emlenton, and Tidioute in my district, and small towns and hamlets across the State. He listened and absorbed. He took what he heard and translated it into legislation, oftentimes, but certainly into a program that benefited the Commonwealth of Pennsylvania and the Nation.

Many have pointed out here today that JOHN HEINZ came from a family of great wealth. That he could, indeed, have opted to pursue a life of privilege, a life of leisure. Instead, he opted for a life of public service, with all that entailed, which it does entail certainly, the rough and tumble of politics. We are not going to be all universally loved. We will be criticized. We will have to take tough decisions and defend them. JOHN HEINZ was willing to do that. He lived a life of public service, and I think because of that, Pennsylvania, because of his selection to live a life of public service, Pennsylvania and this Nation are fortunate indeed that he did.

I join with all Members here today in extending our deep condolences to the family. As my colleague, Mr. MCDADE said, I think all Members recognized in the sons of JOHN HEINZ who spoke at the very moving and very profound funeral service that was held in Pittsburgh, that all of the sons reflect a bit of JOHN HEINZ. We have not heard that last of the Heinz name in public service, and in contributions to this country and to the Commonwealth of Pennsylvania.

Mr. SANTORUM. Mr. Speaker, I yield to the gentleman from southwestern Pennsylvania [Mr. GAYDOS].

Mr. GAYDOS. Mr. Speaker, I want to thank my colleague for yielding. I want to congratulate the gentleman up front for taking the time. He and Mr. MCDADE, and I understand we have another half hour or so if we need it. We will not have a shortage of time.

Let me make some offhand remarks before I go into my prepared statement. I knew the Senator when he first came to the House of Representatives. I was with him, with a whole delegation when we were going at one time, flying up to Pennsylvania to attend the funeral of our colleague, Congressman Saylor. I remember we had a two-plane delegation. Senator HEINZ was on the first plane. I happened to be, fortunately, at that time, on the second plane.

Up in Johnstown, people have to understand that it's on a plateau, and the winds are very fierce. Once the winds start blowing in Johnstown, PA, it is very difficult to handle a plane on takeoff or landing. We had, at that time, I think for Congressman Saylor's funeral delegation, something like 60 to 70 Members attending, and that was

why we needed two planes. The first plane, the plane that the Senator was in, made two passes to try to land. They had a very experienced pilot, a pilot that takes the President and the Vice President and the dignitaries and Cabinet officials all around the world. He tried to make two landings there, and he couldn't make it. On the third landing it was so precarious, they were so close to the precipice at the end of the Johnstown Airport, if it had not gone over, they would have gone down to certain destruction. It was a snowy day. That plane ground to a halt, and the pilot had to make a fishtail to stop that plane from going over the precipice. In the meantime, they had called the second plane, which we were in, and they asked Members to take a vote as to whether or not we wanted to attempt to land also. I am very happy to say that the results of the vote on that plane was something like 99 to 1 to go back to Washington, so we never did land.

The reason why I bring this story up is that Senator HEINZ was on that plane. I remember afterwards, there was a call for an investigation just exactly as to what the circumstances were surrounding that almost catastrophe. To me, it just seemed like a quirk of fate that the Senator, tied up in that incident, and then meeting his untimely demise in this very recent incident.

□ 1410

It seems odd in a way and it kind of makes me think of a lot of things that occurred between myself and JOHN HEINZ.

In fact, when JOHN HEINZ was first elected, running for the unexpired term of one of our Congressmen who had passed away—it was not Fulton, but Fulton's predecessor, Mr. Corbett, Congressman Corbett, I had not a debate, but we had a discussion. He was on one side and I was on the other. I think we had another one of our colleagues on channel 11 or one of those channels back home. I remember the Senator was then running for his first term as a Member of this House. We got into a discussion involving foreign imports and a level playing field and all the ramifications of what could and would occur if we did not watch our international trade.

The reason I go back to that, it was a rather spirited discussion. That was the Senator's first exposure to that type of debate; but ironically, from that circumstance that we attended, both he and I, he evolved as one of the foremost supporters of fair trade, as distinguished from free trade. Every time he had an opportunity in his very influential capacity as a Senator, he always took that position. He never forgot the position that, at that time, he enunciated and debated in favor of.

So the Senator throughout his career had a long memory and one that was consistent.

As the dean of the delegation for 8 or 9 years, I remember JOHN HEINZ always making an appearance, always having sufficient time to sit down and talk to all Pennsylvanians, whether from Philadelphia, the middle part of the State, or Pittsburgh. I remember that he was the main attraction because of his personality, patience, and his attendance. All the men and women, and particularly the women that came from western Pennsylvania and also those from throughout Pennsylvania all wanted to get their picture taken with the good Senator.

He had good connections and good repartee with the Pennsylvania public.

I remember in our little small out-of-place designations, little small hick towns, for want of a better descriptive term, Senator HEINZ would come down here and he would hold a workshop. We had our problems down in the Steel Belt rust areas, where in my particular district we went from 35,000 steelworkers, I ended up with 5,000 today. That is what I have. JOHN HEINZ was always there. He was always there when we had any kind of a program that would help those poor unfortunates. JOHN HEINZ made it his business to fly down at the expense of his family connections and any commitments he had. He would be down there in those small out-of-the-way districts and he would be talking turkey with the unemployed steelworkers, talking about the different programs that were designed to help them. JOHN HEINZ was always in the forefront.

I remember on the committees we had, because JOHN was on the Labor Committee over in the Senate, I remember JOHN debating fiercely, protecting and fostering the different programs we had, programs such as ERISA, the Employee Retirement Income Security Act, which did not touch JOHN HEINZ or a lot of his associates because of great wealth, but which was very, very important to the common working man. JOHN HEINZ was there, and actively there.

We had our trade issues. He headed the steel caucus over on the Senate side and the gentleman from Pennsylvania [Mr. MURTHA] and I headed it on the House side, both as the president and as the chairman of the executive committee.

We always worked together most effectively. I as the chairman of the steel caucus at that time, or as his colleague as the dean of the delegation, never had any reservation, any reserve to not go and get him on the phone and say, "JOHN, we need this," or "The county has called. We need this road over in the Senate. We have taken care of it on the House side. Now we need you over in the Senate."

I do not think, I do not know if I will be here that long, but I know one thing, I do not think I will ever experience personally such a cooperative person on the other side of the Capitol as Senator HEINZ was.

I myself think that he not only had outstanding ability, but that he was made up of the quality that you must have, fundamentally you must have, and that is the ability to put you and your interest second to the interest of the public.

As JOHN HEINZ came back to my district in Allegheny County, in Pittsburgh and the suburbs, he did the same thing up in Erie and the central part of the State and down in Philadelphia, in Scranton, and Wilkes-Barre—he covered the State.

I myself, in analyzing what he has done over the years, I do not know if I would be capable of doing what he did, particularly in the circumstances that surrounded JOHN HEINZ.

Many a time when people would say, "Well, it's easy for you, Senator, because of your great wealth to do such and such." JOHN HEINZ would always correct them. I remember him saying this repeatedly, "Look, I feel fortunate that I was born to some financial assistance and some wealth, but I'm just a result of circumstances. That does not permeate my thinking or my philosophy or what I am going to do."

And he said, "Yes, I would be lying to you," and he said this repeatedly, "If I did not tell you that I am most appreciative of my background and I feel myself very fortunate, but that has nothing to do with where my interests lie or where my dedication is pointed."

I think all his actions throughout all his career as Senator all pointed toward that end and I think substantiated that end.

Mr. Speaker, in closing I have some additional remarks that I will put in the RECORD, but I want to say in closing with all the sincerity I can muster here on the floor of this House, I thought JOHN HEINZ was a distinct asset to the Pennsylvania delegation. I think he was an excellent, outstanding Senator. I think he and the wealth that he enjoyed, he always made available to western Pennsylvania in particular, all of Pennsylvania in general, and even spread it out throughout other States in this country. If anyone was going to be entrusted with wealth such as the Heinz family had, I do not think anyone could have made a better choice under the circumstances, because JOHN HEINZ was sensitive to all needs.

It was my pleasure to personally work with him on this floor. It was my distinct honor to call him my friend, and I close by saying that I know that the body across the hall is going to miss him. I know this body and this delegation miss JOHN HEINZ.

Mr. Speaker, I stand before you today with a very heavy heart. When this Congress lost Senator JOHN HEINZ the afternoon of April 4, we lost a truly remarkable man.

I knew JOHN ever since his election to the House of Representatives in 1971. Because both of us were from the great State of Pennsylvania, I had the privilege of developing a friendship with him and working very closely with him on a number of issues, most notably those affecting the steel industry and the workers who have dedicated their lives to this industry.

Without JOHN's input, the struggle to do what is right for the workers who have lost their jobs with the collapse of the steel industry would have been even harder. Today many of these workers are no longer unemployed but some are still looking and hoping.

Because of his dedication to the plight of these men and women, JOHN was very active in the steel caucus. He recognized the importance of trying to maintain a level playing field for our steel producers so they could compete with the foreign markets and continue to provide jobs here at home. His strong voice, unwavering dedication, and years of expertise will be greatly missed during all future discussions of the GATT negotiations, and consolidation of the European markets.

But the steelworkers and producers of Pennsylvania are not the only people who benefited by JOHN's unrelenting support. For two decades—first as a Representative from 1971 to 1976 and later as a Senator from 1977 to 1991—JOHN continually and tenaciously strove to develop policies he thought would be fair for every single American. Both the young and the old had a true friend and fierce protector in JOHN HEINZ.

To name just a few of his priorities; he fought for better health care and pensions, for our veterans who suffer from the effects of agent orange, for our elderly to live their lives in comfort and with dignity, and for rebuilding our Nation's infrastructure and mass transportation systems.

JOHN also fought to protect our environment and to keep his own administration from classifying ketchup as a vegetable in children's school lunches.

When taking his administration to task over the ketchup issue, JOHN called it one of the most ridiculous regulations I ever heard of and, I suppose, I need not add that I know something about ketchup and relish.

As heir to the Heinz company, JOHN did know about ketchup and relish. But his knowledge did not end there. He had an insatiable thirst to learn anything he did not already know or was unsure of.

He also had a keen mind and a great interest in many diverse subjects. He could speak with intelligence on any number of topics that anyone wanted to approach him about.

Mr. Speaker, JOHN was a man who had everything—personal wealth, a wonderful family, a first-rate education, and athletic prowess. In addition, JOHN had human qualities that can never really be measured or fully appreciated. He was understanding, compassionate, strong, generous, and competent both in his personal affairs and in his official duties.

It was JOHN's human qualities that originally compelled him to run for office.

He could have chosen to live the life of the rich and famous, but he didn't. JOHN chose the long working hours, the intense and emotional floor battles, and the frequent trips in cramped airplanes—all because he genuinely wanted to make America a better place to live.

JOHN was a giver. He wanted to serve his country. He wanted to give his time and his talents to those people who desperately needed someone to understand their problems and work with them to develop a feasible solution.

He worked hard and, quite often, very late hours to fully understand all of the aspects of every single issue he had to vote on. This was the norm for JOHN.

He also fought hard for what he believed in. If your opinion wasn't the same as his, he was always open to discussion. He always wanted to find the common ground among all of the different opinions and proposals and build up from there.

Unfortunately, sometimes there just wasn't enough middle ground to build a solid foundation that would support additional weight. But even during some of the most intense debates, he was always the perfect gentleman. There wasn't a malicious bone in his body.

When the debate was over, whether he won or lost, you knew you still had his respect for your position and you knew you still had his friendship.

I was shocked and deeply saddened to hear of the plane crash that took JOHN's life. It was a terrible accident.

After the initial shock, one of my first reactions to the news was thinking how unfair it is for someone who has fought so hard for the elderly, to be taken from this world at the age of 52. I have no doubt there are many more positive contributions JOHN would have made if he only lived a little longer.

As much as we will all miss JOHN HEINZ as a true friend and great legislator, I really feel for the family members he left behind.

JOHN was very dedicated to his family. When his mind had to be here on the issues during all of the late sessions, it was. But his heart was with his family.

Senator HEINZ was a truly remarkable man. He set an extraordinary example in both his personal and professional lives. I am glad that I had the opportunity to know him as a friend and to have served with him during the past two decades.

I am confident that the memory and good works of JOHN HEINZ will echo throughout the Halls of Congress and in the hearts of all who had the pleasure of meeting him for a very long time to come.

Mr. SANTORUM. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, I thank my friend for having this special order, and our dean, the gentleman from Pennsylvania [Mr. MCDADE] for having it as well.

Mr. Speaker, nearly 3 weeks have passed since that chilling afternoon of April 4, when the people of the Commonwealth of Pennsylvania and the Nation first learned of the sudden and tragic death of Senator JOHN HEINZ. Through the business of Washington has moved on and life is once again en-

gulfed in a world of hearings, floor debates, and public speeches, I find that my thoughts often stray from the business of the day, and return to my fond memories of a good friend and outstanding public servant.

At the memorial services held 2 weeks ago, thousands, including many of my colleagues from this great House of Representatives and from the other body gathered in Pittsburgh and later in Washington to eulogize Senator JOHN HEINZ, extolling him as a national leader, a dedicated public servant of Pennsylvania, a devoted husband and father, and most important, a friend to whomever had the privilege to have known him, as well as those in our society who were not as fortunate.

Mr. Speaker, it was at these services, where thousands of people gathered to pay tribute to a man who many of them knew only as Senator, that I was once again reminded of just how many people JOHN HEINZ had touched in his short 52 years on this Earth.

As the sole heir of the H.J. Heinz food empire, JOHN HEINZ never had a material need or want in his life. But JOHN HEINZ wanted more out of life than that which money could buy. After graduating from Yale University and earning his M.B.A. from Harvard University, he first served our country in the U.S. Air Force before entering politics as a special assistant to U.S. Senator Hugh Scott. During the later half of the 1960's, JOHN HEINZ returned to the family business where he served as general product manager.

In 1971, JOHN HEINZ first entered public office as a U.S. Representative from suburban Pittsburgh. After only 6 years in this body, JOHN HEINZ sought and won his seat as U.S. Senator from Pennsylvania—a seat that he would easily and overwhelmingly be reelected to twice again.

At first, many of his critics claimed that JOHN HEINZ had bought his Senate seat and labeled him as spoiled and immature. But Senator JOHN HEINZ soon silenced his opposition by spending much of his time working on behalf of the steelworkers of Pennsylvania, the elderly, and the handicapped. In fact, JOHN HEINZ was enroute to Philadelphia at the time of the accident to hold a hearing to investigate inflated prices of medical equipment for Medicare beneficiaries.

One of JOHN HEINZ' greatest attributes was the energy level with which he attacked life. It showed in his work on the Senate Banking, Housing, and Urban Affairs Committee and on the Senate Special Committee on Aging which he chaired. It also showed in his spare time, as he was widely known as the best skier in the Congress.

Mr. Speaker, Senator JOHN HEINZ was indeed an outstanding person. He was a dedicated public servant, both for his home State of Pennsylvania and for

our country, he was a devoted husband and father, and he was a friend.

On Easter Sunday night, my wife, Susan, and I were returning from a brief skiing vacation. As we came down the escalators at Dulles, we saw JOHN and Teresa Heinz, who had been on the same plane, waiting at the baggage checkout. We asked if they needed a ride home, and they accepted. We had the nicest possible visit enroute to Georgetown, talking of skiing and of our children and theirs. The following Thursday, he was gone.

Our hearts go out to his wonderful wife, Teresa, and to his three sons who so eloquently expressed their pride and love at his funeral services. Indeed, a horizon in only the limit of our vision.

Mr. Speaker, I'm not sure if you are aware or if my colleagues are aware of the saying which used to be inscribed on the license plate of Pennsylvania. "You Have a Friend in Pennsylvania." Somehow, I cannot help but think that this saying was directed to one man—Senator JOHN HEINZ. Truly, we have all lost a friend from Pennsylvania.

□ 1420

Mr. SANTORUM. Mr. Speaker, I thank the gentleman for his comments, and I yield to the gentleman from southwestern Pennsylvania [Mr. KOLTER].

Mr. KOLTER. I thank the gentleman for yielding.

Mr. Speaker, at this point I intend to just talk briefly about my first experience with our good friend, the late Senator JOHN HEINZ. I came here in 1982 after a very tough, as we all did, after a very tough but successful campaign in 1981. I can recall at one of our earlier weekly lunches that this delegation holds rather freely, he came in late to this luncheon, and there happened to be one seat open. It was next to me.

That is the best thing that ever happened to JOE KOLTER because we had a chance for a little bit of a dialog, something I am never going to forget.

He indicated that the first thing that I ought to do is to throw myself body, heart, and soul into something that I really liked, some form of legislation. That was easy. My first love has always been high-speed magnetic levitation rail.

So about a month later, my staff and I finally concluded our legislation for high-speed rail. It was submitted for the record here. I had spent a few moments talking to the chairman of the subcommittee asking for hearings so that we could move on it quite fast. Being a freshman, you know how eager freshmen are.

Within a month or so, I think that the chairman called, indicating we would have a hearing on my piece of legislation.

It was not 2 days later that I received a phone call. I was working with my staff people in my inner office when

one of my staff people indicated that Senator HEINZ was on the phone and wanted to talk with me. Of course, I said something in jocular fashion, "Of course, what would JOHN HEINZ want to talk to a lowly freshman Democrat about?" Sure enough, it was JOHN HEINZ.

The message he gave me was that he was delighted that I had followed his instructions, that he too was going to testify on behalf of my legislation the following week in the Rayburn Building.

When at the conclusion of that hearing as we were starting to walk away, he grabbed my arm and said, "Look, you had better have a picture taken, and you have my permission to use our picture in your newsletter."

Now, you know, to a freshman Democrat coming from a highly thought of Republican Senator, that meant something to me.

Well, we had our picture taken. It was submitted to my newspaper back in my district, and quite frankly I did well by that picture.

Well, time and time again throughout my 8 years here, we had time to talk to each other on the phone or at various meetings on legislation or perhaps at some meeting that we would have, material of mutual concern.

My friends here, my colleagues, I find this man to be one who did not play partisan politics. He did not allow politics to interfere with good government.

In closing, my colleagues, I want to extend my deepest sympathies to Mrs. Heinz upon the loss of her beloved husband and to her three sons upon the loss of their very, very fine father.

His colleagues here, we in Congress here, are going to miss our dear friend and colleague.

Mr. Speaker, since the very tragic and significant loss of Senator JOHN HEINZ of Pennsylvania, we have all spoken and heard of the Senator's many, many unselfish and generous acts during his distinguished public service career.

But all of us here in Congress have something more to add; something to contribute to the story of this man, an excellent Senator and father, who was a public official who remained a strong and dedicated public advocate.

Much has been said about Senator JOHN HEINZ's work on behalf of the elderly and the environment, for example, but JOHN HEINZ was also a very good friend of working people.

Many folks from other States are often surprised by the fact that a man like JOHN HEINZ, a man born into wealth and privilege, was such a fighter for the common man and woman and all those who had none of the advantages that Senator HEINZ possessed.

On the Republican side, JOHN HEINZ was a driving force behind the congressional steel caucus. He made it his daily business to keep abreast of all steel industry matters and the unfortunate plight of American steelworkers during the 1980's.

JOHN HEINZ opposed the President on the administration's refusal to impose restraints on foreign steel imports, for instance. He knew and felt the hurt imposed on the industrial towns of the Northeast and Midwest: A hurt imposed by both cheap foreign imports and by the dumping of foreign steel on our shores.

Day after day, we worked together on behalf of all American industry and working people. This was the kind of man that JOHN HEINZ was. He was a man of integrity; a man of his word. We never had a quarrel. His interests were the people and the welfare of the American worker.

But JOHN HEINZ also had one eye on the future. Some of the ills suffered by the American steel and coal industry were the result of changing times; there can be no question about that.

Senator HEINZ and I worked most closely together on the future of rail transportation both in Pennsylvania and throughout the Nation. As a congressional freshman in 1983, I introduced legislation allowing several Midwestern States—including Pennsylvania—to work together on high-speed rail magnetic levitation passenger transport, JOHN HEINZ promised me he would carry the ball in the Senate, and carry the ball is an understatement. With passage of the bill in the House, and with JOHN HEINZ leading the debate in the Senate, victory was assured.

That is the kind of man JOHN HEINZ was. He, a Republican, was willing to work closely together with myself, a Democrat, because the success of the work was beneficial to people.

Magnetic Levitation rail moves ahead now. The creation of thousands of jobs is just around the corner. In Pennsylvania, major colleges and universities have moved beyond merely taking this new form of transportation seriously. These institutions are working to put the new technology in place.

My friends, this was not the case in 1983, when JOHN and I shook hands and pledged to work together. High-speed rail transport was a new idea then. Many were skeptical. Many were hostile. Now, so many are jumping on our bandwagon that those days—just 9 years ago—seem hard to believe.

Today, States throughout the Nation are working on various plans and proposals for short line maglev systems. Similar trains—already in existence and transporting passengers throughout Europe and Japan—move people easily and safely at speeds in excess of 200 miles per hour.

JOHN was thrilled at the quick advance of this new transportation idea, and frankly, the Senator brought a great deal of support for maglev from Republican strongholds.

This is how the Congress works. This is how bipartisanship solves national problems and works for people. If the American public ever needed an example of true, beneficial bipartisanship, it need look no further than the example set by JOHN HEINZ.

This session that we conduct here is unimpeachable testimony to this man. Addressing the House today, at this special order, are Democrats and Republicans of different stripes, or various political philosophies, and all of us are paying this very special tribute to a Member of the other body.

My colleagues, this is the least we could do for JOHN HEINZ. This is certainly little repayment for all that he has done to protect the everyday needs of Pennsylvania, America, and all working people. JOHN HEINZ labored 20 years in the House and in the other body, fighting for the elderly, pensioners, retirees, and blue-collar men and women.

He never lost an election. Why? Because he fought for people. Because he used his office as a tool for doing good things for the general public.

This tragedy—the death of JOHN HEINZ—has had a unique effect. Since that fateful day in the skies over Pennsylvania, freeflowing praise for the life and work of JOHN HEINZ has come in from all sources.

Imagine. Both businessmen and labor leaders have commended him. Public officials of the right and the left, Democrats and Republicans, liberals and conservatives—who knew him—all experienced the same strong feelings of sadness, respect, and loss that overcame us when we received the tragic news.

We all have great respect for JOHN HEINZ. In memory of him, let us keep alive the bipartisan spirit he represented. Perhaps if we consider his actions and his life we will find new ways to solve America's problems. Surely a man who was so strongly praised by both business and labor, by the worker and the professional, has much to teach us.

Senator, we will always remember and fight on, armed with what we have learned from you. With your untiring example, we will strive to work harder. With the spirit of your work behind us, we will surely not fail to make America a better place for working men and women, for the elderly, and for all who need just a little help to help themselves.

Mr. SANTORUM. Mr. Speaker, I thank the gentleman for his comments and yield to the gentleman from central Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Speaker, the remarks that have been made thus far this afternoon are extraordinarily on the point in describing the life and impact of Senator JOHN HEINZ. I am certain that those who will review the record someday in the near and far future will be able to glean a portion of the persona of JOHN HEINZ by the written words that will appear in the CONGRESSIONAL RECORD pursuant to these special orders.

The large issues in which JOHN HEINZ became involved affected the Nation and really the world, and they will live for a long, long time. We all have the legacy of supporting and making sure that those themes are carried forward as far as we are able to do so.

One of them that comes quickly to mind is Social Security reform. We will recall that the President of the United States called for a commission to be formed to see how the Social Security system, then in dire straits could be saved.

One of the first targets of appointment to be made to man that commission was Senator JOHN HEINZ. He participated not just in the meetings, not

just in the development of the report of that commission, but in the testimony that was to follow and, more importantly, in the public relations that had to take place following to gain a successful favorable vote both in the House and in the Senate to pass that extremely important Social Security reform measure.

Before that and since then, he has been regarded, in my judgment, as one of the founders of the Select Committee on Aging, which committee the Senate continues to uphold and which continues to foster serious legislation for senior citizens.

Now, these are large issues. But what has been noteworthy in these special orders has been the references by Congressman KOLTER, for instance, just now, Congressman CLINGER, and others on the little, important segments of the 1-on-1 contact that JOHN HEINZ had with so many of us and with so many of other non-official Pennsylvanians in the streets and neighborhoods of every little hamlet in Pennsylvania.

Those are very important, and we cannot help but recall in times like these our own contacts with him, our first meeting, our last meeting.

The last meeting that I had before his death, he was not present, but his presence was present.

What happened was—and Mrs. BENTLEY, who is seated here ready to give some remarks about JOHN HEINZ, will be interested in this—this had to do with a firm in our district which had a serious problem with Customs, having to do with Customs not understanding the whole situation and preventing—get this—preventing exports from Pennsylvania to Japan, a complete reversal of some of the concerns that we have had about closed trade barriers that exist in Japan and so forth.

So we started to develop this. It had to do with thrown silk and other silk products.

We were developing this.

So I said, "I am going to look into this, look into that and try to get the Customs together." And I also said, "I am going to ask Senator HEINZ and my office to convene a meeting with the silk people and Customs in short order." When we decided to do that, one person who had been involved said, "You know, Senator HEINZ did talk to me about this before, and I think he has a file on it." Sure enough, we found he had a file on it, which made the next step very easy.

□ 1430

The point is, Mr. Speaker, that he knew a lot more than the general themes in which we always thought U.S. Senators became involved and then relied on Members of the House to do the detail.

Mr. Speaker, this man was on top of the details: river gauges in the Susquehanna, fire equipment in western Penn-

sylvania, Independence Hall and some of the historic relevances there; all of them were part of the JOHN HEINZ impact.

Mr. Speaker, I see the gentleman from Pennsylvania [Mr. SCHULZE] standing here. He knows from our days in the General Assembly in Pennsylvania what JOHN HEINZ meant to us. I yield to him to add comments here for just a moment.

Mr. SCHULZE. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GEKAS] for yielding, and I want to pay tribute to him and to the other Members of the Pennsylvania delegation.

Mr. Speaker, I would like to join in what the gentleman from Pennsylvania [Mr. GEKAS] said. His words were very meaningful and express the heartfelt dedication that all of us feel.

Mr. Speaker, the people of Pennsylvania have lost a distinguished representative, we in the Congress have lost a skilled legislator, and I have lost a great friend by the untimely death of JOHN HEINZ. I am honored, but saddened, to pay tribute to my friend today. I wish I could look him in the eye to tell him how much he added to my life, how much he added to the lives of all who knew him.

Most people are aware that JOHN HEINZ was born into a wealthy Pennsylvania family. But what is so impressive about JOHN was his ability to empathize with everyone, from all walks of life. This empathy showed up in his work as a legislator, because certainly no one showed more compassion for the American Steel worker than JOHN. He fought hard to provide a fair environment in which the American worker could compete in the world market. He wasn't looking to give the American steelworker an unfair advantage.

That would be patronizing, and JOHN would never patronize the American worker. He believed in the strength and quality of the American work force, and the products which it could produce. JOHN merely wanted to provide the world competitors with one set of rules by which everyone would abide. He and I share this view on the issue of fair trade. We had many occasions to work together on this issue. He was a diligent worker, and a fine companion with whom to discuss any matter.

Work and fun were not mutually exclusive with JOHN. One time, when he was traveling around Pennsylvania to meet with constituents, he landed his helicopter in my backyard in Malvern. He always added a bit of fun to all of his hard work. You could see that spirit of fun in that great, warm smile of his. It was a pleasure to work with JOHN.

There is so much more I could say about him—as a friend and as a legislator—but I won't. I do not have words eloquent enough to describe how much he meant to those of us who knew him well. In the last couple of years, there have been too many people close to me who have departed prematurely. I will do my best to see to it that the efforts he and I made toward establishing a fair and open world market continue, but the work will be more lonely without him.

Mr. GEKAS. Mr. Speaker, if I had my way, I would like to have reprinted now and 100 percent incorporated into

my closing remarks for the CONGRESSIONAL RECORD the remarks made by JOHN HEINZ' special friend who was one of the eulogizers at the funeral. He took the whole lifetime of JOHN HEINZ and his own and relegated it back to when they were schoolboy chums, and he told about how they developed together, then went their separate ways at long last, but they were never out of touch, never once, never one forgetting the other's friendliness and friendship, going right down to the last moment of JOHN HEINZ' life with deep respect, and abiding love and confidence that JOHN HEINZ will be a Pennsylvanian long to be remembered.

Mr. SANTORUM. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Speaker, I rise today to honor the memory of Senator JOHN HEINZ.

I want to thank my colleague, the dean of the Pennsylvania delegation, for reserving this time.

JOHN HEINZ was a unique individual. As one of the wealthiest men in America, he could have done virtually anything he chose.

He chose public service.

Once in office Senator HEINZ could have relied on his wealth and his well-known name to ensure reelection for life.

He did not.

JOHN HEINZ worked ceaselessly for Pennsylvania.

JOHN HEINZ was a good man to have on your side.

I remember one extended fight over a project that would provide several thousand jobs in my district.

At one point in the struggle, on the last day of that Congress, a Member of this Chamber was blocking the legislation we needed to pursue the project.

JOHN HEINZ left a wedding in Georgetown and came to the floor of the House to try and persuade the Member blocking the bill to let it pass.

He failed that day, but he put in that extra effort for which he was so well known.

Later, in the next session of Congress, I visited the Senate Chambers to remind the Senator about the project.

He laughed, and let me know that he had not forgotten. Where jobs for Pennsylvania were at stake he never forgot.

He then succeeded in guiding the needed legislation through the Senate. The project survived and flourished, with 2,000 current jobs and the potential for 4,000, thanks to the efforts of JOHN HEINZ.

Though his career was cut short by the tragic accident that took his life, JOHN HEINZ leaves behind a substantial legacy of compassion and strength for the elderly, the sick, the homeless, and working men and women of the Commonwealth of Pennsylvania and the United States.

He was perhaps best known as a champion of the elderly. JOHN HEINZ was a tireless advocate for seniors. In fact, when he was killed, he was traveling to Philadelphia for a hearing on Medicare telephone marketing scams.

As a member of the House Aging Committee, I witnessed JOHN HEINZ' commitment to the issues affecting Pennsylvania's senior citizens. He helped found the Senate Aging Committee, and chaired that committee for several years.

Senator HEINZ served on the National Commission on Social Security Reform, and was one of the architects of the Social Security amendments which rescued Social Security from bankruptcy in 1983.

He was a strong advocate of taking the Social Security trust fund off-budget. He consistently voted against proposals to cut Medicare and worked for nursing home and Medigap reforms. He was a hard-working member of the Pepper Commission on Health Care.

One of the many news accounts of JOHN's life told the story of a woman in Pennsylvania who invited several public officials to her 100th birthday party. It says a lot about JOHN HEINZ that he was the only one who went to that party, and he stayed for over 2 hours.

I also had the opportunity to work with JOHN HEINZ throughout the years on the Philadelphia Naval Shipyard. Though he was from western Pennsylvania, JOHN HEINZ recognized the importance of a resource like the shipyard to the entire State's economy.

He knew that Pennsylvania cannot afford to lose the number of jobs the shipyard provides. Though the battle continues without him, JOHN HEINZ' work on the shipyard was a good example of how he made the Pennsylvania congressional delegation work better together.

It was also an example of his compassion for working men and women. JOHN HEINZ knew the wants and needs of working families. He fought hard to protect their jobs and their way of life.

He recognized that domestic industries were the backbone of that way of life, and he struggled to defend those industries that were important to Pennsylvania and the country: steel, coal, and manufacturing.

He wanted to ensure that American jobs were not lost overseas because of the unfair trade practices of other countries.

JOHN HEINZ was many things: an athlete, a statesman, a leader, a father, a husband, and a colleague.

He will be sorely missed by his colleagues and friends in the Pennsylvania congressional delegation and the entire Congress.

Mr. SANTORUM. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. BORSKI] for his remarks.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, it is an honor to join our colleagues in paying tribute to a devoted and a beloved public servant, the gentleman from Pennsylvania, Senator JOHN HEINZ.

In the time since JOHN's death, many of those in Congress have thoughtfully reflected upon the life of the man whom we gather here to honor. With great eloquence, many of JOHN's colleagues have participated in today's special order to pay our respects to his outstanding accomplishments. This is a reflection not only upon the character of Senator HEINZ, but also upon the deep sadness that we all feel as Members of this great body.

With this in mind, I rise to speak not to reiterate words of praise, or to simply highlight the Senator's wonderful career. I rise today as a saddened friend so that I may pay personal tribute to JOHN, and to his family. Not only do I wish to express some of my personal sadness, but it is my sincere hope that our words may provide some solace to all of those who grieve with us, our way of saying goodbye to a man who was both a colleague, and a good friend.

In 1971, following his service in the Pennsylvania State Legislature, JOHN HEINZ won a special election to fill the House seat vacated by the death of Congressman Robert J. Corbett. In 1976, he was elected to the Senate following Senator Hugh Scott's retirement. At the time of his death, JOHN was Pennsylvania's third-term, senior Senator. The fact that JOHN never lost an election throughout his entire political career is a tribute to both his political skills and his overwhelming achievements as a legislator.

Senator HEINZ unquestionably left a bright mark not only upon the members of the Pennsylvania delegation, and upon all of the Members of this Congress, but also upon the millions throughout our great Nation who were touched by JOHN's selfless representation.

JOHN HEINZ served in Congress for the past 20 years. From the outset of his service in the U.S. House of Representatives, JOHN distinguished himself as a man of great courage and integrity. Being privileged to have had an unsurpassable education and a consequent record of success in the private business world, JOHN fully and effectively utilized all of his background and experience in his work for his State and Nation.

JOHN was a member of a group of moderates within our Republican party who were often willing to sacrifice partisanship for what he believed was sound public policy. He maintained strong convictions that resulted in frequent conflict on a variety of issues, but I'm sure that I speak for the entire Congress when I say that JOHN HEINZ determination served as an inspiration to us all.

During his tenure in Congress, JOHN refined his abilities as a legislator, and eventually became known as one of the Senate's most determined floor tacticians. In spite of his extreme loyalty to his party, Senator HEINZ was 1 of only 11 Senate Republicans who voted to override President Bush's veto of the highly disputed Civil Rights Bill in 1990. His dedication and commitment to this legislation serve as an example of his conviction to the issues and the reforms in which he firmly believed. JOHN was both respected and admired throughout his career for his unselfish dedication to those who he represented.

JOHN dedicated his career to the people and to the issues which were truly in need of his outstanding qualified assistance. As an unwavering leader on the Senate Finance and Special Aging Committees, JOHN was successful in the fight for his proposed 1983 Social Security rescue bill which has helped to alleviate some of the Social Security financial problems and to maintain Federal benefits for the elderly. In 1986, JOHN was successful again, with a bill to bar mandatory retirement policies. His commitment to the elderly, to the underprivileged, to the environment, and to the general public will be sorely missed, but it will never be forgotten. Our memories will be a modest repayment for everything that JOHN shared with us.

Along with my colleagues, I join in expressing condolences to JOHN's widow, Teresa, to his sons John IV, Andre, and Christopher, and the entire Heinz family. JOHN was not only a good, decent family man but was an outstanding national leader. Needless to say, JOHN will be deeply missed in the Congress.

□ 1440

Mr. Speaker, I thank the gentleman for yielding.

TRIBUTE TO THE LATE HONORABLE SENATOR JOHN HEINZ

The SPEAKER pro tempore (Mr. COX of Illinois). The gentleman from Pennsylvania [Mr. SANTORUM] is recognized for 60 minutes.

Mr. SANTORUM. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FOGLIETTA].

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

It is with great sadness that I stand before you today to pay tribute to the memory of a great man and leader, Senator JOHN HEINZ. While JOHN HEINZ was the senior Senator from Pennsylvania, he also served 4 years in this body.

JOHN HEINZ will be sorely missed—by his friends and colleagues in the Congress, by the men and women of Pennsylvania, and by millions of Americans whose lives were touched by his work in the U.S. Senate.

JOHN HEINZ was a man who could have lived the life of the gentry, not needing to work, waited on by servants. Instead, he chose the life of a servant—a public servant. He chose to devote his heart, his vigor, and his intellect to work on behalf of the people of Pennsylvania.

JOHN HEINZ had the courage to do what he thought was right even in the face of tremendous opposition. He was a tireless advocate on behalf of the elderly and working men and women. He fought to save our environment and Soviet Jews. He was truly a credit to the distinguished body of this House and the U.S. Senate.

JOHN HEINZ was a genuine renaissance man. He was an avid art collector, skier, and tennis player.

In the shadow of his death, I cannot help but remember the immense joy he derived from living. But I believe JOHN gained the most satisfaction in life from his constant and selfless work on behalf of the people of Pennsylvania.

On the day he died, he was working hard during the Easter holiday visiting constituents. He was on his way to convince the editors of the Philadelphia Inquirer that they should decry the ripoff of senior citizens by telemarketers who were trying to sell sham Medicare coverage.

I had the pleasure to work with Senator HEINZ on many projects affecting the people of Philadelphia. Whether it was fighting to keep the Philadelphia Naval Shipyard open or pushing for funds to help the aged, JOHN HEINZ was always a champion of the needy and a gentleman to work with. JOHN HEINZ would devote himself to projects because it was the right thing to do, not to grab headlines.

I know I will miss JOHN HEINZ.

Let his life—one dedicated to helping his fellow man—be an example to us all.

Mr. SANTORUM. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. Speaker, I yield next to the gentleman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman for yielding, and I want to commend him for taking this time to pay tribute to a great, great man.

I am indeed privileged to join our colleagues in a tribute to the late JOHN HEINZ. Many here today are able to speak of long-term personal relationships with the Senator, but my knowledge of the man, is of the public servant. As a national spokesman for protection of our industrial might against the onslaught of unfair trade—as a dedicated legislator concerned for the plight of the elderly and the infirm—as a leader in the Republican Party.

To me, the magnitude of his loss to these issues, to our party and to the Nation surpasses the power of any

words I might say on this floor. For a former reporter, it is a strong admission. But frankly, facing the problems of the country every day as we do—the absence of his strength of character—his advocacy in the other body is devastating.

The JOHN HEINZ whom I admired, was not afraid of power, nor was he intimidated by the latest polls. If he believed in an issue, he fought for it without first counting the vote.

To call him an "advocate" is to recognize an innate quality of leadership in the man which drove him to convince all challengers, including his constituents, that his position had validity and worth. No finger to the wind, this man—no trimming of the sail.

More natural leader than politician—yet proving time and time again over his illustrious public career that the true leader is the most successful of all politicians. That the positions which all of us have sought on this Hill, demand that we not seek the popularity of the moment, the praise of the Saturday afternoon crowd.

Because of his record and the stature of the man, JOHN HEINZ leaves us all challenged to be stronger than we believe we are. To assume the awesome responsibilities of power not only with grace, but to use that power for the good of the American people and the future strength of this Nation.

What a burden his premature leave taking has placed on every one of us. We can only pray for his family and for the country that we are worthy of the task.

Mr. Speaker, again I want to commend and thank the gentleman from Pennsylvania [Mr. SANTORUM] for taking on this special order.

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

Mr. SANTORUM. I yield to the gentleman from Pennsylvania [Mr. RIDGE].

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

Mr. Speaker, first of all, let me commend my colleague, the gentleman from Pittsburgh, PA, for his interest in taking out this special order in cooperation with our senior colleague, the gentleman from Pennsylvania [Mr. MCDADE].

All of us from the delegation, and obviously Members outside the Pennsylvania delegation, appreciate having this opportunity to share for the public record some personal vignettes that we may have shared with our late friend, JOHN HEINZ, and we appreciate the opportunity to build upon an incredible record of public service for which he and he alone was responsible, and to express sorrow for the enormous tragedy that has befallen the Heinz family and certainly the families of four professional pilots who thought they were doing the right thing, as well as the families of young, unsuspecting children on a playground. This is a tragedy

that will never ever be forgotten by anybody in this Chamber, particularly by members of the Pennsylvania delegation, as well as JOHN's friends over in the Senate.

□ 1450

The man cast an enormous shadow over the political landscape, not only within Pennsylvania, but without, and throughout this country, given his leadership on the variety of issues that many of our colleagues have highlighted and noted for the RECORD.

Those of us in Pennsylvania, I think Republicans and Democrats alike, had figured out that JOHN was probably Senator for life. He was just going to go through the formalities every 6 years.

I must say that I think there was probably broad-based agreement on both sides of the aisle that JOHN HEINZ would serve in the Senate of the United States as long as he chose to do so.

I guess that is one of the reasons that he enjoyed such enormous popularity within Pennsylvania, and why so many people, who did not know him, still felt that they could relate to him. Because he was born to much, that they all knew, but everyone also knew that in addition to being born to much, he gave back in terms of public service.

I think his life and death is a testament to the nobility of public service. I think that is how he led his life.

Let us not forget that there were probably some articles or commentators writing during that week that we were not in session, that the Congress of the United States was on break, on recess, or on vacation. What JOHN HEINZ was doing typifies what most of our colleagues do when we are not in Washington, and that is moving around among those communities and peoples we represent, trying to identify problems, and then hopefully as legislators, working together to resolve those problems.

I personally would like to share just a couple of personal stories about JOHN. Back in 1982, when unemployment in northwestern Pennsylvania was high, in the double digits, depending on the community you went to, it was 16 percent or 18 percent, and the national theme of the Republican Party was stay the course, there was not a great deal of enthusiasm for that particular approach in northwestern Pennsylvania.

So I had to chart a slightly different course politically. There was no doubt in our minds, however, that regardless of what the national theme was and regardless of the economic circumstances and conditions of northwestern Pennsylvania, there was one very prominent Republican leader whose name and interest and support would be very, very valuable. Clearly that was our senior Senator, JOHN HEINZ.

There was not an occasion when I asked him to appear on my behalf, or asked him to author a letter on my behalf, when he had said no. Whenever he had—he always had the time. I should not say whenever he had the time. He always had the time to do what I asked him to do during that very, very difficult period.

I won by 729 votes, out of 160,000 that were cast. There were probably some reasons I can specifically identify as getting me over, both a national campaign theme as well as tough economic conditions, as well as a registration disadvantage. But clearly, being associated publicly and in every way possible with Senator JOHN HEINZ, had to be worth at least 729 votes, and I expect worth considerably more.

Many of JOHN's personal characteristics and traits have been identified and publicized and eulogized, and I just want to continue along that vein as well.

JOHN, I think more than most legislators and most of those with whom we serve, was a quiet, unassuming, but forceful intervenor and advocate.

Not everything JOHN HEINZ did or tried to do was accompanied with what some of us might normally consider the appropriate political fanfare, the appropriate publicity, the press conferences, the kind of self-recognition that is endemic to the political process.

Senator HEINZ certainly was as good on his feet and before a camera and at a press conference as anybody, but in the 8-plus years that our paths crossed politically, it was my sense that JOHN preferred to be a quiet intervenor, and clearly he was a forceful one.

I think that his personal slogan was "Pennsylvania first." I know it got him into trouble downtown from time to time, and probably with his own Senate Republican leadership. But if it was a priority for Pennsylvania, it was a priority for JOHN HEINZ.

Clearly he was ahead of the curve, and ahead of most of our colleagues, with regard to the whole range of issues dealing with the aged, Medicare, Medicaid, Social Security, far ahead of the curve when it came to trying to reconcile the need to balance an almost infinite demand on the health care delivery system with finite resources in Government, clearly far ahead and even visionary when it came to trying to work out a public policy dealing with long-term health care.

I can remember going to the White House when he argued as forcefully as humanly and legislatively possible to protect the steel industry, an industry that had, in its halcyon days, made Pennsylvania a great industrial State, which had in large measure been lost to foreign competition and to other States, but still down there as an advocate for the industry per se, but, more importantly, for the men and women

and families who were employed in the steel industry.

During the course of the services in both Pittsburgh and in Washington, there were some grand tributes that Senator HEINZ received, none finer than those given by his sons, and clearly his friends and colleagues honored him with their presence and their words as well.

But during this particular special order, I think it is important for me and for those of us who attended both services to honor and highlight and make special note of the splendid work and words of a friend of JOHN HEINZ, Senator JOHN DANFORTH, who presided as a minister over both services, and whose eulogy caught both the public and the private man and the Christian values that were so important to JOHN HEINZ.

We know JOHN was a man of enormous capacity, an enormous capacity to love, and the recipients of that love, certainly his wife, Teresa, and his sons, but there were many stories of extraordinary friendships.

We are also fortunate to have a couple of close friends in a lifetime, and, because of JOHN and his personality, he was blessed, as he blessed others, with his unique friendship.

We know he was energetic and he was dogged and he was persistent. We know he was a quick study. He had an enormous intellect. In very large measure he was very much a renaissance man. He was as interested in art, in music, and in culture, as he was with the mundane and very important mundane little elements dealing with political campaigns, as well as broader legislative issues. His interests were many, and his abilities were many as well.

He had a great capacity for humor, some of it very much self-deprecating, but an enormous capacity. If I might just share with you a couple of quick stories in that regard.

For the longest time, the good Senator, well, for the 8 years our paths crossed, accused me of raiding his staff and seeking the quality people that he first employed to work with me.

I would never admit publicly to the good Senator that that was ever a design of mine. It just so happened in the circumstances that a lot of good people, Mark Holman, my administrative assistant, Scott Baker, a young man that served as my legislative director, and others, got their start with JOHN HEINZ.

□ 1500

He was a magnet, he attracted quality, dedicated young people to serve him, and even though I would try to convince him there were a lot of reasons that they would probably prefer working on this side of the Hill than the other, I was always certainly grateful that they had an opportunity to

gain entry into the world of politics and legislation through his staff.

I can also recall introducing him once shortly after his 50th birthday as our senior citizen from Pennsylvania. I do not know whether that was some kind of a subconscious slip, but as an advocate for senior citizens and one of the most forceful ones in that Chamber, I do not think anyone minded too much. But clearly he was our senior Senator in every manner of the word and in keeping with all of the responsibilities that naturally come your way when you are the senior legislative man in any delegation.

Finally I would like to just talk about one quality that I think needs to be mentioned in any discussion of Senator HEINZ. There is a skill in Washington, DC, that is often best identified by floor activity, by speechmaking, and at press conferences, and it is a communications skill. Clearly we have many excellent speakers in both Chambers on both sides of the aisle, strong advocates, eloquent at times, but very able spokesmen for a variety of causes. JOHN was a good communicator. JOHN was good on his feet. But there is a quality in my judgment that makes for good communication and not all people have it. JOHN happened to be a very good listener as well, and whether he was before a group of senior citizens, before a delegation meeting with his colleagues from Pennsylvania, or before any group in any setting, JOHN took the time, the patience, was concerned enough about the other man's or woman's point of view that he had that huge capacity, a very important capacity to listen.

We mourn the man. We certainly will mourn and miss the qualities that he personified. We will all strive to reach the standard of excellence that he offered, not only the Senate and Pennsylvanians, but all legislators serving everywhere.

On behalf of the people of Pennsylvania that he represented in northwestern Pennsylvania, and also that I represent in northwestern Pennsylvania, we extend to Teresa and the three sons and his family our deepest sympathies and condolences. We know politics is in large measure about the future, and we know that there is much discussion in Pennsylvania these days about someone to succeed JOHN HEINZ. I think that is an appropriate way to conclude my remarks. Clearly the political process will work its way through. Clearly in the next several months there will be a successor to JOHN HEINZ, but equally as clear, at least to this Member from Pennsylvania, and to this friend of JOHN HEINZ, while there may be a successor there will never be a replacement.

I thank the gentleman for taking the time.

Mr. SANTORUM. I thank the gentleman from Pennsylvania. I yield to

the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS of New Jersey. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding. I would like to commend my colleagues from Pennsylvania, Mr. SANTORUM and Mr. MCDADE, for this very thoughtful presentation on behalf of our late colleague.

The death of Senator HEINZ and the tragedy which led to that death is a great defeat and a great tragedy for all of those touched by it. But his life was a life of victory.

I would like to pause for a few moments today and talk about how his victory touched my life as a legislator and the lives of the people I represent in the Philadelphia area in southern New Jersey. The victories that Senator HEINZ won in his career that are on the record are very clear, his record as a Senator, his record as a public servant. But I think one of the greatest victories that he won was that his life told a very different story about politics and public service than the story that we hear today.

It is a painful admission for those of us in this body to make, and all of us in public service to make, but people who are in public service in general, and in elective office in particular, are not held in great esteem in this society today. There is an undercurrent in our society that people who choose to become involved in politics do so because of personal gain and personal interest and personal aggrandizement.

The life that Senator HEINZ led, the record that he established as a public servant refutes those assertions. The efforts that he made says that it is possible to will to do good for the public as a public servant and to succeed in exercising that will.

I did not know Senator HEINZ very well. I arrived in this body in November of 1990, and the one opportunity I had to work with him since my arrival here was on a mutual effort along with many of our other colleagues to advocate the cause of the Philadelphia Naval Shipyard. What I learned from Senator HEINZ in that process that was all too brief was very important. The lessons that he taught me I thought were worth sharing with all who are listening today.

The first lesson was that one should care about other people even though it may not have an immediate connection to your own agenda. As some of our colleagues said earlier, the level of political popularity that Senator HEINZ achieved was legendary in his State. If he had taken a very perfunctory approach toward the issue of the shipyard, it would not have made much difference or have been of much political importance. He was from the other end of the State. I am not a Pennsylvanian, but as an observer of Pennsylvania politics on the other side of the river,

there is a dichotomy between east and west and people from the west are not often expected to care about what happens in the eastern part of the Commonwealth. He cared and he cared very much. He showed his interest in this issue for a very simple reason that is a very powerful reason about why people get into public service. He cared about the issue because he cared about his country and its defense, and even more so he cared about the men and women who made their living there.

This is a person of great success, of great personal wealth who would have had no personal motivation whatsoever or political motivation whatsoever to spend the time that he spent on this issue, but he spent the time. He mastered the issue. He went to every meeting that was called, spoke every time he was asked to, and he educated a lot of the rest of us about the important facts of making the case. He did it because he related to the men and women who depended upon that yard to make their living, and who do such a good job there today, for the pure and simple and positive reason that he cared about them. That sends a very powerful and welcome message at this time.

The other more personal observation I would make is that this is a place, Washington, DC, where status means everything to some people. How high you rank on your committee, how long you have been here, where you stand in your party, how much you can do for them. This is the capital of Washington, DC, politics for many, many people. For Senator HEINZ it was not. The process that I engaged in as a freshman Representative from another State that he had never met or heard of, when I walked into that process he greeted me as an equal. He gave me an opportunity to work with him, and learn from him, and gave me the opportunity to express my own ideas in a way that would be constructive.

Senator HEINZ did not care what your rank was or what your status was. He cared about what you had to offer as a man or a woman.

It is reflected in his voting record. It is reflected in the compilation of the body of what he said and did as a public servant. And even more importantly, it is captured in the way he treated his fellow man and woman and his colleagues.

I did not know him well as a person, but I will remember well the lessons that he taught us as human beings and as public servants. We are poorer for his departure, but we are inspired by his life and by his victory, and I hope his inspiration will lead many others to pursue the same excellence in public service which he pursued.

Mr. SANTORUM. I thank the gentleman very much.

In closing, I also want to thank the dean of the Pennsylvania delegation, Mr. MCDADE, for joining with me and

allowing for this time to memorialize Senator HEINZ and his contributions. I want to thank all of the Members who came down to the floor today to speak very personal thoughts about a truly great Senator from Pennsylvania.

If I may, in closing, first address the people of the United States and those of you who are not from Pennsylvania, for those of you who probably did not know Senator HEINZ very well as we in Pennsylvania did and we in Pittsburgh did.

□ 1510

For that I feel sorry for you, because you really have missed the opportunity of meeting what, in my mind, was one of the truly great men in politics, in public service, in this country. For those of you in Pennsylvania, you know what a wonderful man, a caring man, a completely dedicated man JOHN HEINZ was.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER], the gentleman from Lancaster, who has just arrived.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding. I thank him for taking this special order time that we might reflect upon the career of Senator HEINZ.

I apologize for coming in so late, but I have been tied up in meetings. But I do think that it is important to look at the career in the perspective of the people of Pennsylvania to whom the gentleman was just addressing himself.

Mr. Speaker, I have been stunned to some extent at the numbers of people who have come up to me in my district in the last several weeks, and not only said what a tragedy it was which, of course, we can all agree upon, but then would have some personal recollection of some time spent with Senator HEINZ. That struck me, along the way, because first of all it says something about a man like JOHN HEINZ who got around the State in a way that he could touch the lives of so many people in a very personal way.

But there is also, I think, the factor that most of us only remember those incidents in our personal lives where we have some reason to not want to forget it, and to that extent, I think it is often people whom we see something special in, and it is apparent to me from the people who have said something to me along the way that there are an awful lot of folks in Pennsylvania who regarded JOHN HEINZ as not only being a political figure and a public figure but someone who was special to them personally that they can relate that kind of personal instance where he touched them in some small way or in some cases in some major way, because in many cases a lot of these folks are relating to me instances where he helped them with a problem.

He was also directly involved in so many activities that affected large

numbers of people in Pennsylvania. We have a substantial senior citizen population in Pennsylvania. All senior citizens had a strong feeling for the kind of stance that JOHN HEINZ took on their behalf.

I met with a senior citizens group the other day, and large numbers of them came to me and made comments about how much Senator HEINZ had meant in the work that he had done on their behalf. So there is something which is remembered.

As for the gentleman in the well, JOHN HEINZ was a friend, but more than simply being a friend, he was someone who I think changed the character of public politics and public policy in Pennsylvania. Because he made a self-sacrifice in order to be part of the political system, I think he lent a glow to politics in Pennsylvania that will live on for some time.

I do appreciate the gentleman taking this time so that all of us might reflect.

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

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WELDON], the gentleman from Delaware County.

Mr. WELDON. Mr. Speaker, let me extend my congratulations and appreciation to my friend from Pittsburgh, the gentleman from Pennsylvania [Mr. SANTORUM], for this special order today to allow us once again to reflect upon someone who has been a leader for all of us in our great Commonwealth and someone whom we are already missing terribly in terms of the battles here in Washington on behalf of our State and our constituents.

This is, I believe, the second or third occasion that we have had the opportunity on the floor of this body to memorialize JOHN HEINZ and pay tribute to the tremendous efforts that he put forth on behalf of our State and our constituents.

As I said earlier when I addressed this body, I was to have had a town meeting the evening that JOHN HEINZ was flying into Philadelphia. I was scheduled to appear with the Senator that evening in a meeting in the center of my district to conduct a town meeting with approximately 300 constituents.

It was a terrible loss to me personally, but it was a loss that I think was something that you just came to expect of JOHN HEINZ, him crisscrossing the State to attend another town meeting, another opportunity to reach out to our constituents, to answer questions, to take the shots, to provide as best as possible a summation of what was happening in our Nation's Capital in terms of the impact on our people's lives.

JOHN HEINZ was known for being accessible to all of our constituents. He was known as someone who would reach out to anyone in our State

whether it be a very small meeting of four or five constituents or a very large gathering in our State capital or here in Washington, to answer the questions and to work with them on their priorities. He is just someone that we are going to have a very difficult time replacing in our State.

He was a family man, and all of our hearts have gone out to Teresa and the three sons and the entire Heinz family for the tragic loss that has occurred.

JOHN HEINZ, throughout all the pressures of serving in the Senate, was someone who always placed his family first and made sure that he took care of those responsibilities as a priority in his life.

Nationally his impact has been stated very eloquently by our colleagues in areas ranging from banking issues and banking reform to being a champion for issues involving aging and our senior citizens, to working on environmental concerns far away from Pennsylvania, but also those very close to us, issues involving jobs and the concerns of organized labor and the working person in this country. JOHN HEINZ was, in fact, a national leader.

In fact, I think in many ways in our party he was someone who constantly reminded us that we had to make sure that we were paying attention to the concerns raised by these various constituencies.

In Pennsylvania, I think the best indication of how well accepted JOHN HEINZ was during his tenure in public office is the fact that he won his races by the widest margins in the history of our State. His most recent senatorial victory was the largest plurality in the history of Pennsylvania, and here we are talking about a State with an overwhelming Democratic registration majority, yet JOHN HEINZ could win that Senate seat by the largest plurality in our history, and that was because JOHN HEINZ showed his concern, whether it was for the steelworker from the west, the farmer in the central part of our State, the coal miner up in the northeast, the laborer, the UAW worker down in the southeastern part of our State, whether it was for the senior citizen in Pittsburgh or Philadelphia, JOHN HEINZ was able to appeal to the broadest possible coalition of people in our State. Women and minorities were quick to support JOHN HEINZ, because he was able to reach out to them, to understand their concerns and the priorities, to help to sensitize the administration to the concerns these people have and to make sure we, as Republicans and as elected officials, were responsive to their needs here in Washington both administratively and legislatively.

I think of one of the special projects that JOHN HEINZ and I worked on together in the last session of Congress meant a lot to both him and myself. We pulled together a coalition to sup-

port the 3 million fire service leaders of this country, the emergency management people, the firefighters, both paid and volunteer, who protect our towns and cities. We had put together a piece of legislation, the Fire Service Bill of Rights, to guarantee basic rights for these 3 million people and to provide some one-shot benefits for them as well as to define the kind of respect and attention that they should be getting.

In the House, the bill received the support of 270 of my colleagues, and in the Senate JOHN HEINZ was able to garner over 60 Members of that body in support of his bill, which was identical to the bill we had in the House. JOHN HEINZ successfully passed that bill of rights in the 101st Congress. We were able to pass it through the Committee on Science, Space, and Technology in the House, but were not able to get the coinage provision of the bill passed, and we are back working on it again this year.

But JOHN HEINZ was committed to working to ensure that the thousands of volunteer and paid firefighters and emergency management people in our State and across America received the proper respect and attention that they deserved. That is just one more example of the kind of commitment that JOHN HEINZ made to this Nation and to our State. I think of his work in the area of education, supporting our university system in Pennsylvania, supporting the university in Pittsburgh and our State college network, working on behalf of environmental issues, our National Park System, Valley Forge, and Gettysburg, and Pinnacle National Wildlife Preserve. JOHN HEINZ was in the forefront of such a broad diversity of issues that he leaves a broad impact that will be a legacy that will last with us for generations to come.

One of his most recent battles was assisting us in fighting for preservation of the Philadelphia Naval Yard. Once again, we are missing JOHN HEINZ. He is not here to assist us in that battle, but once again, he certainly provided the foundation for all of us.

All I can say is that I think the best way to sum up the life of a person like a JOHN HEINZ is not to say that he was just a Senator nor was he just a politician. JOHN HEINZ was two things. He was a statesman, and he was a gentleman, and I think if any of us can strive to be called anything after we leave this life, it would be to be referred to as a statesman and a gentleman.

□ 1520

JOHN HEINZ certainly was both.

Once again, I thank the gentleman for yielding to me, and I appreciate his leadership in allowing Members to remember his good friend, and someone that I know was a mentor for JOHN HEINZ.

Mr. SANTORUM. Mr. Speaker, I yield to the gentleman from Lehigh Valley, Mr. RITTER.

Mr. RITTER. Mr. Speaker, the loss of Senator JOHN HEINZ is a tragedy not only for his family, but for the Commonwealth of Pennsylvania and the United States.

It has been repeated several times—and indeed should be repeated—that JOHN HEINZ, more than most anyone, had plenty of other exciting options in life, other far more comfortable and easy lifestyles he could have chosen. But he chose public service, and many people in this country, and many people in my Pennsylvania district, are better off because of that decision. In this life there are givers and takers. JOHN HEINZ was a giver.

I have no doubt that JOHN HEINZ will be counted among the important legislators produced by the State of Pennsylvania. He is already acknowledged as one of the State's most popular ever.

His importance arose not only from his keen intellect and his boundless energy, but most importantly from his sincere interest in the people he represented and their problems.

This last quality was also what made him so popular among Pennsylvanians. Bob Groff of the Pocono Record put it this way:

He was the kind of person who would stand sweating in his shirtsleeves in a high school auditorium on an August evening in a political backwater, and make those who were there feel good about sharing some time with him. There are not many in politics who can make that same claim.

As I have mentioned here before, I was once the beneficiary of this special talent. During my first campaign for Congress in 1978, when JOHN HEINZ hardly even knew me, he took the trouble to travel to Bangor, PA, in the middle of a snow storm to be my special guest. I'll never forget the reception he got from the folks gathered at the Blue Valley Farm Show Hall, or the boost he gave to the campaign.

This is the JOHN HEINZ I will remember: a man who was embraced by the people of Pennsylvania because he shared the tough work ethic that is their hallmark. JOHN HEINZ, halfway to being a billionaire, was never out of place amid our gritty factories and farms.

The national audience will be most familiar with his efforts to ensure better health and retirement benefits for the elderly and his battles to make American policy over international trade more effective.

But people from Allentown, Bethlehem, Easton, and the Poconos will remember him as the Senator who listened to their concerns about keeping the Delaware and Lehigh Rivers clean, about protecting steelworkers from unfair dumping of foreign steel, about getting Federal funds for key projects in our area.

I had the honor of working with him on many projects over the last 13 years, and gained a tremendous respect for him. JOHN HEINZ did his homework: when he spoke out on an issue, you could bet you were hearing an opinion that was formed by study and reflection.

His keenness of mind was matched by his physical energy. He was a super athlete, a tireless man who never shied away from the long days and long nights required to do this job the way it should be done. He did it 7 days a week, 17 hours a day, and he did it with a smile.

If, as Winston Churchill said, "Politics is war without the bullets," then JOHN HEINZ was one happy warrior.

It is, as others have pointed out, ironic that this man of action was struck down as he crisscrossed the State doing what he did best, staying in touch with the people he represented.

As his family struggles with their grief, I hope they can take some solace in the knowledge that JOHN's legacy of public service and commitment will live on in the hearts and minds, not only of his friends and colleagues in the Congress and the people of Pennsylvania, but in the hearts and minds of all Americans.

Mr. SANTORUM. Mr. Speaker, I yield to the gentleman from central Pennsylvania, Mr. GOODLING.

Mr. GOODLING. Mr. Speaker, I too, want to thank the gentleman for taking this special order.

After the tragic death of Senator HEINZ, the phrase or the comment I heard over and over again, whether I was traveling in my district, throughout the State, or outside the State was, "He did not have to do it, but he did it for us." I think that characterizes JOHN HEINZ more than anything else I can think of. He did not have to do it, but he did it for everyone.

He was also one that was totally prepared, no matter what conference he went into. The second thing that I heard people say over and over again is that, "You better know what you are talking about when you go in to meet with JOHN HEINZ because he will ask you all the tough questions, and he will know all about the subject." He demanded excellence from himself, and he demanded excellence from all of those who served his constituents. I remember in one of the eulogies at the service in Pittsburgh, the gentleman said that no one ever tried to snow JOHN HEINZ because he always knew that they were doing just that, and he thought that if they were, they were in for trouble.

The last thing I would call to all Members' attention in relationship to JOHN HEINZ was that he did not do things for show. He really did not care who got credit. He just wanted to get the job done.

I would hope that many Members who serve the public will have an opportunity to receive the same kind of acclaim that JOHN HEINZ received, not only from his constituents but throughout the entire United States. He truly was our most popular politician, most popular elected official in the State of Pennsylvania. He will be greatly missed, but we thank him for the time that he gave everyone.

Mr. SANTORUM. Mr. Speaker, if I may say in conclusion, to the people of Pennsylvania, there is very little I can add to what was said here today by both Republicans and Democrats, from east, west, north, and south in Pennsylvania, all of whom feel especially touched by JOHN HEINZ. That in effect is a tribute to himself, that each one felt individually touched by Senator JOHN HEINZ.

What I can add is that the people of Pennsylvania lost their best fighter in Washington. There is no person better. Pennsylvania will be a lesser voice here in Washington as a result of the loss of Senator JOHN HEINZ.

I would like to address the people of Pittsburgh, my hometown. My colleagues from Pennsylvania, Mr. KOLTER and Mr. GAYDOS, spoke so eloquently of what he meant to the Pittsburgh area, what he meant to the people and the region of the country that has not had very many good times in the last decade. However, JOHN HEINZ was always there for Pittsburgh, whether it was being there in a Government capacity and serving and trying to get jobs and opportunities for the Pittsburgh area, or whether it is there through his philanthropic works, through his presence and inspiration to the people of Pittsburgh that he cared so much about; JOHN HEINZ was there for Pittsburgh. Pittsburgh has suffered a devastating blow.

I can tell people in walking the streets, and the people I have talked to from the Giant Eagle to the Foodland, they talk to me and they come up and say, "What do we do? We have lost the soul of Pittsburgh." Yes, we have.

Pittsburgh has picked up before, and in memory of JOHN HEINZ we need to pick up again.

I find myself working on projects that JOHN HEINZ was working on in the Pittsburgh area. Everything I seem to work on these days, someone tells me that JOHN HEINZ was working on this, or JOHN HEINZ was doing that. He has his fingers on everything in the Pittsburgh area. However, we will pick up, and we will go on in his memory.

To Teresa, to John IV, to Andre and Christopher, I think you have seen together the outpouring of affection from the Members of Congress here and what we felt for your father and for your husband.

□ 1530

I know that in the services you heard from many people and I am sure you have had outpourings of notes and cards from the people of Pennsylvania. Please note that not only will JOHN HEINZ be missed, not only will JOHN HEINZ be remembered, but JOHN HEINZ will always have a very special place in our hearts.

Mr. RINALDO. Mr. Speaker, I rise with great sadness to join my colleagues in honoring my good friend, the late Senator JOHN HEINZ. Although only 52 at his death, he leaves an admirable record of accomplishments.

While Senator HEINZ is probably best known for his work to ensure that American products receive fair treatment from our trading partners, he was also a strong advocate for retired and older Americans. As both the chairman and later the ranking member of the Special Committee on Aging, Senator HEINZ actively worked to reform the Social Security system, and to ensure that Medicare cost-cutting reforms do not hurt the quality of health care for the elderly.

In my role as ranking member of the House Select Committee on Aging, I had the honor of working closely with him to eliminate employment barriers for older Americans. JOHN HEINZ knew that this country needs the experience and skills that older Americans can offer. As a result, he led the fight to remove the financial penalties that were imposed on Social Security recipients who work after the age of 65.

Because of his political skill and leadership, Congress also ended mandatory retirement policies for most employers. Senator HEINZ recognized that valued employees do not become worthless simply because they reach a certain age, and that the United States cannot afford to waste their knowledge and ability. As the chief Senate advocate for this legislation, he put together a coalition that enabled people to remain on the job as long as they have the skill and desire to stay. This legislation also recognized that the increasing mobility of our work force required that pension contributions must be vested sooner. The result was a law requiring vesting after 5 years on the job, and allowing these contributions to be moved with the employee.

More recently, he worked to end the earnings test that still penalizes Social Security recipients. I hope that the Congress will further honor the memory of Senator JOHN HEINZ by passing this legislation during this session.

Senator HEINZ left his imprint on a wide array of legislation, but I would especially like to honor my friend and colleague on behalf of the millions of senior citizens whose lives will be better because of his efforts.

Mr. KENNEDY. Mr. Speaker, it is with heartfelt sadness that I pay tribute to Senator JOHN HEINZ today. Senator HEINZ was a man who transcends the ideological and party labels so quickly branded on modern day politicians. He was not as much a moderate Republican, as he was a true representative of the people—the people of Pennsylvania and of America. He may have come from wealth, but he never lost touch with the working class man, whether he be a steel mill worker from western Pennsylvania or a disabled senior citizen on Medicare.

Senator HEINZ has left America with a tremendous political and legislative record to remember him by. His active role on the Senate Banking Committee did not escape those of us on the House side of that committee. During his 20 years as a Congressman and Senator, he also left an indelible mark on environmental and trade issues. But most touching to me, was his work on behalf of the elderly—on Social Security reform, age discrimination, and health insurance.

The call to public service was deep in the Senator's heart. He was a public servant by its true definition: compassionate, hard-working, and extremely dedicated. The U.S. Congress has been heightened by his presence among us.

Mr. MURTHA. Mr. Speaker, we have mourned the death of many of our colleagues, past and present, here on the floor of the House of Representatives. In the midst of our grief, we are often able to celebrate the accomplishments of those we mourn. But it is particularly difficult to stand to acknowledge the loss of a colleague and recognize his many accomplishments when he still had so much to give to his country. The tragic death of Senator JOHN HEINZ shocked all of us, and the shock has not lessened as the reality of our loss has set in.

JOHN HEINZ was more than just a colleague of mine, he was a friend. He was a friend who I could work with on the issues we care so deeply about in our part of the country, the fate of the unemployed steel worker, the health problems of the elderly widow, the revitalization of our industrial base. A day or two before his death, one of the Pittsburgh newspapers published a photograph of Senator HEINZ and I discussing a legislative issue a few years ago. It may not have been until I saw that photo that I realized how much I personally will feel his loss.

It is difficult to think that the man who only a few weeks ago was traveling throughout Pennsylvania to learn about the problems of his constituents will be making no more of these trips. It is hard to think that the elderly, whose cause he championed throughout his service in Congress, will no longer have his eloquent voice to fight for them. It is troubling to realize that coal miners and steel workers will not be able to call on him to protect their vital industries. And for those of us in Congress, it is still a shock that we can't share a laugh with a friend.

Our condolences go to his wife, Teresa, and his three boys. Our thanks, and the thanks of the people of Pennsylvania also go out to them, for sharing him with us. JOHN HEINZ cared about the people of Pennsylvania. It seems to me, to Pennsylvanians, and to the people of the United States that he still had much to do for our country. Tragically, it is not to be, and it is our loss.

Mr. COYNE. Mr. Speaker, it is fitting that members of the House meet in a special order to pay tribute to the late Senator JOHN HEINZ. Many in this Chamber were long time friends of JOHN HEINZ and worked with him during his years of public service, both as a U.S. Congressman and a U.S. Senator.

Since his tragic death on April 4, 1991, we have all had some time to reflect on what the loss of JOHN HEINZ has meant to our country,

the people of Pennsylvania, and to each of us individually. Without a question, his absence is still being felt today and will continue to be felt for some time in the future.

One thought that strikes many of us is that while he had the ability to pursue any number of callings, JOHN HEINZ chose to dedicate himself to a life of public service. It is a mark of the man that the accident which claimed his life should occur while he was about the business of serving the men and women who entrusted him with the duties of an elected official.

The loss of JOHN HEINZ is one felt on many levels. First of all, we think of his family. While we mourn the passing of a friend and colleague, we must remember also that JOHN HEINZ, husband and father, leaves behind loved ones by whom this tragedy is experienced on a most intense and personal level.

We also remember the people of Pennsylvania. JOHN HEINZ was never a distant or foreboding figure to the working men and women of Pennsylvania. Even though he was born into the ranks of the wealthy and privileged, JOHN HEINZ exhibited a life-long ability to identify with individuals who faced the day to day challenges of providing for themselves and their families.

When the people of the Commonwealth of Pennsylvania remember JOHN HEINZ, we remember a man who used his position to champion the cause of every citizen. JOHN HEINZ understood that events in the Nation's Capitol do have a real life impact on the citizens of our country. He knew that elected officials had a solemn obligation to serve as advocates for those whose voices are too seldom heard within the Washington beltway.

When the U.S. trade deficit soared and thousands of American workers saw their plants and steel mills close, JOHN HEINZ spoke out with the demand that the United States must have both fair trade and free trade. He fought to ensure that U.S. trade laws were aggressively enforced against those who seemed willing to sacrifice U.S. jobs to what they considered the more important demands of U.S. foreign relations. JOHN HEINZ might have been criticized by some for his tireless efforts to promote fair trade, but he never forgot working families for whom a weak U.S. trade policy meant lost jobs and shattered dreams.

While JOHN HEINZ knew the ways of the corporate boardroom, he also understood the needs of men and women on the production line. As a member of the Senate Finance Committee, he used his position on many occasions to promote the economic interests of working men and women. During action on the 1986 Tax Reform Act, JOHN HEINZ succeeded in efforts to have businesses provide workers with an improved opportunity to participate in retirement plans that too often had been reserved for those in the upper ranks.

JOHN HEINZ also was an effective and passionate advocate for our Nation's senior citizens. He recognized that age alone was no barrier to an individual's ability to contribute to society and fought successfully to end job discrimination against seniors. His efforts to eliminate mandatory retirement requirements has enriched immeasurably our country through

the continuing contributions of older Americans.

As a U.S. Senator, JOHN HEINZ worked to improve Medicare and emerged as a knowledgeable and skilled participant in debate over U.S. health care policy. He was a man who saw beyond the abstractions of national health care policy debate to recognize the real needs of seniors and families. JOHN HEINZ never let political gamesmanship stand in the way of his resolve to provide Americans with increased access to quality health care.

Throughout his life, JOHN HEINZ displayed a remarkable depth of character and principle often highlighted by his ability to surprise those who might take him for granted. While he served on two occasions as campaign chairman for his Senate party colleagues, JOHN HEINZ always put the needs of his constituents before the demands of partisan ties. While he knew well men and women who occupy positions of power and privilege in our country, he also made it his personal duty to remember the individual working men and women who trusted him to fight for their rights. While JOHN HEINZ could have lived a life dedicated to personal pursuits, he gave instead his life to the service of his fellow men and women.

Mr. Speaker, the people of the Commonwealth of Pennsylvania have lost a loyal friend and a tireless advocate in the passing of JOHN HEINZ. Those who knew him and worked with him have also lost a trusted colleague and the Nation has lost a dedicated public servant.

Mr. PORTER. Mr. Speaker, it is a day like today which makes the purpose of JOHN HEINZ life very clear in my mind. A sunny day—one where the flags above our Chambers, our office buildings and our national monuments are not at half mast, but flying with pride at top of the pole.

JACK lived his life with this sort of bursting pride. And, in his own unique style he used pride and ability to do the work of the people, for the people. He did not sit and wait for the world to change, rather with every chance and new opportunity he worked to make this body, Pennsylvania, this country and finally the world, a better place to live.

As president of a new group, Global Legislators for a Balanced Environment [GLOBE] he once again revealed his capacity for hard work. His spirit and dedication was foremost in advancing the mission of this group, which ties together environmental legislative efforts in Japan, Great Britain and the United States. In this forum and so many others he will be missed.

Personally, I wish to extend my prayers and thanksgiving to the HEINZ family, his staff and friends. My prayers that their sorrow may be assuaged, and my thanksgiving is for JACK's incredible life and his many, many contributions to the people of America and of the world.

Mrs. MORELLA. Mr. Speaker, I had the privilege of knowing Senator JOHN HEINZ for several years, mainly through our work together on GLOBE, a forum of international legislators working to preserve the environment. As president of GLOBE, U.S., Senator HEINZ ably led the organization's congressional delegation.

During the course of my work with Senator HEINZ, I came to know a man deeply committed to the citizens of Pennsylvania, deeply committed to these United States, deeply committed to this planet and to its environment. In his involvement with GLOBE, Senator HEINZ was driven by more than just an eagerness to serve; he was driven by an intense commitment to a legacy for his children and their generation—a legacy of clean air, untouched rainforests, and pure oceans.

Senator HEINZ was an eloquent spokesman for the environment because his dedication was so clearly sincere. As was the case with all his public endeavors, the Senator's actions on GLOBE radiated with energy, enthusiasm, and urgency. He will be missed for many things, but I think he will be missed most for his example. As a legislator, as an environmentalist, as a parent, Senator HEINZ exemplified the very best our Congress has to offer. We will all miss him.

Mr. TORRES. Mr. Speaker, I rise to pay tribute to Senator JOHN HEINZ. Me amigo, JUAN, My friend, JOHN.

JOHN HEINZ was a statesman and a gentleman. He was a man who truly represented his constituents and worked hard for them. Although he was in the other body and on the other side of the aisle, I can think of few men I have been prouder to know.

JOHN HEINZ had a wonderful sense of humor. Many of you here know that Senator HEINZ and I, along with Senator WIRTH, have been working for the last few years on the use of market incentives to solve environmental problems.

When we began the development of the legislation, I only knew Senator HEINZ from some Banking conferences on which we jointly served.

I really met JOHN HEINZ at a hearing. He and I were testifying before an Energy and Commerce subcommittee. We were testifying about the legislation that we had jointly introduced. Not knowing me very well, Senator HEINZ referred to me by a name that was unfamiliar to the chairman of the committee. He had been incorrectly told to call me "Ed." The Senator kept referring to the legislation being offered by "Ed." The chairman of the subcommittee kept asking people "Who is Ed?" I was at the other end of the table and tried to indicate to the chairman that it was in reference to me. After much confusion and laughter, it was straightened out. But JOHN HEINZ, ever the gentleman, immediately came up to me and apologized. After that inauspicious beginning whenever we saw each other he would always call out to me in Spanish and address me as, "Me amigo, ESTEBAN". And he became: "Me amigo, JUAN".

Senator JOHN HEINZ was a wonderful man, a thoughtful politician, and a caring and dedicated public servant. And this institution won't be the same without him.

Many of you may remember him as the Yale-educated son of a world-famous family. To me, he will always be: Me amigo, JUAN.

Mr. YATRON. Mr. Speaker, JOHN HEINZ was a close, personal friend, and he will be sorely missed by those who were privileged to serve with him and by those he so proudly and ably represented, the citizens of Pennsylvania.

JOHN HEINZ was a caring and compassionate man, always ready and willing to help those less fortunate. He championed the causes of the poor and the elderly, and of those in need of adequate health care. John worked to ensure that those who were fortunate enough to make it to retirement age could live out their retirement years in good health with a decent standard of living. He also worked diligently on behalf of businesses and workers in Pennsylvania, guaranteeing that they shared in the economic growth and prosperity of the United States.

He was also a man with a vision—a vision of good government, of representative government, of responsible government. JOHN could have chosen an easy life, but he didn't. Instead, he chose a life consisting of demanding, unrelenting schedules, of endless travel and meetings, of repeated separation from his loved ones, and he chose this life willingly, enthusiastically, and eagerly. JOHN HEINZ considered it a privilege and honor to represent the citizens of Pennsylvania. He leaves behind a legacy of hard work, dedication, and compassion for the Nation—a legacy that we would all be hard pressed to match and follow. Nevertheless, it will be a legacy which will rekindle in us, his colleagues, the desire to confront and triumph over the problems confronting the Nation.

Although we were from different parties, JOHN and I were in agreement on most matters. We all learn from JOHN HEINZ, and his memory will continue to inspire us. The great, tumultuous chorus that is the U.S. Senate has lost an important, resonant voice. Words cannot express the grief felt in his passing—Pennsylvania and the U.S. Senate have suffered a tragic loss.

Mr. HORTON. Mr. Speaker, I rise to join my colleagues in paying tribute to a man who was dedicated to securing a better way of life for the little guy, the blue-collar worker, the retiree, and the aged and the infirmed, as well as all Pennsylvanians—a man who served this country with the utmost distinction for nearly 20 years. I speak, of course, of JOHN HEINZ, who was killed tragically while still very much in the prime of his exceedingly productive and full life.

I had the pleasure and the honor of serving in the House with JOHN HEINZ during the 5 years that he represented the people of Pennsylvania's 18th District. John always believed that what made a difference in life was people. So, despite coming to the Congress as one of its wealthiest Members as well as with a name that was well known on millions of kitchen tables across the country, he showed himself to be true to his convictions and quickly became a champion of the common man.

After just 5 years as a member of the House, JOHN won election to the U.S. Senate, where he continued his crusade to get a fair deal for the little guy. The senior citizens of Pennsylvania and the entire Nation had no better friend than Senator JOHN HEINZ. As the ranking Republican on the Special Committee on Aging, he tirelessly labored to ensure that senior citizens, who had given so much to our country, were treated with the dignity and fairness that they deserved. Ironically, it was this very dedication that led to JOHN's tragic and untimely death.

As anyone who has driven through the Keystone State knows, Pennsylvania license plates carry the saying "You've Got a Friend in Pennsylvania." Well, there was no greater friend of Pennsylvania than JOHN HEINZ. Whether the issue was military base closures or taxation of home heating oil or American export policy, JOHN HEINZ was there to see to it that Pennsylvania got a fair shake. For this steadfast devotion, he was rewarded by the people of Pennsylvania by their making him their first U.S. Senator to be elected by a margin of more than 1 million votes. In fact, his popularity was so great that he never lost an election. He was a perfect 6-0.

As the cofounder of the Northeast-Midwest Congressional Coalition, the death of JOHN HEINZ is a particularly tragic loss. I had the distinct honor of working with him as he established and developed the Northeast-Midwest Senate Coalition, the sister organization of the Northeast-Midwest Congressional Coalition, which my good friend, Mr. WOLPE, and I cochair. HOWARD and I, as well as the entire membership, will miss JOHN HEINZ' leadership and his commitment to the region. We relied on him to advance the agenda of the Northeast-Midwest in the Senate. He never let us down.

Although Senator HEINZ is best remembered as a champion of the elderly, he was also a vigorous advocate in many other areas, perhaps most notably, trade. He was deeply committed to improving our Nation's economic competitiveness through trade. He helped lead the way to stronger laws against unfair foreign trade practices—practices which hit the working men and women in the steel and other industries of his home State and region particularly strongly. He was an internationally recognized expert of export policy, sponsoring the Export Trading Company Act and the Export Administration Act, among others. Today, these important laws stand as part of his legacy.

Regardless of how great an impact JOHN HEINZ made as a Member of Congress, he was always first and foremost a dedicated family man. A devoted husband and father, JOHN leaves behind a lovely wife, Teresa, and three sons, John IV, Andre, and Christopher. Whether enjoying the warm weather and refreshing sea air of a Nantucket summer weekend or the serene powder of Sun Valley, he cherished the time he had to spend alone with his family. To them, I would like to extend the deepest heartfelt sympathies of my wife, Nancy, and myself.

The U.S. Senate is forever diminished by the death of JOHN HEINZ. The people of the Commonwealth of Pennsylvania have lost a resolute advocate and defender, and the United States an outstanding statesman. As I mentioned at the outset, JOHN always stressed the importance of people. I am proud to say that Senator HEINZ was one person who made a world of difference. He will be deeply missed.

Mr. ROYBAL. Mr. Speaker, I rise to express my sorrow at the sudden death of my longtime friend and colleague from the other Chamber, Senator JOHN HEINZ, who passed away in a tragic accident on April 4.

I have known JOHN HEINZ since he was first elected to the House of Representatives in

1971. During the time he served in Congress, I came to admire him as a stalwart champion of the frail and elderly. He also firmly believed that all Americans should have access to affordable health care.

As chairman, and later ranking minority member of the Special Aging Committee, Senator HEINZ always tried to ensure a decent standard of living for older Americans. Whether he was protecting the Social Security fund from bankruptcy or fighting against mandatory retirement ages, JOHN HEINZ could be counted on to speak out for the elderly. When his life was so abruptly ended, he was on his way to a hearing in Philadelphia to publicize corrupt telemarketers who have been bilking elderly and poor Americans of their hard-earned savings.

Mr. Speaker, in his long tenure in Congress, JOHN HEINZ earned the esteem and respect of his colleagues in both Chambers. His memory will be cherished by all who served with him.

Mr. SENSENBRENNER. Mr. Speaker, throughout his career, JOHN HEINZ distinguished himself by focusing his efforts on issues affecting the elderly, the poor, and the sick. His devotion to these issues reveals the true character of a man who could have just as easily spent his life enjoying the good life. Instead, in the spirit of a true public servant, Senator HEINZ chose to improve the lives of others, particularly the steelworkers, the coal miners, the elderly, and the children of the State of Pennsylvania. Through JOHN HEINZ high principles, persistence, and intensity, our Nation is a better place for these people.

The legacy he left the people of Pennsylvania and the country will not be forgotten, nor will the tenacity and dedication to the issues he felt strongly about cease to inspire those of us in public office.

I extend my deepest sympathy and condolences to the Heinz family and those fortunate enough to have been close to JOHN HEINZ throughout his remarkable life.

Mr. HUGHES. Mr. Speaker, I join today with my colleagues to pay tribute to Senator JOHN HEINZ whose life so tragically ended in a plane crash a few weeks ago.

Throughout his 20 years of service in the House of Representatives and then the Senate, he dedicated himself to the people of Pennsylvania and to the people of this country. He was a tireless advocate for the elderly. As ranking member and chairman of the Special Committee on Aging and as a member of the National Commission on Social Security Reform, he worked to remove employment barriers for the elderly, to secure stability of retirement income, and to improve the quality of health care for the elderly. He recognized the important contributions that senior citizens can and do make to our society.

Senator HEINZ also recognized the importance of this Nation's industrial base and the real human costs of the decline in the steel industry. He worked to end unfair foreign trading practices, to enhance the competitiveness of our industries, and to protect American jobs.

Senator HEINZ served his constituents and this Nation with extraordinary energy and dedication. He will surely be missed by the Members of this House and of the other Chamber, the people of Pennsylvania, and the people of the United States.

I would like to take this opportunity to extend my condolences to his wife, Teresa, his sons John IV, Andre, and Christopher, and his entire family.

Mr. SIKORSKI. Mr. Speaker, I harbor no illusions that my words here today will fairly convey the profound sadness we all share in responding to the death of Senator JOHN HEINZ on the love and prayers we extend to his talented and wonderful wife, Teresa and their sons. Nor will words adequately capture the magnitude of his legacy, particularly his endowment of time and energy and leadership for the preservation of our fragile Earth.

JOHN was possessed of a rare gift, the ability to recognize the true value of things. Nowhere was his more obvious than in his fight to protect the environment. He understood that stewardship of our planet is not a Republican or Democratic issue, not a matter of exclusively American or Japanese or Brazilian, concern. But by his example he set out to teach his colleagues, his constituents, and his friends that each of us bears responsibility for the fate of the earth.

Perhaps JOHN's environmental commitment shone through most brightly when he was amongst the forests that he fought so hard to protect. In 1989, JOHN and I explored the Amazon region together. Like the other fellow travelers on that trip, I was constantly impressed by the breadth of JOHN's knowledge of international environmental issues and the depth of his sensitivity for the plight of the native peoples of the rainforest.

I was privileged to work with JOHN in addressing these issues through a bipartisan organization known as GLOBE [Global Legislators Organization for a Balanced Environment]. As president of GLOBE-U.S., JOHN earned the deep respect of his colleagues on Capitol Hill and abroad. We who will carry on GLOBE's work in his absence will long hold JOHN's work as the measure of leadership for the organization.

In reflecting on my association with JOHN, I am reminded of these words of Robert Kennedy: "The torch still burns, and because it does, there remains for all of us the chance to light up the tomorrows and brighten up the future." For those of us who had the privilege to work with and learn from Senator JOHN HEINZ, his example will always burn brightly.

Mr. MURPHY. Mr. Speaker, I am privileged to stand with my colleagues today to pay tribute to Senator JOHN HEINZ, and yet I am saddened by the circumstances that make this tribute necessary.

JOHN's loss under tragic circumstances leaves a void, not only for his wife Teresa, and his children, but for his colleagues and members of the Pennsylvania delegation as well.

I have worked with JOHN on issues of mutual concern over the last 15 years, and have always found him to be willing to exert whatever influence and expend whatever energies necessary to protect the interests of Pennsylvanians.

I will miss him personally and professionally. I will miss his independent stands on issues, even when it meant bucking his own party, because it was in the interest of his constituents.

A strong, determined voice for Pennsylvania has been silenced, but his legacy of independ-

ence and conviction remain as a challenge to all that follow after him.

Mr. PANETTA. Mr. Speaker, I want to join my colleagues in paying tribute to our late colleague, JOHN HEINZ.

There are few Members of Congress with the energy, the intelligence, and the commitment that JOHN HEINZ displayed during his years in both the House and the Senate. JOHN worked hard on behalf of the people of his State, and he worked hard on behalf of senior citizens and the other issues about which he felt very deeply.

We are all saddened by the tragic accident that took his life as well as several others. JOHN's family, his friends, the people of Pennsylvania, and the Nation have lost an excellent public servant, a strong advocate, a friend, a father, a husband. Our sympathy goes to JOHN's family as they attempt to cope with this tragedy.

Mr. REGULA. Mr. Speaker, Senator JOHN HEINZ was a caring person, a person whose legislative concerns reached out to people from all walks of life—truly a people person. He was a legislator who made it his mission to improve both the quality and equality of life for every individual.

His untimely death is a great loss to this Nation and to each of us as colleagues who respected JOHN, who enjoyed working with him and knowing him as a cherished friend.

Mary joins me in extending our deepest sympathy to Teresa, John, Christopher, and Andre.

GENERAL LEAVE

Mr. SANTORUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special order for Senator JOHN HEINZ.

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

There was no objection.

HONORING THE CRISIS CENTER OF EAST ALABAMA ON ITS 20TH YEAR OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BROWDER] is recognized for 5 minutes.

Mr. BROWDER. Mr. Speaker, the remarks heard here this afternoon represent powerful, personal, and inspirational tributes to public servants.

Mr. Speaker, I rise today to pay tribute to the unsung volunteers of the Crisis Center of East Alabama as they complete their 20th year of service to Lee, Russell, Chambers, and Tallapoosa counties. These dedicated men and women from all walks of life are trained to provide encouragement, counseling, and assistance to people across a broad spectrum of needs including depression, suicide, rape, and family violence, among others. In the center's 20 years of service, hundreds of

caring listeners have responded to more than 100,000 calls.

These volunteers, under the supervision of a licensed psychologist, are at their posts every day of the year, including holidays. The information they impart can range from the date of the next meeting of Alcoholics Anonymous to how to contact a soldier stationed overseas. But more often than not, the call a volunteer answers is to soothe the emotional wounds of a victim of rape, family violence, or depression.

In today's age of two-parent working household and an increasing number of single-parent households, the Crisis Center also fills the void that many young children face when they come to an empty house. These faceless adults become friends to the youngsters who call to ask for help with their homework or to share a joke they heard that day in school. This telephone link becomes a lifeline to these children whose afternoons and evenings might otherwise be filled with despair or even danger. Because callers remain anonymous, the volunteers may never realize the positive results of their kind, caring words.

But we know and recognize their contribution and selfless devotion, Mr. Speaker, and that is why today, on the Crisis Center's 20th anniversary, we honor their years of love, care, and help to the people of east Alabama.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 303

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 303.

The SPEAKER pro tempore (Mr. COX of Illinois). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

THE UNITED STATES-MEXICO TRADE AGREEMENT, AND EDUCATION GRANTS TO INDIAN TRIBES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, I wish to address the House today on two subjects; one a piece of legislation that I have introduced today, and second, a very important vote that we will be taking in the days ahead and that is the United States-Mexico Free Trade Agreement.

Mr. Speaker, more and more Indian students wish to continue their education and an increasing number of these students are qualifying for postsecondary education. Unfortunately, the needs of these students far outpace the resources currently available. As a result, only 14,832 Indian students nationwide are pursuing their education. This represents a small percentage of those that could attend a

postsecondary institution if they had adequate financial assistance and guidance.

Most Indian families live below the poverty line and, like many Americans, are unable to afford the rising costs associated with college. If this population is to rise above the poverty line, it is important for future generations to continue their education. The current Indian Higher Education Grants Program, as provided for in the Higher Education Act, does not possess adequate resources to respond to the financial needs of all Indian students. Additionally, the inherent limitations in the 638 contracting philosophy and mechanism, coupled with cumbersome administrative procedures developed by the Bureau of Indian Affairs have limited the efficiency and effectiveness of this program.

Currently, the funds appropriated for this program are issued to the Bureau of Indian Affairs [BIA]. While the BIA used to be responsible for the administration of this program, the contracting process under the Indian Self-Determination and Education Assistance Act has provided a mechanism for the majority of the tribes to assume control over this program from the BIA. The tribes then make the money available for financial assistance to students attending, or wishing to attend, a postsecondary institution.

Today, I am introducing legislation that would alleviate the cumbersome and expensive administrative process tribes must undergo to provide financial assistance to their Indian students. My legislation would give tribes the option of converting their current Higher Education Grants Program to a Higher Education Tribal Grant Program, thus allowing the tribes to submit grant proposals instead of contracts to the BIA for these higher education funds.

If a tribe opted for this Tribal Grant Program, it would be able to submit a one-time application to the BIA for these grant moneys. Once approved, the tribe would continue to receive these funds as long as they submit, annually, a financial statement, a program description, a biennial financial audit, and an evaluation of their financial assistance program. This would alleviate the expensive, time consuming, and often overwhelming task of preparing a 50-page contract each and every year.

The Higher Education Grants Program would continue to operate as before except that, now, there would be no annual contracting process. Thus, administrative costs would be lowered and the time spent preparing the contract could be spent on assisting Indian students who want to continue their education.

Another important and appealing aspect of this program, especially considering our current budget status, is that it allows tribes to invest these funds and use the interest earned to provide additional assistance to Indian students. Since it is extremely difficult to find the additional funds within the budget to adequately provide financial assistance for the many Indian students who want to go to college, the assistance provided by this program is vitally important to the continued education of Indian children.

Mr. Speaker, the legislation I am introducing today gives tribes the ability to provide more financial assistance to the many Indian stu-

dents who wish to continue their education. I urge my colleagues to support this important legislation.

Mr. Speaker, the United States-Mexico Free-Trade Agreement will be a vote we will be taking in about 30 days. This is probably the most important vote we are taking in the Western Hemisphere issues in the past 10 years. Mexico is our biggest partner in the Western Hemisphere, in Latin America. It is our most important partner, yet because of opposition to the free-trade agreement we may be saying no to this partnership.

Why is the United States-Mexico Free-Trade Agreement important to the United States, to the hemisphere, and to Mexico? First of all, it is going to create jobs on both sides of the border. It is going to create investment on both sides of the border. It is going to create a more prosperous Mexico, which is going to be important for the United States.

Second, it is important because it is going to reduce immigration into the United States. A more prosperous and economically viable Mexico is going to mean jobs in Mexico, not necessarily a flight of undocumented workers into the United States that eventually might take jobs from Americans.

Mexico is a poor country. It is a developing country. It has a dynamic young President who has moved toward a very solid relationship with the United States. He has moved toward a more economically viable program for his country. He has reduced inflation. He has created jobs. He has attacked the environmental problems that Mexico has. He has dealt with worker rights' issues, which rightfully have been brought up by opponents of the free-trade agreement.

It is important that a more prosperous Mexico take place in this hemisphere and that will enable them to deal with these problems of worker rights of environmental problems, of many other issues that the opponents have raised.

Another reason the free trade agreement with Mexico is important is because we are moving into trading blocks, Europe in 1992, the Far East joining together to form trading blocks that are going to be competing with us. We need to do this in our own hemisphere.

It is very important that every Member in every office look at the facts on this free trade agreement, not necessarily reject it because a Republican President has proposed it, but here we have our closest neighbor, perhaps our closest friend, and we may be on the verge of sending a message to Mexico that we do not think they are important enough or developed enough to deal with them on a free trade basis, tariffs moving duty-free on both sides of the border.

□ 1540

So I ask my colleagues, look at the facts on the United States-Mexico Free Trade Agreement. It is good for us. We are not going to have job losses flocking to Mexico. Those jobs are already going to the Far East. They are going to Singapore, to Taiwan.

What we are doing is building an infrastructure of economic development, jobs, new industries moving in on both sides of the border, and we are not going to be hurting economically as a country. This is a good agreement for us. We can deal with the environmental issues. Mexico is rightfully moving in that direction. They know they have problems in that area.

But the free trade agreement is not the arena in which to put amendments on environment, on worker rights, on many other issues. There will be other opportunities.

Mr. Speaker, this is an important piece of legislation, and I ask every Member of this body to look closely at the facts on why this agreement is important and is in the best interests of the United States.

PROVIDING FOR THE ELECTION OF FOUR AMERICAN INDIAN DELEGATES TO THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. COX of Illinois). Under a previous order of the House, the gentleman from America Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of a bill I introduced today to establish native American representation in Congress.

As you know, it is the practice of most Members of this body, when introducing legislation, to come to the floor with many wonderful reasons to support their beliefs. I come here today, in defense of this bill, with only one. It is time to correct a error that has been overlooked for over 200 years now—since the formation of this great Nation.

Mr. Speaker, I believe the reason that native Americans do not have direct representation here in Congress is because of error on the part of our predecessors and an error that is being perpetuated by us Mr. Speaker, it is time that we correct that error.

For centuries native Americans have made countless contributions to the establishment of this great Nation. The native Americans have given knowledge, culture, medicine, and most importantly their lives and their land, in order to build this Nation that has in over 200 years, become the greatest political, economic, and military power in the world.

I find it ironic that this land, which once belonged solely to the native Americans people, is now governed in such a manner that native Americans

do not elect their own representatives who would add their voices to the governing of this Nation. I find it ironic, that the people who gave us the foundation for this Government, do not have an active direct role in it.

We come from a nation that is based on democracy and all the democratic freedoms that democracy includes. We spend more time, money and energy trying to promote democracy throughout the world than any other nation on this planet. Yet, we never acknowledge that this wonderful democracy in which we live was built at the expense of the people whose land we now occupy. The separation of powers was never an original idea of our Founding Fathers; it was a tried and true method of government that was practiced by many Indian nations when the white man first arrived. The very idea of separate states that are united into one nation with representatives from each individual state, is a replica of many forms of native Americans' government.

The native Americans have made countless other contributions to this country most Americans are not aware of. For example, children are taught in elementary school that the pilgrims shared their first Thanksgiving dinner with the Indians. However, they are not often taught that if the Indians had not been there to help our Founding Fathers, there would not have been any Thanksgiving in the first place. It was because of the kindness of those native Americans that the pilgrims survived their first winter in the New World.

Throughout history the native Americans have continued to share their knowledge and assistance with the white settlers. Native Americans were the ones who taught the first settlers how to plant and harvest, they taught them how to fertilize the soil and what kind of food to grow. It was the native Americans who introduced the first settlers to such basic foods as corn, beans, squash, syrup, and even the potato, which ended up saving thousands of people in the Irish famine.

The American Indians helped keep those settlers alive, and yet today they have no representative in the Nation that was once totally dependent on their kindness and generosity.

The native Americans are responsible for many of the medicines that we still use today. Some of the basic ingredients in aspirin were originally used by the native Americans. Some of today's basic medicine was first used by the native Americans whose knowledge of plants and cures was far superior to that of our Founding Fathers. This knowledge has helped save many American lives. Yet these people have no separate voice here in Congress.

Recently, Mr. Speaker, my distinguished colleague, Mr. BEN BLAZ from the American territory of Guam, made a statement that holds more truth for

the native Americans and our insular territories than for any other group in our Nation. General BLAZ said, and I quote: "We are equal in war, but not in peace," Mr. Speaker, since the very beginning of this Nation the native Americans have fought and died for our country. From the revolutionary war to our most recent conflict in the Persian Gulf, native Americans have been right there alongside the other American servicemen, fighting and dying in the name of the United States. Yet these people who have given their very lives for the welfare of this Nation have no separate voice in the halls of this hallowed Chamber. These people whose blood has consecrated battlefields from Germany to Japan in the name of the United States do not have a direct representative to add their voice to the governing of this Nation. I submit, Mr. Speaker, that this could be one of the greatest errors ever committed in the history of our country.

Recently, this Nation again went to war. Saddam Hussein of Iraq invaded the small neighboring country of Kuwait. From the first moment an Iraqi soldier stepped over the Kuwaiti border, our mission and that of our allies was clear. We, as one of the greatest democracies on Earth, came to the defense of the tiny country of Kuwait. The United States, in good conscience, could not stand by and watch Iraq take over the Kuwait people and their country. The President went on national television and made it clear that the people of this great Nation would not tolerate such aggression. Over and over the United States has stood up for the rights of people all over the world. This country has repeatedly spoken out against other countries such as India, Cuba, and South Africa, because of their policies regarding human rights.

I find it ironic, Mr. Speaker, that our Nation that is so quick to defend the rights of other people in other countries can continue to deny the native Americans in this land, voice in our Government.

It is a fact Mr. Speaker, that almost every freedom, every inalienable right that is granted to each citizen of this great Nation, has at one time or another, been denied to this country's first inhabitants. The laws that have been established to protect the rights of every American person, have been broken when it came to the rights of the native Americans. Treaties that have granted native Americans representation in Congress have been broken and discarded. Rather than let the native Americans be their own people with their own voice, the United States decided to make the American Indian a "civilized" member of society.

For two centuries now the Government of our Nation has tried to assimilate the native American. We have tried it through education, religion, and force, all the while denying the na-

tive Americans the basic freedoms that we hold so dear, freedom of speech, freedom of religion, and the freedom to assemble peaceably.

From the beginning, Mr. Speaker, our Government has used education to try and strip the American Indian of his culture. Children were kidnaped from reservations and forced into boarding schools where they were punished for speaking their own language. Native American children were not only taught Western ways, but were forced into forgetting their own.

If children did not attend boarding school, there was always the church. It is a very popular belief that if faced with a new religion that is not familiar, the first assumption is that that religion is actually based on hedonistic beliefs and the people must at once conform to Christianity. This was no different in the case of the native Americans. American Indians were denied their own religious beliefs and relieved of their land all at the same time and all in the name of Christianity and the church.

Native Americans were even denied the right to assemble peacefully. History has proven that if Indians began to gather together for any reason, the perception is that it was an uprising. Thousands of native American Indians were killed because of our ignorance and fear harbored against anything new that we did not understand. This has been the case over and over again and this was the case in 1890 at Wounded Knee when members of the Sioux gathered to participate in the ghost dance, a peaceful practice that women participated in. Fearing that so many Indians must have been planning an uprising, we called in troops to search the Sioux camp for weapons. When one Sioux resisted, shots were fired and the soldiers surrounding the camp began indiscriminately killing men, women, and children. Wounded Knee was not the first of such massacres, but it was among the last. From then on the native Americans ceased to resist the control of Western civilization, and we the outsiders mistakenly took this as a sign that the Indians had given up and that the time has come for them to be assimilated into Western ways. The last century has proven that this is not so. Native Americans have a rich culture that survived on this continent for thousands of years before the arrival of Europeans, and a heritage this strong cannot be destroyed or assimilated in a few centuries.

The sad part of our relationship with the native Americans is that we as leaders realize what has happened. If we look into our hearts and use the wisdom that each of us has at our disposal, we know the truth. The truth that our Nation has never treated native Americans as equals. However, the truth has always been too hard to accept. Human nature will do almost

anything to avoid accepting the responsibility for the poor treatment of the native Americans. All too frequently, people invent distant Indian grandmothers or untraceable Cherokee blood. For too long this Nation has taken the easy way out where native Americans were concerned. When the leaders finally realized that they could not assimilate the native Americans into mainstream society, they chose to forget them. This Government tries to pacify the American Indians by establishing bureaus and offices, task forces and special reports. As a Nation, we do our best to ignore the fact that native Americans are a strong and unique people who will never totally assimilate into mainstream America.

Recently, Representative GEORGE MILLER of California made a strong public statement on the neglect and mismanagement of native American issues in general. Mr. MILLER, vice chairman of the House Interior and Insular Affairs Committee in the absence of Chairman UDALL, stressed in his statement, printed in the April 17 Washington Post, the neglect of our Government toward native Americans by pointing out a 43-percent high school graduation rate among American Indians, a 45-percent poverty level, and an unemployment rate that in some cases reaches as high as 80 percent. Mr. MILLER went on to state that Congress should look at native American concerns from the native American's point of view, and I quote: "These people have some answers to their own problems." In the same article, Congressman BEN NIGHORSE CAMPBELL was quoted as saying:

The problem in the past is that we would make legislation based on what we here think Indians ought to do or have. And often it doesn't fit. We need to involve them more before we legislate.

This, Mr. Speaker, is my exact point. By adding native American nonvoting delegates to Congress we will no longer be guessing what to do about native American issues, we will be hearing about them firsthand and the decisions can be made with the help of direct representatives of the native American people.

In the past, Mr. Speaker, the U.S. Congress has rarely been without a nonvoting delegate from a territory or possession. Since 1794 there have been many nonvoting delegates to Congress, their role was best described by Arthur St. Clair, former President of the Continental Congress and Governor of the Northwest Territory in 1799. His statement was reprinted in "The American Territorial System," part of the National Archives Conference, Volume 5, and I quote:

This is, gentlemen, a right of no small consequence, for there are many matters of considerable importance to the people that must come before and be decided on by Congress, and can only advantageously be brought forward and managed by their delegate, who

*** although he will have no vote, will not be without influence, and, for the information that may be necessary to the Members unacquainted with our circumstances, will naturally be resorted to; and he will have an equal right with the members of the States that compose the Union to propose for their consideration any law that may appear to be useful to the Nation or to the territory.

For almost two centuries delegates have come to Congress to represent constituencies from all over the United States and on both sides of the equator. Ironically, while there have been no delegates to represent the native Americans during that time, the first provisions for delegates to Congress were established in treaties with the Delaware Nation in 1778, and with the Cherokee people in 1785. Both treaties allow for representatives to Congress. However, both treaties grant many other rights that were never seen or were revoked without hesitation before the ink had completely dried on the paper. I submit, Mr. Speaker, that by establishing native American representation in Congress we could perhaps be salvaging the only promise ever made to the native Americans that can still be kept.

I am sure, Mr. Speaker, that one of the questions that will frequently be asked with regard to this bill will be, "How do we establish delegate seats when there is no territory?" The answer is simple—we just do it. Mr. Speaker, each State and territory in this union is unique. From Alabama to Wyoming and Maine to Hawaii, each State is its own individual government. It is not only the land that separates these States one from the other, but also people, culture, government and history. I submit, Mr. Speaker, that the native Americans, too, are an individual state, if you will. They are a unique people with their own unique culture, government, and history. Five hundred years of European occupation cannot wipe that out. The native American people deserve representation in this Government and to be treated, for perhaps the first time in history, as equals.

The number of representatives from those States are based on the population, one representative for every 500,000 people. If we look at the number of native American Indians in the 1990 census, 1,954,234 to be exact, you will see that these people are deserving of at least 4 nonvoting delegates in Congress. The fact that they have none is very disturbing. I believe that a population of almost 2 million Americans deserves a voice in the Government of this Nation.

Mr. Speaker, human nature is such that one of the hardest things for a person to do is admit that they have done something wrong. It takes a big man to admit that he made a mistake, and an even bigger man to try and correct it. I ask you, Mr. Speaker, are we as a Congress not that big? Are we as a

Nation, too small to correct this serious error that we now perpetuate? It is time to stop our ignorance and neglect of these great and honorable people. It is time to stop listening to the hundreds of people who speak out on behalf of native Americans everywhere and instead listen to the native Americans who deserve to stand in this Chamber and speak out on behalf of their own people and their own unique heritage. Only then, Mr. Speaker, will we truly be the great Nation that can claim in all honesty to be the greatest democracy on the face of this Earth. Only then will we truly deserve to call ourselves Americans.

And for this reason, Mr. Speaker, I have submitted today, a proposed bill to provide for four nonvoting delegates to represent our native American community in this great and historical Chamber. I believe it to be a modest gesture, but will go a long way to give our native American community due representation, and certainly an added feature of our democracy since the initial arrival of Europeans some 500 years ago.

Mr. Speaker, I submit a copy of the proposed bill to be made a part of the RECORD.

H.R. 1996

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

SECTION 1. AMERICAN INDIAN DELEGATES.

(a) IN GENERAL.—There shall be four American Indian Delegates to the House of Representatives elected, on a regional or other basis, as determined by the Secretary of the Interior, by individuals who are—

(1) qualified by reason of age, citizenship, and residence to vote in elections for the office of Representative from any State; and

(2) enrolled members of an Indian tribe recognized by the Federal government or a State.

(b) QUALIFICATIONS FOR OFFICE.—To be eligible for an office described in subsection (a) a candidate shall—

(1) be entitled to vote for such office under such subsection; and

(2) meet the eligibility requirements for the office of Representative.

SEC. 2. TERMS AND VACANCIES; ELECTION PROCEDURES.

(a) TERMS AND VACANCIES.—Terms, filling of vacancies, and similar matters with respect to the office of American Indian Delegate shall be the same as for the office of Representative.

(b) ELECTION PROCEDURES.—Except as otherwise specifically provided in this Act, elections for the office of American Indian Delegate shall be conducted in the manner prescribed by State law.

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

Mr. GINGRICH, for 60 minutes each day, on April 29 and 30 and on May 1, 2, 7, 8, and 9.

Mr. ARMEY, for 60 minutes each day, on April 30 and May 1.

Mr. WOLF, for 60 minutes, on April 25. (The following Members (at the request of Mr. KOLTER) to revise and extend their remarks and include extraneous material):

Mr. LAUGHLIN, for 5 minutes, today.
Mr. PEASE, for 5 minutes, today and on April 24 and 25.

Mr. HOYER, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. SMITH of Florida, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. STUDDS, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mr. FALCOMA, for 60 minutes, today.

Mr. WHEAT, for 60 minutes, on May 8. (The following Member (at the request of Mr. BROWDER) to revise and extend his remarks and include extraneous material):

Mr. EVANS, for 5 minutes, on April 24 and 25.

EXTENSION OF REMARKS

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

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

Mr. GEKAS in two instances.
Mr. BROOMFIELD.
Mr. MCEWEN in four instances.
Mr. FISH.
Mrs. BENTLEY.
Mr. PAXON in two instances.
Mr. GALLEGLY in two instances.
Mr. WOLF.
Mr. DANNEMEYER.

Mr. GALLEGLY in two instances. (The following Members (at the request of Mr. KOLTER) and to include extraneous matter:)

Mr. FASCELL in two instances.
Mr. EDWARDS of California.
Mr. MONTGOMERY.
Mr. ORTON.
Mr. MATSUI.
Mr. BACCHUS.
Mr. CLEMENT.

Mrs. SLAUGHTER of New York.
Mr. PALLONE.
Mr. MILLER of California.
Mr. TRAFICANT.
Mr. MCHUGH.
Mr. TRAXLER.
Mr. BUSTAMANTE in two instances.
Mr. BONIOR.
Mr. WILLIAMS.

ADJOURNMENT

Mr. FALCOMA. Mr. Speaker, I move that the House do now adjourn. The motion was agreed to; accordingly (at 4 o'clock p.m.), the House ad-

journed until tomorrow, Wednesday, April 24, 1991, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

1127. A letter from the Pension Benefit Guaranty Corporation, transmitting, the Corporation's study on the necessity of adopting special rules in cases of union-mandated withdrawals from multiemployer pension plans; to the Committee on Education and Labor.

1128. A letter from the Assistant Secretary for Legislative Affairs, transmitting notification of the removal of an item from the U.S. munitions list, pursuant to 22 U.S.C. 2778(f); to the Committee on Foreign Affairs.

1129. A letter from the Department of State, transmitting a copy of Presidential Determination No. 91-31, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

1130. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending March 31, 1991, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

1131. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Mary Ann Casey, of Colorado, a Career Member of the Senior Foreign Service, Class of Counselor, Ambassador Extraordinary and Plenipotentiary-designate, to the Democratic and Popular Republic of Algeria, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1132. A letter from the Department of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for international cooperation programs for fiscal years 1992 and 1993, and for other purposes; to the Committee on Foreign Affairs.

1133. A letter from the Chairman, Federal Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1134. A letter from the Deputy Associate Director for Collection and Disbursement Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1135. A letter from the Daughters of the American Revolution, transmitting the report of the audit of the society for the fiscal year ended February 28, 1991, pursuant to 36 U.S.C. 1101(20), 1103; to the Committee on the Judiciary.

1136. A letter from the Department of Energy, transmitting notification that the report on the use of alcohol in fuels will be delayed, and is expected to be completed by September 30, 1991; to the Committee on Ways and Means.

1137. A letter from the Office of Management and Budget, transmitting the first report on U.S. costs in the Persian Gulf conflict and foreign contributions to offset such costs; jointly, to the Committees on Armed Services and Foreign Affairs.

1138. A letter from the Department of State, transmitting memorandum of justification for Presidential Determination 91-31, regarding drawdown in the gulf region, pursuant to 22 U.S.C. 2601(c)(3); jointly, to the Committees on Foreign Affairs and Appropriations.

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. MURPHY (for himself and Mr. FORD of Michigan).

H.R. 1987. A bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standard for coverage under that act, and for other purposes; to the Committee on Education and Labor.

By Mr. BROWN (for himself, Mr. HALL of Texas, Mr. LEWIS of Florida, Mr. SENSENBRENNER, and Mr. VALENTINE):
H.R. 1988. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and inspector general, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. VALENTINE (for himself, Mr. LEWIS of Florida, Mr. BROWN, Mr. WALKER, Mr. MINETA, Mr. HENRY, Mr. TORRICELLI, Mrs. MORELLA, Mr. THORNTON, Mr. RITTER, Mr. BACCHUS, Mr. SHAYS, Mr. SWETT, Ms. HORN, Mrs. COLLINS of Michigan, Mr. ROEMER, and Mr. BOUCHER):

H.R. 1989. A bill to authorize appropriations for the National Institute of Standards and Technology and the Technology Administration of the Department of Commerce, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. BALLENGER:

H.R. 1990. A bill to suspend until January 1, 1995, the duty on secondary butyl chloride; to the Committee on Ways and Means.

By Mr. BARNARD:

H.R. 1992. A bill to restore the grave marker allowance for veterans; to the Committee on Veterans' Affairs.

By Mr. DE LUGO (for himself and Mr. BLAZ):

H.R. 1993. A bill to amend title 32, United States Code, to authorize the Governors of the Virgin Islands and Guam (rather than the President) to appoint the adjutant general for their respective National Guards; to the Committee on Armed Services.

By Mr. DE LUGO (for himself, Mr. FALCOMA, Mr. HORTON, Mr. ROE, Mr. RANGEL, Mr. JEFFERSON, and Mr. SCHEUER):

H.R. 1994. A bill to amend title 10, United States Code, to allow lawful resident aliens, as well as citizens and nationals of the United States, to be counted in determining whether there is sufficient participation at a secondary educational institution to maintain a Junior Reserve Officer Training Corps unit to the Committee on Armed Services.

By Mr. ECKART:

H.R. 1995. A bill regarding the payment of interest with respect to certain reliquidated

entries; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

H.R. 1996. A bill to provide for the election of four American Indian delegates to the House of Representatives; jointly, to the Committees on Interior and Insular Affairs and House Administration.

By Mr. HOCHBRUECKNER:

H.R. 1997. A bill to require the Secretary of Transportation to request the National Academy of Sciences to report to the Secretary and the Congress regarding the use of, and risks associated with, electronic and microprocessor systems in automobiles; to the Committee on Energy and Commerce.

By Mr. HUGHES (for himself, Mr. MOORHEAD, Mr. EDWARDS of California, Mr. FRANK of Massachusetts, Mr. KOPETSKI, and Mr. MINETA):

H.R. 1998. A bill to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities; to the Committee on the Judiciary.

By Mr. HUGHES (for himself and Mr. MOORHEAD) (both by request):

H.R. 1999. A bill to amend section 914 of title 17, United States Code, regarding interim protection orders; to the Committee on the Judiciary.

By Mr. STOKES (for himself, Mr. HOYER, and Mr. TOWNS):

H.R. 2000. A bill to amend the Public Health Service Act with respect to providing educational assistance to certain minorities in consideration of the individuals serving as employees of the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, or the Centers for Disease Control; to the Committee on Energy and Commerce.

By Mr. JONES of North Carolina:

H.R. 2001. A bill to amend title 32, United States Code, to authorize Federal support of State defense forces; to the Committee on Armed Services.

By Mr. LAUGHLIN (for himself, Mr. SARPALIUS, Mr. HERGER, Mr. EMERSON, Mr. HOLLOWAY, Mr. ESPY, Mr. THOMAS of Georgia, Mr. TANNER, Mr. JEFFERSON, Mrs. UNSOELD, Mr. POSHARD, Mr. EDWARDS of Texas, Mrs. BENTLEY, and Mr. VALENTINE):

H.R. 2002. A bill to respond to the Japanese import barrier to rice produced in the United States; to the Committee on Ways and Means.

By Mr. LEACH (for himself and Mr. MACHTLEY):

H.R. 2003. A bill to require the deposits of all State chartered banks, savings associations, and credit unions to be federally insured by the end of a 2-year transition period; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEVINE of California:

H.R. 2004. A bill to suspend temporarily the duty on unstuffed dolls; to the Committee on Ways and Means.

By Mr. MCCRERY (for himself, Mr. HOLLOWAY, Mr. LIVINGSTON, Mr. BAKER, Mr. HAYES of Louisiana, Mr. TAUZIN, Mr. JEFFERSON, Mr. HUCKABY, Mr. WILSON, Mr. CHAPMAN, and Mr. BROOKS):

H.R. 2005. A bill to grant the consent of Congress to an amendment to a compact ratified by the States of Louisiana and Texas and relating to the waters of the Sabine River; to the Committee on Interior and Insular Affairs.

By Mr. NEAL of Massachusetts:

H.R. 2006. A bill to suspend temporarily the duty on Bis-(aminophen-oxyphenyl) propane; to the Committee on Ways and Means.

By Ms. OAKAR (for herself and Mr. DONNELLY):

H.R. 2007. A bill to amend title XVIII of the Social Security Act to waive the coinsurance requirement and prohibit balance billing for screening mammography services under part B of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RAMSTAD:

H.R. 2008. A bill to amend the Internal Revenue Code of 1986 to provide a simplified method for computing the deductions allowable to home day care providers for the business use of their homes; to the Committee on Ways and Means.

By Mr. RICHARDSON:

H.R. 2009. A bill to establish a mechanism for making grants to tribes to administer a postsecondary grant program for Indian students, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER:

H.R. 2010. A bill to authorize appropriations for certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Science, Space, and Technology.

H.R. 2011. A bill to authorize appropriations for fiscal year 1992 for programs of the National Oceanic and Atmospheric Administration, and for other purposes; jointly, to the Committee on Merchant Marine and Fisheries and Science, Space, and Technology.

By Mr. SCHULZE (for himself, Mr. ARCHER, Mr. VANDER JAGT, Mr. CRANE, Mr. THOMAS of California, Mr. SUNDQUIST, Mrs. JOHNSON of Connecticut, Mr. GRANDY, Mr. MATSUI, Mr. DORGAN of North Dakota, Mrs. KENNELLY, Mr. DONNELLY, Mr. CARDIN, Mr. ALEXANDER, Mr. ANDERSON, Mr. BAKER, Mr. BALLENGER, Mr. BARTON of Texas, Mr. BOEHLERT, Mr. BONIOR, Mr. CAMPBELL of California, Mr. CHAPMAN, Mr. COBLE, Mrs. COLLINS of Illinois, Mr. COMBEST, Mr. CONDIT, Mr. DANNEMEYER, Mr. DELLUMS, Mr. DE LUGO, Mr. DORNAN of California, Mr. DREIER of California, Mr. DURBIN, Mr. DYMALLY, Mr. DWYER of New Jersey, Mr. EMERSON, Mr. ESPY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAWELL, Mr. FAZIO, Mr. GALLO, Mr. GEJDENSON, Mr. GOSS, Mr. HALL of Texas, Mr. HAMMERSCHMIDT, Mr. HARRIS, Mr. HASTERT, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HENRY, Mr. HERGER, Mr. HOLLOWAY, Mr. HUCKABY, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. IRELAND, Mr. JOHNSTON of Florida, Mr. JONES of Georgia, Mr. JONES of North Carolina, Mr. LAGOMARSINO, Mr. LEHMAN of California, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. LOWERY of California, Mr. MARTIN, Mr. MARTINEZ, Mr. MAVROULES, Mr. MCCRERY, Mrs. MEYERS of Kansas, Mr. MOORHEAD, Mr. MFUME, Mr. MONTGOMERY, Mrs. MORELLA, Mr. NEAL of North Carolina, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. POSHARD, Mr. RAVENEL, Mr. RHODES, Mr. RINALDO, Mr. ROBERTS, Mr. SANGMEISTER, Mr. SAVAGE, Mr. SAXTON, Mr. SLATTERY, Mr. SLAUGH-

TER of Virginia, Mr. SOLOMON, Mr. STENHOLM, Mr. STUDDS, Mr. STUMP, Mr. TALLON, Mr. TAUZIN, Mr. TORRICELLI, Mr. WALSH, Mr. WHITTEN, Mr. WILSON, and Mr. YOUNG of Alaska):

H.R. 2012. A bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants; to the Committee on Ways and Means.

By Mr. SCHULZE (for himself and Mr. YATRON):

H.R. 2013. A bill to extend until January 1, 1995, the existing suspension of duty on certain chemicals; to the Committee on Ways and Means.

By Mr. SERRANO:

H.R. 2014. A bill to designate the U.S. Post Office building located at 153 East 110th Street, New York, NY, as the "Oscar Garcia Rivera Post Office Building"; to the Committee on Post Office and Civil Service.

By Ms. SLAUGHTER of New York (for herself and Mr. DERRICK):

H.R. 2015. A bill to amend the America the Beautiful Act of 1990 to target tree planting funds for those areas devastated by disaster or where tree loss is causing environmental damage; to the Committee on Agriculture.

H.R. 2016. A bill to amend the Natural Resource Development Program of the Small Business Act to require that priority be given to planting trees under the program on State lands devastated by disaster or where tree loss is causing environmental damage; to the Committee on Small Business.

By Mr. SMITH of Florida:

H.R. 2017. A bill to provide for the disclosure of certain information relating to public hazards; to the Committee on the Judiciary.

By Ms. SNOWE:

H.R. 2018. A bill to amend the Older Americans Act of 1965 to require uniform telephone listing of area agencies on aging; to the Committee on Education and Labor.

H.R. 2019. A bill to amend the Older Americans Act of 1965 to assist older individuals to avoid falling and to prevent incorrect medication and adverse drug reactions; to the Committee on Education and Labor.

H.R. 2020. A bill to amend title III of the Older Americans Act of 1965 with respect to assistance to older individuals who reside in rural areas; to the Committee on Education and Labor.

H.R. 2021. A bill to amend the Older Americans Act of 1965 to require States to appoint a State advisory body to make recommendations regarding transportation services that affect older individuals; to provide for coordination of such services; and to require the Commissioner on Aging to submit a report regarding transportation services provided under such act; to the Committee on Education and Labor.

H.R. 2022. A bill to amend the Older Americans Act of 1965 to increase efforts to inform isolated older individuals, and older individuals who are victims of Alzheimer's disease and related disorders, of the availability of assistance under title III of such act; to the Committee on Education and Labor.

H.R. 2023. A bill to amend the Older Americans Act of 1965 to authorize services relating to the appointment and monitoring of guardians, and of representative payees, of older individuals; to the Committee on Education and Labor.

H.R. 2024. A bill to require the President to call a White House Conference on Aging in 1993; to the Committee on Education and Labor.

H.R. 2025. A bill to amend the Older Americans Act of 1965 to require States to expand State and community involvement in order to promote cooperative efforts to provide community-based long-term care services to older individuals, including related services for their caregivers; to the Committee on Education and Labor.

H.R. 2026. A bill to amend the Older Americans Act of 1965 to provide supportive services to strengthen informal caregivers who assist older individuals in need of long-term care, to remain in private residences; to the Committee on Education and Labor.

By Mr. STARK (for himself, Mr. ACKERMAN, Mr. BAKER, Mr. BOUCHER, Mrs. BOXER, Mr. CHAPMAN, Mr. FOGLETTA, Mr. FROST, Mr. GREEN of New York, Mr. HEFLEY, Mr. HORTON, Mr. LIPINSKI, Mr. MARTINEZ, Mr. MFUME, Mr. OWENS of New York, Ms. PELOSI, Mr. RAHALL, Mr. ROBERTS, Mr. SERRANO, and Mr. TRAXLER):

H.R. 2027. A bill to amend the Public Health Service Act to establish a Substance Abuse Treatment Corps; to the Committee on Energy and Commerce.

By Mr. STARK (for himself, Mr. VANDER JAGT, Mr. COYNE, Mr. MOODY, Mr. GLICKMAN, Mr. DERRICK, Mr. TORRICELLI, Mrs. KENNELLY, Mr. DELUMS, Mr. HUGHES, Mr. DEFazio, and Mrs. BOXER):

H.R. 2028. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain amounts received in connection with certain combinations or acquisitions of partnerships where there are not certain dissenters' rights; to the Committee on Ways and Means.

By Mr. STUDDS (for himself, Mrs. LOWEY of New York, and Mr. HERTEL):

H.R. 2029. A bill to protect coastal waters, and the waters of the Great Lakes, to extend the authorizations for the Federal Water Pollution Control Act, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. TRAFICANT:

H.R. 2030. A bill to amend the Public Health Service Act to provide for the development and dissemination of model programs for the treatment of drug abuse, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILLIAMS:

H.R. 2031. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for equal treatment of telephone and electric cooperative welfare plans for the purposes of preemption; to the Committee on Education and Labor.

By Mr. WILLIAMS (for himself, Mr. STALLINGS, Mr. LAROCO, Mr. DICKS, Mr. MCDERMOTT, Mr. AUCCOIN, and Mr. FALCOMA):

H.R. 2032. A bill to amend the act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS (for himself, Mr. DORGAN of North Dakota, Mr. JOHNSON of South Dakota, and Mr. BILBRAY):

H.R. 2033. A bill to authorize funds for improvement of highways to further the international competitiveness of the United States, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. WOLF:

H.R. 2034. A bill to amend title 23, United States Code to authorize Federal-aid highway funds for construction of new toll bypass highways in urbanized areas, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ZIMMER (for himself and Mr. GALLO):

H.R. 2035. A bill to authorize the addition of 15 acres to Morristown National Historical Park; to the Committee on Interior and Insular Affairs.

By Mr. GILMAN:

H.J. Res. 230. Joint resolution designating October 16, 1991, and October 16, 1992, each as "World Food Day"; to the Committee on Post Office and Civil Service.

By Mr. LAUGHLIN (for himself, Mr. MFUME, Mr. RAVENEL, Mr. TAUZIN, Mr. NICHOLS, Mr. ZIMMER, Mr. KOLBE, Mrs. MEYERS of Kansas, Mr. MCCREERY, Mr. BLILEY, Mr. DUNCAN, Mr. BARNARD, Mr. HAYES of Louisiana, Mr. LEWIS of Georgia, Mr. PICKLE, Mr. CLEMENT, Mr. TALLON, Mr. CHAPMAN, Mr. SMITH of Texas, Mr. BRYANT, Mr. SARPALIUS, Mr. FALCOMA, Mr. RAY, Mr. EDWARDS of Texas, Mr. HORTON, Mr. MCDERMOTT, Mr. PARKER, Mr. GEREN of Texas, Mr. ANTHONY, and Mr. MONTGOMERY):

H.J. Res. 231. Joint resolution designating May 22, 1991, as "National Desert Storm Reservists Day"; to the Committee on Post Office and Civil Service.

By Mr. DANNEMEYER:

H. Con. Res. 134. Concurrent resolution to promote traditional family values; to the Committee on Education and Labor.

By Mr. GRAY:

H. Con. Res. 135. Concurrent resolution recognizing the importance of the mission of financial services associations; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RINALDO:

H. Con. Res. 136. Concurrent resolution expressing the sense of the Congress that Federal deposit insurance coverage should not be reduced of further restricted; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. LOWEY of New York (for herself, Mr. ROE, Mr. BROWN, Mrs. SCHROEDER, Mr. RAVENEL, Mr. TALLON, Mr. OBERSTAR, Mr. WEISS, Mr. MCDERMOTT, Mr. VENTO, Mr. KOSTMAYER, Mr. PEASE, Mr. MAVROULES, Mr. HORTON, Mr. GUARINI, Mr. PAYNE of New Jersey, Mr. WILSON, and Mr. KOPETSKI):

H. Res. 130. Resolution expressing the sense of the House of Representatives regarding the U.S. policy on carbon dioxide emissions; jointly, to the Committees on Energy and Commerce and Foreign Affairs.

By Mr. TRAFICANT:

H. Res. 131. Resolution calling for a congressional investigation of negotiations between Presidential candidate Ronald Reagan and the Government of Iran to keep the hostages until after the 1980 Presidential election; to the Committee on Foreign Affairs.

MEMORIALS

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

87. By the SPEAKER: Memorial of the General Assembly of the State of Indiana,

relative to honoring the Hoosier troops returning from Operation Desert Storm; to the Committee on Armed Services.

88. Also, memorial of the General Assembly of the State of Nevada, relative to financial support for water systems; to the Committee on Public Works and Transportation.

89. Also, memorial of the Legislature of the State of Nebraska, relative to Veterans' Administration medical centers; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. McCOLLUM introduced a bill (H.R. 1991) a bill for the relief of Maj. Ralph Edwards; to the Committee on the Judiciary.

Mr. BROWDER introduced a bill (H.R. 2036) to provide for the reliquidation of certain entries of rock wool manufacturing machines and mechanical appliances and parts thereof; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 7: Mr. HERTEL and Mr. DYMALLY.

H.R. 20: Mr. MATSUI, Mr. UPTON, Mr. BUSTAMANTE, Ms. DELAURO, Mr. SWETT, Mr. VISCLOSKEY, Mr. DICKINSON, Mr. SAXTON, and Mr. BOUCHER.

H.R. 74: Mr. BORSKI, Mrs. KENNELLY, Mr. UPTON, Mr. LOWERY of California, Mr. PEASE, Mr. HAYES of Illinois, Mr. DEFazio, Mr. SABO, and Mr. HOYER.

H.R. 82: Ms. NORTON.

H.R. 138: Mr. STUMP.

H.R. 141: Mr. HANCOCK, Mr. CAMP, Mr. LAGOMARSINO, Mr. JEFFERSON, Mr. ENGEL, and Mr. MARTINEZ.

H.R. 142: Mr. KOLBE.

H.R. 148: Mr. CRAMER, Ms. MOLINARI, Mr. OWENS of New York, Mr. MILLER of California, Mr. TORRES, Mr. NEAL of North Carolina, Mr. GEJDENSON, Mrs. JOHNSON of Connecticut, Mr. FISH, Mr. JACOBS, Mr. TOWNS, Mr. HYDE, Mrs. BYRON, Mr. MFUME, Mr. SCHIFF, Mr. DARDEN, Mr. MARKEY, Mr. WEISS, Mr. KOLTER, Mr. ENGEL, Mr. JONTZ, Mr. NEAL of Massachusetts, Mrs. MEYERS of Kansas, Mr. BEREUTER, and Mr. BONIOR.

H.R. 177: Mr. ENGEL.

H.R. 178: Mr. ENGEL.

H.R. 179: Ms. DELAURO, Mr. SUNDQUIST, and Mr. CARR.

H.R. 194: Mr. DE LUGO, Ms. DELAURO, and Mr. KLECZKA.

H.R. 318: Mr. GALLEGLY.

H.R. 319: Ms. NORTON.

H.R. 323: Mr. MARTINEZ and Mr. WISE.

H.R. 328: Mr. JENKINS.

H.R. 330: Mr. VALENTINE and Mr. SCHUMER.

H.R. 374: Mrs. BOXER.

H.R. 393: Mr. DWYER of New Jersey and Mr. HUGHES.

H.R. 431: Mrs. BENTLEY, Mr. QUILLLEN, Mr. GUNDERSON, Mr. CRANE, Mr. ROBERTS, Mr. BUSTAMANTE, Mr. DELAY, Mr. SARPALIUS, Mr. TAUZIN, Mr. SANTORUM, Mr. BENNETT, Mr. MARLENEE, Mr. BROWN, Mr. RIDGE, and Mr. KOLTER.

H.R. 534: Mr. ROGERS, Mr. SWETT, Mr. BILBRAY, Ms. OAKAR, Mr. JONTZ, Mr. HANCOCK, Mr. ABERCROMBIE, Mr. STALLINGS, Mr. MORAN, Mr. HALL of Texas, Mr. LAROCO, Mr.

MOORHEAD, Mr. SCHEUER, Mr. LEACH, and Mr. DANNEMEYER.

H.R. 568: Ms. NORTON.

H.R. 601: Mr. KOLTER.

H.R. 709: Mr. FUSTER, Mr. DE LUGO, Mr. MURPHY, and Mr. RAMSTAD.

H.R. 721: Ms. NORTON.

H.R. 723: Ms. NORTON.

H.R. 724: Mr. LIPINSKI.

H.R. 755: Mr. JONTZ.

H.R. 786: Mr. FOGLIETTA, Ms. NORTON, and Mr. HAYES of Illinois.

H.R. 791: Mrs. BOXER and Mr. LIPINSKI.

H.R. 840: Mr. McNULTY, Mr. CARPER, Mr. OBERSTAR, and Mr. SCHIFF.

H.R. 849: Mr. GONZALEZ, Mr. TOWNS, Mr. BELENSON, and Ms. KAPTUR.

H.R. 854: Mr. KILDEE and Mr. KOPETSKI.

H.R. 868: Mr. DORNAN of California, Mr. FROST, Mr. MCCANDLESS, Mr. RAVENEL, Mr. SANTORUM, Mr. SENSENBRENNER, Mr. SAXTON, Mr. SOLOMON, and Mr. ZIMMER.

H.R. 875: Ms. DELAURO, Mr. LIPINSKI, Mr. LEVINE of California, Mr. GREEN of New York, Mr. MARTINEZ, and Mr. HUGHES.

H.R. 907: Mr. KOPETSKI.

H.R. 913: Mr. SMITH of Texas.

H.R. 924: Mr. COMBEST, Mr. HENRY, Mr. SKEEN, Mr. CAMP, Mr. PAYNE of Virginia, Mr. LEACH, Mr. HOLLOWAY, and Mr. HAYES of Louisiana.

H.R. 951: Mr. CALLAHAN, Mr. TALLON, Mr. WALKER, and Mr. ROHRABACHER.

H.R. 961: Mr. BROWN.

H.R. 962: Ms. NORTON.

H.R. 976: Mrs. MORELLA, Mr. PAXON, Mr. SMITH of New Jersey, Mr. KOLTER, Mr. BOEHLERT, Mr. ACKERMAN, and Mr. DWYER of New Jersey.

H.R. 994: Mr. PAYNE of New Jersey, Mr. KENNEDY, and Ms. NORTON.

H.R. 1054: Mr. KASICH and Mr. HASTERT.

H.R. 1064: Mr. HOUGHTON and Mr. GINGRICH.

H.R. 1074: Mr. ENGEL, Mr. RAHALL, Ms. KAPTUR, Mr. JOHNSON of South Dakota, and Mr. ATKINS.

H.R. 1080: Mr. SMITH of Texas, Mrs. VUCANOVICH, Mr. BAKER, Mr. THOMAS of Wyoming, Mr. STEARNS, Mr. RIGGS, Mr. ABERCROMBIE, Mr. WOLF, Mr. DOOLITTLE, Mr. DANNEMEYER, and Mr. LAGOMARSINO.

H.R. 1111: Mr. GONZALEZ, Mr. KOPETSKI, Mr. STOKES, Mr. ABERCROMBIE, Ms. DELAURO, and Ms. NORTON.

H.R. 1115: Mr. PENNY, Mr. BILBRAY, Mr. SCHEUER, Mr. EDWARDS of California, Mr. CHAPMAN, Mr. KLECZKA, Mr. DWYER of New Jersey, Mr. SCHIFF, Mr. DEFAZIO, Mr. ROE, Mr. DIXON, Mr. VALENTINE, Mr. LAGOMARSINO, Mr. BERUTER, Mr. WYDEN, Mr. SANDQUIST, and Mr. BRYANT.

H.R. 1161: Mr. SANDERS, Mr. KOSTMAYER, Mr. ENGEL, Mr. WEISS, Mr. ANDREWS of New Jersey, and Mr. COUGHLIN.

H.R. 1165: Mr. ENGEL.

H.R. 1166: Mr. SCHUMER, Mr. ACKERMAN, Mr. BUSTAMANTE, and Mr. KOLTER.

H.R. 1196: Mr. MILLER of Washington and Mr. WALSH.

H.R. 1218: Mr. STARK, Mr. HOCHBRUECKNER, Mr. OWENS of Utah, Mr. STUDDS, Mrs. JOHNSON of Connecticut, Mr. FOGLIETTA, Mrs. SCHROEDER, Mr. ROE, Mr. FROST, Mr. WILSON, Mr. TOWNS, Ms. NORTON, Mr. DIXON, Mr. DWYER of New Jersey, Mr. FORD of Tennessee, Mr. SANGMEISTER, Mr. BORSKI, Mr. MOODY, Mr. MANTON, Mr. SKAGGS, Mr. MARTIN, Mr. SAWYER, Mr. PARKER, Mr. WEISS, Mr. LEHMAN of California, Mr. JEFFERSON, Mr. DARDEN, Mr. SPRATT, Mr. HUBBARD, Mr. KOLTER, and Mr. GONZALEZ.

H.R. 1277: Mr. ARMEY, Mr. ANNUNZIO, Mr. BUNNING, Mr. DE LUGO, Mr. GILMAN, Mr. GRANDY, Mr. HERGER, Mr. LEHMAN of Flor-

ida, Mr. LIPINSKI, Mr. MAZZOLI, Mr. MCCREERY, Mr. MILLER of Washington, Mr. PALLONE, Mr. PAXON, Mr. PICKETT, Mr. ROTH, Mr. SANTORUM, Mr. SCHAEFER, and Mr. WEBER.

H.R. 1309: Mr. THOMAS of Wyoming, Mr. MCEWEN, and Mr. HANSEN.

H.R. 1317: Mr. DELAY, Mr. LAGOMARSINO, Mr. SANTORUM, and Mr. BRUCE.

H.R. 1318: Mr. SHARP and Mr. DEFAZIO.

H.R. 1364: Mr. WEISS, Mr. COYNE, Mr. GUARINI, Mrs. UNSOELD, Ms. NORTON, Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. HOCHBRUECKNER, Mr. FUSTER, Mr. RAHALL, Mr. SERRANO, Mr. TORRES, Mr. KLECZKA, Mr. SLATTERY, Mr. NEAL of Massachusetts, Mr. ESPY, Mr. PETERSON of Florida, Mr. OBERSTAR, Mr. RANGEL, Mr. KANJORSKI, Mr. MFUME, Mr. DE LUGO, Mr. HERTEL, Mr. OLIN, Mr. SABO, Mr. DIXON, Mr. WISE, Mr. LEWIS of Georgia, Ms. DELAURO, Mr. WHEAT, Ms. SLAUGHTER of New York, and Mr. WYDEN.

H.R. 1365: Ms. LONG, Mr. BERMAN, Ms. NORTON, Mr. FUSTER, Mr. RAHALL, Mr. WEISS, Mr. KOLTER, Mr. JEFFERSON, Mr. RANGEL, Mrs. UNSOELD, Mr. TOWNS, Mr. MFUME, Mr. DE LUGO, and Mr. ENGEL.

H.R. 1370: Mr. KOPETSKI, Mr. GILLMOR, Mr. DELLUMS, Mr. CARPER, Mr. LAUGHLIN, Mr. NEAL of Massachusetts, Mr. STUDDS, and Mr. GOSS.

H.R. 1375: Mr. CUNNINGHAM, Mr. YOUNG of Alaska, and Mr. SMITH of New Jersey.

H.R. 1400: Mr. PACKARD, Mr. DELAY, Mrs. VUCANOVICH, Mr. GRANDY, and Mr. FAWELL.

H.R. 1408: Mr. ENGEL, Mr. BONIOR, Mr. WALSH, Mr. JONTZ, Mr. DEFAZIO, Mr. MRAZEK, and Mr. LANCASTER.

H.R. 1417: Mr. GLICKMAN, Mr. ROE, and Mrs. SCHROEDER.

H.R. 1423: Mr. OWENS of New York, Ms. KAPTUR, Mr. LIPINSKI, Mrs. MINK, Mr. BUSTAMANTE, Mr. WILSON, and Mr. BILBRAY.

H.R. 1433: Mr. CRAMER.

H.R. 1439: Mr. CRANE.

H.R. 1450: Mr. VISLOSKEY, Mr. WHITTEN, Mr. JENKINS, Mr. CAMPBELL of Colorado, Mr. MURTHA, Mr. SWETT, Mr. POSHARD, Mr. VOLKMER, Mr. BEVILL, Mr. CLEMENT, Mrs. PATTERSON, Mr. JEFFERSON, Mr. CARDIN, Mr. ROWLAND, Mr. GINGRICH, Mr. KASICH, Mr. BROOMFIELD, Mr. MCCREERY, Mr. GILCREST, Mr. MCEWEN, Mr. BALLENGER, Mr. CAMP, Mr. PURSELL, Mr. HOLLOWAY, Mr. HEFLEY, and Mr. BOEHNER.

H.R. 1454: Mr. LEWIS of Georgia, Mr. APPELEGATE, Mr. LEHMAN of Florida, Mr. HAYES of Illinois, Mr. HOCHBRUECKNER, Mr. AUCOIN, Mr. ENGEL, Mr. MCCLOSKEY, Mr. BRUCE, Mr. HORTON, Mr. McDERMOTT, Mr. SMITH of Florida, Mr. HERTEL, Mr. SLATTERY, and Mr. KOPETSKI.

H.R. 1458: Mr. TAUZIN and Mr. ARMEY.

H.R. 1466: Mr. RAHALL, Mr. ESPY, Mr. EVANS, Mr. BENNETT, Mr. LANCASTER, Mr. MCCLOSKEY, Mr. FISH, Mr. CLEMENT, and Mr. ENGEL.

H.R. 1473: Mr. WALSH, Mr. GUNDERSON, Mrs. BYRON, and Mr. SKEEN.

H.R. 1495: Mr. YOUNG of Alaska, Mr. STUDDS, Mr. KOLBE, Mr. BILBRAY, Mr. STALLINGS, Mr. BOUCHER, Mr. PETERSON of Minnesota, Mr. ORTON, Mr. DORGAN, of North Dakota, Mr. WILSON, Mr. EMERSON, Ms. NORTON, Mr. HERGER, Mr. ANDREWS of New Jersey, Mr. HANSEN, and Mr. DORNAN of California.

H.R. 1504: Mr. SWIFT.

H.R. 1544: Mrs. COLLINS of Illinois, Mr. CONYERS, Ms. NORTON, Mr. MOODY, Mr. ENGEL, Mr. LEWIS of Georgia, Mr. LAGOMARSINO, Mr. VALENTINE, and Mr. DONNELLY.

H.R. 1588: Mr. MCCLOSKEY.

H.R. 1603: Mr. DOOLITTLE, Mr. DWYER of New Jersey, Mr. FROST, Mr. HORTON, Mr.

KLECZKA, Mr. LAGOMARSINO, Mrs. MEYERS of Kansas, Mr. SIKORSKI, Mr. SPENCE, and Mrs. UNSOELD.

H.R. 1649: Mr. KLECZKA, Mr. VALENTINE, and Mr. BRYANT.

H.R. 1655: Mr. INHOFE, Mr. QUILLEN, Mr. WEBER, Mr. VALENTINE, Mr. GUNDERSON, Mr. ROBERTS, Mr. BUSTAMANTE, Mr. DELAY, Mr. SANTORUM, Mr. BROWN, Mr. RIDGE, and Mr. KOLTER.

H.R. 1666: Mr. ROHRABACHER and Mr. MCEWEN.

H.R. 1669: Mr. FUSTER and Mrs. KENNELLY.

H.R. 1715: Mr. APPELEGATE, Mr. RAVENEL, and Ms. KAPTUR.

H.R. 1718: Mr. BARNARD and Mr. HAMMER-

SCHMIDT.

H.R. 1751: Mr. REGULA, Mr. STARK, Mr. DE LUGO, Mr. BILBRAY, Mr. LEWIS of Florida, Mr. FUSTER, and Mr. LANCASTER.

H.R. 1794: Mr. GUARINI, Mr. KLECZKA, Mr. LAFALCE, and Mr. LANCASTER.

H.R. 1795: Mr. WYDEN and Mr. LANCASTER.

H.R. 1969: Mr. BELENSON and Mr. BONIOR.

H.J. Res. 90: Mr. CHANDLER, Mr. LEHMAN of California, Mr. DOOLITTLE, Mr. PAXON, and Mr. TAYLOR of Mississippi.

H.J. Res. 95: Mr. MOLLOHAN, Mr. LEWIS of California, Mr. RHODES, Mr. HERTEL, Mr. GRANDY, and Mr. BRUCE.

H.J. Res. 103: Mr. BURTON of Indiana, Mr. MATSUI, Mrs. MORELLA, Mr. LAGOMARSINO, Mr. TAYLOR of Mississippi, Mr. WISE, Mr. LEHMAN of Florida, Mr. MANTON, Mrs. MEYERS of Kansas, Mr. MOAKLEY, Mr. NEAL of Massachusetts, Mr. INHOFE, Mr. AUCOIN, Mr. SANGMEISTER, Mr. NEAL of North Carolina, Mr. MCCOLLUM, Mr. LAROCO, Mr. ROHRABACHER, Mr. TANNER, Mr. BROWDER, Mr. PICKETT, Mr. ROWLAND, Mr. TRAFICANT, Mr. DEFAZIO, Mr. SWETT, Mr. WYDEN, Mr. HATCHER, Mr. HUNTER, Mr. OWENS of New York, Mr. FOGLIETTA, Mr. HAYES of Illinois, Mr. LUKEIN, Mr. GILLMOR, Mr. PACKARD, Mr. VOLKMER, Mr. SLATTERY, Mr. MCHUGH, Mr. SOLOMON, Mr. ROGERS, Mr. MACHTLEY, Mr. HUCKABY, Mr. ALEXANDER, Mr. SAVAGE, Mr. WOLF, and Mr. PETERSON of Florida.

H.J. Res. 107: Mr. WEBER and Mr. HUGHES.

H.J. Res. 109: Mr. ABERCROMBIE, Mr. BACCHUS, Mrs. BENTLEY, Mr. BREWSTER, Mr. CAMP, Mr. CRAMER, Mr. DELAY, Mr. DONNELLY, Mr. DOOLEY, Mr. DOOLITTLE, Mr. DORNAN of California, Mr. FAWELL, Mr. FEIGHAN, Mr. FLAKE, Mr. GONZALEZ, Mr. GREEN of New York, Mr. HASTERT, Mr. HOUGHTON, Mr. HOYER, Mr. KLECZKA, Mr. KLUG, Mr. LAROCO, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LUKEIN, Mr. MINETA, Mr. ORTON, Mr. PERKINS, Mr. RIGGS, Mr. RINALDO, Mr. SAWYER, Mr. SLATTERY, Ms. SLAUGHTER of New York, Mr. SMITH of New Jersey, Mr. SOLARZ, Mr. VALENTINE, Mr. VANDER JAGT, Mr. WAXMAN, Mr. WOLPE, Mr. WYDEN, and Mr. YOUNG of Alaska.

H.J. Res. 120: Mr. PURSELL, Mr. IRELAND, Mr. GALLEGLY, Mr. HASTERT, Mr. LEVINE of California, Mr. GONZALEZ, Mrs. BENTLEY, Mr. DE LA GARZA, Mr. FUSTER, Mrs. MORELLA, Mr. STENHOLM, Mr. CARPER, Mr. BEVILL, Mr. BATEMAN, Mr. FIELDS, Mr. DOOLITTLE, Mr. HANSEN, Mr. BLILEY, Mr. LAGOMARSINO, Mr. LEACH, Mr. FEIGHAN, Mr. WEBER, Mr. CRAMER, Mr. CAMP, Mr. MOAKLEY, Mr. LAFALCE, Mr. VALENTINE, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TORRICELLI, Mr. TRAFICANT, Ms. OAKAR, Mr. THOMAS of Georgia, Mr. LOWERY of California, Mr. MCCOLLUM, Mr. MICHEL, Mr. LEWIS of Florida, Mr. MCCREERY, Mr. MCDADE, Mr. MARTIN, Mrs. MEYERS of Kansas, Mr. PAXON, Mr. MORRISON, Mr. RAVENEL, Mr. MFUME, Mr. BILIRAKIS, Mr. CALLAHAN, Mr. COUGHLIN, Mr. DAVIS, Mr. DICKINSON, Mr. DORNAN of Califor-

nia, Mr. GREEN of New York, Mr. HUNTER, Mr. HYDE, Mr. INHOFE, Mr. KASICH, Mr. RAMSTAD, Mr. QUILLEN, Mr. RIGGS, Mr. WOLPE, Mr. GILMAN, Mr. WELDON, Mr. MANTON, Mr. RAHALL, Mr. OXLEY, Mr. FAZIO, Mr. SMITH of Florida, Mr. GEKAS, Mr. JACOBS, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. FRANKS of Connecticut, Mr. MAVROULES, Mr. DYMALLY, Mr. LANTOS, Mr. OWENS of New York, Mr. SARPALIUS, Mr. PAYNE of New Jersey, Mr. NATCHER, Mr. ERDREICH, Mr. BALLENGER, Mr. WYLIE, Mr. BURTON of Indiana, Mr. DEFAZIO, Mr. ENGEL, Mr. AUCOIN, Mr. BROOMFIELD, Mr. ROHRABACHER, Mr. FASCELL, Mr. FISH, Mr. FALCONE, Mr. MAZEADE, Mr. LUKEN, Mr. ANDREWS of Maine, Mr. BORSKI, Mr. DE LUGO, Mr. DELLUMS, Mr. DICKS, Mr. ESHY, Mr. CONYERS, and Mr. HEFNER.

H.J. Res. 141: Mr. GINGRICH, Mr. ANDREWS of Maine, Mr. HUCKABY, Mr. REGULA, Mr. FISH, Mr. DERRICK, Mr. BLILEY, Mr. AUCOIN, Mr. WYDEN, Mr. DE LA GARZA, Mr. MARTINEZ, Mr. BLAZ, Mr. TAUZIN, and Mr. RANGEL.

H.J. Res. 154: Mr. GILLMOR, and Mr. BURTON of Indiana.

H.J. Res. 156: Mr. CRAMER, Mr. SKAGGS, Mr. JONES of Georgia, Mr. GOLLAZ, Mr. MCCREERY, Mr. LANTOS, Mr. MOLLOHAN, and Mr. ZELIFF.

H.J. Res. 185: Mrs. LLOYD, Mr. NEAL of North Carolina, Mr. DE LA GARZA, Mr. MOODY, Mr. ROHRABACHER, Mr. BROWN, Mr. MATSUI, Mrs. PATTERSON, Mr. PAXON, Mr. LEWIS of California, Mr. HANSEN, Mr. EMERSON, Mr. JONES of Georgia, Mr. MCGRATH, Mr. BLAZ, Mr. SCHEUER, Mr. GUARINI, and Mr. MARTINEZ.

H.J. Res. 207: Mr. LIVINGSTON, Mr. MATSUI, Mr. GEKAS, Mr. GILMAN, Mr. HORTON, Mr. MCDERMOTT, Mr. MONTGOMERY, Mr. CLEMENT, Mr. BATEMAN, Mr. QUILLEN, Mr. SPENCE, Mr. ALEXANDER, Mr. LIPINSKI, Mr. McNULTY, Mr. JONTZ, Mr. DOOLITTLE, Mr. ERDREICH, Mr. DE LA GARZA, Ms. KAPTUR, Mr. GEPHARDT, Mr. SMITH of Florida, Mr. SMITH of

Texas, Mr. MCGRATH, Mr. BENNETT, Mr. INHOFE, Mr. ANNUNZIO, Mr. RANGEL, Mr. SKELTON, Mr. HANSEN, Mr. RAHALL, Mr. ROE, Mr. DICKINSON, Mr. TRAXLER, Mr. DWYER of New Jersey, Mr. REED, Mr. LAGOMARSINO, Ms. LONG, Mr. CAMP, Mr. HASTERT, Mr. OWENS of Utah, Mr. NEAL of Massachusetts, Mr. LANCASTER, and Mr. HUGHES.

H. Con. Res. 22: Ms. NORTON.

H. Con. Res. 79: Mr. VALENTINE.

H. Con. Res. 88: Mr. VALENTINE, Mr. KOPETSKI, Mr. GALLEGLY, Mr. GREEN of New York, Mr. RINALDO, Mr. CAMP, Mr. ROHRABACHER, Mr. RAVENEL, Mr. DANNEMEYER, Mr. SHAYS, Mr. HYDE, Mr. EMERSON, Mr. HANCOCK, Mr. HOUGHTON, Mrs. VUCANOVICH, Mr. HERTEL, and Mr. BILBRAY.

H. Con. Res. 93: Mr. DYMALLY and Mr. PAYNE of New Jersey.

H. Con. Res. 118: Mr. ANNUNZIO, Mr. ACKERMAN, Mr. KYL, Mr. SCHEUER, Mr. COYNE, Mr. BELENSON, Mr. MRAZEK, Mr. LEHMAN of Florida, Mr. SERRANO, Mr. WELDON, Mr. LENT, Mr. REED, Mr. FRANK of Massachusetts, Mr. MCGRATH, Mr. KOPETSKI, Mr. GORDON, Mr. DEFAZIO, Mrs. LOWEY of New York, Mr. SOLARZ, Mr. SHAYS, Mr. FEIGHAN, Mr. HORTON, Mr. BURTON of Indiana, Mr. SCHUMER, Mr. ABERCROMBIE, Mr. FASCELL, Mr. WOLPE, and Mr. BRYANT.

H. Con. Res. 129: Mr. SANGMEISTER.

H. Con. Res. 131: Mr. ABERCROMBIE, Mr. DELLUMS, Mr. ACKERMAN, Mr. COSTELLO, Mr. RIGGS, Mr. GUARINI, Mr. FOGLIETTA, Mr. BERMAN, Mr. MARTINEZ, and Mr. PAYNE of New Jersey.

H. Res. 42: Mr. MARTINEZ.

H.R. 303: Mr. RICHARDSON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

63. By the SPEAKER: Petition of the Council of State Governments, relative to support of the dual banking system and opposing Federal preemption of State banking regulatory authority; to the Committee on Banking, Finance and Urban Affairs.

64. Also, petition of the Council of State Governments, relative to endorsement of the National Governors' Association short-term policy on Medicaid; to the Committee on Energy and Commerce.

65. Also, petition of the Council of State Governments, relative to endorsement of the National Association of State Budget Officers' resolution regarding Medicaid eligibility income thresholds; to the Committee on Energy and Commerce.

66. Also, petition of the Council of State Governments, relative to endorsement of resolutions urging Congress to place a moratorium on mandated Medicaid expansions; to the Committee on Energy and Commerce.

67. Also, petition of the Council of State Governments, relative to support for the State block grant proposal; to the Committee on Government Operations.

68. Also, petition of the Council of State Governments, relative to endorsement of draft legislation of the Advisory Commission on Intergovernmental Relations on preemption of State authority; to the Committee on Government Operations.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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