United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 102d CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, May 22, 1991*

The House met at 10 a.m.

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

Raise up leaders, O God, who will see their duty to do justice; lift up people of character, O God, to set a right example and personal honor; empower people of good will, O God, to work together in the common bond of mutual respect, and lead us all in the way of truth and in the way of peace. 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.

Mr. NUSSLE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. NUSSLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 284, nays 105, answered "present" 2, not voting 39, as follows:

[Roll No. 104]

YEAS—284

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Bacchus
Barnard
Barton
Bateman
Beilenson
Bennett
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Dymally
Early
Eckart
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (TN)
Frost
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McEwen
McGrath
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Rahall
Ray
Reed
Richardson
Rinaldo
Ritter
Roemer
Rose
Rostenkowski
Roth
Rowland
Russo
Sabo
Sangmeister
Sarpalius
Sawyer
Scheuer
Schiff
Schulze
Schumer
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—105

Allard
Armey
Baker
Ballenger
Barrett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Brewster
Bunning
Burton
Camp
Campbell (CA)
Chandler
Clay
Coble
Coughlin
Crane
Dannemeyer
DeLay
Dickinson
Duncan
Edwards (OK)
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goss
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Nussle
Oxley
Packard
Paxon
Porter
Quillen
Ramstad
Regula
Rhodes
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roukema
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Sikorski
Slaughter (VA)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Thomas (CA)
Thomas (WY)
Upton
Walker
Weber
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—2

Edwards (TX)
Murphy

NOT VOTING—39

Atkins
Berman
Edwards (CA)
Ford (MI)
Frank (MA)
Gaydos
Gejdenson
Goodling
Holloway
Hopkins
Kaptur
Kolter
Lehman (FL)
Lightfoot
Livingston
Lowery (CA)
Mavroules
McHugh
Miller (WA)
Moody
Nichols
Obey
Pursell
Rangel
Ravenel
Riggs
Roe
Rogers
Roybal
Sanders
Savage
Serrano
Sundquist
Swett
Tallon
Taylor (NC)
Vucanovich
Washington
Wilson

☐ 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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

□ 1024

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

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

Mr. TORRES 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
May 20, 1991.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the unofficial results, received from the Honorable John Hannah, Jr., Secretary of State, State of Texas, certifying that, according to the unofficial returns of the Special Election held on May 18, 1991 the Honorable Sam Johnson was elected to the Office of Representative in Congress, from the Third Congressional District, State of Texas.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

OFFICE OF THE
SECRETARY OF STATE,
May 20, 1991.

DONNALD K. ANDERSON,
Clerk, House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. ANDERSON: In response to your telephone inquiry regarding the 3rd Congressional District Special Election, the candidate receiving the majority of votes as of May 18, 1991, is Sam Johnson. As of that date, Mr. Johnson received 23,999 votes and his opponent, Tom Pauken, received 21,643 votes. Mr. Pauken has conceded the election and no election contest has been filed or is expected.

By temporary restraining order dated March 17, 1991, the Honorable James R. Nowlin, United States District Court Judge for the Western District of Texas, Austin Division, extended the date for counting federal post card application ballots until June 1, 1991. Pursuant to this order, ballots received from military and overseas voters must be counted through June 1, 1991. There are 21 ballots outstanding. As the current margin is greater than 21 votes, the election result will not change. Pursuant to that order, Texas may not tender official election results until after June 1, 1991.

If I can provide further information, please contact me.

Sincerely,

JOHN HANNAH, Jr.,
Secretary of State.

SWEARING IN OF THE HONORABLE SAM JOHNSON OF TEXAS AS A MEMBER OF THE HOUSE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that the gentleman from Texas, Mr. SAM JOHNSON, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

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

There was no objection.

Mr. SAM JOHNSON appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. The gentleman from Texas [Mr. JOHNSON] is now a Member of the U.S. House of Representatives.

INTRODUCTION OF THE HONORABLE SAM JOHNSON OF TEXAS

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

Mr. ARCHER. Mr. Speaker, I appreciate being recognized for this rare privilege to introduce officially to the House of Representatives the newest Member from the great State of Texas, Mr. SAM JOHNSON.

It is always an exciting moment of the House to swear in any new Member, but this Member is truly exceptional. Those of us who are Texans would say all Texas Members are exceptional, but the gentleman from Texas, Mr. SAM JOHNSON, has truly earned that designation. Most of us probably know about his distinguished record as a veteran in Vietnam where he was held as a POW and in solitary confinement for over 4 years, which is a record for any American service person.

□ 1030

He came back from that undaunted, patriotic, became a leader in his native city of Dallas, was elected to the legislature and had been there for 7 years. He does great credit not just to this body but to the country. It is my distinct pleasure and privilege to introduce to this House the gentleman from Texas, newly sworn in, our colleague, SAM JOHNSON.

FROM POW IN VIETNAM TO TEXAS HOUSE TO HOUSE OF REPRESENTATIVES: A GREAT DAY

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

Mr. JOHNSON of Texas. I thank the Speaker.

Mr. Speaker, and Members, I want you to know that it is a distinct pleasure for me to be here with all of you and to share this experience. It is one of those once-in-a-lifetime things. I think Gib Lewis, the speaker down in Texas, told me when I came back from Vietnam and had gotten to the Texas House that it was like going from hell, to hell. I suppose we can say it is from hell, to hell, to hell.

I know that when I was a POW, I tried to write you guys, and I never got an answer.

I have a lot of friends with me today, and I will tell you what, it is a great day for me. I want you to know that I intend to work with each and every one of you and share the protection of the freedoms that we so richly preserve in this Nation, our United States of America.

Thank you for having me as a part of your group. I appreciate it. I am happy to be here, and thanks again.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 2127. An act to amend the Rehabilitation Act of 1973 to extend the programs of such Act, and for other purposes; and

H. Con. Res. 155. Concurrent resolution expressing the profound regret of the Congress regarding the assassination of Rajiv Gandhi of India.

A TRAGIC MESSAGE FROM THE WHITE HOUSE

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

Mr. GEPHARDT. Mr. Speaker, last year a campaign ad ran on television with these words:

You needed that job * * *.

And you were the best qualified * * *.

But they had to give it to a minority because of a racial quota * * *.

The White House and their supporters in Congress proved yesterday they will do anything to play that ad again.

Democrats have written a civil rights bill that outlaws quotas, penalizes employers who use quotas, and gives all workers—regardless of their color—access to court if they are victimized by quotas. The Republican bill offers workers no protections against quotas.

But a bill that outlaws quotas still gets labeled by the White House as a quota bill.

President Bush runs the risk of sending a tragic message from the White House. And that is: He cares more about politics than about protecting the rights of all Americans.

He cares more about 30-second spots than a century of progress toward equal opportunity.

He cares more about keeping his job than helping all Americans keep theirs.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT AND AMENDMENTS IN DISAGREEMENT ON H.R. 2251, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FROM CONTRIBUTIONS OF FOREIGN GOVERNMENTS AND/OR INTEREST FOR HUMANITARIAN ASSISTANCE TO REFUGEES AND DISPLACED PERSONS IN AND AROUND IRAQ AS A RESULT OF THE RECENT INVASION OF KUWAIT AND FOR PEACEKEEPING ACTIVITIES AND OTHER URGENT NEEDS ACT OF 1991

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it shall be in order at any time today, or any day thereafter, notwithstanding section 302(f) of the Congressional Budget Act, to consider the conference report and amendments in disagreement, and motions to dispose of amendments in disagreement, on the bill (H.R. 2251) making dire emergency supplemental appropriations from contributions of foreign governments and/or interest for humanitarian assistance to refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait and for peacekeeping activities, and for other urgent needs for the fiscal year ending September 30, 1991, and for other purposes, and that the conference report and the Senate amendments be considered as read when called up for consideration.

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

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON BILL MAKING APPROPRIATIONS FOR MILITARY CONSTRUCTION FOR THE DEPARTMENT OF DEFENSE, FISCAL YEAR 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON BILL MAKING APPROPRIATIONS FOR ENERGY AND WATER DEVELOPMENT, FISCAL YEAR 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ARE WE SERIOUS ABOUT MAKING THE TAX SYSTEM FAIR?

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

Mr. JAMES. Mr. Speaker, there has been a lot of talk in this body about tax fairness. If we are serious about making the tax system fair, then we need to address a terrible inequity that exists for retirees. I am speaking of the unfair and inequitable Social Security earnings test. Not only is this elderly tax discriminatory against our senior citizens, but it also hurts America as well. By applying effective tax rates of over 50 percent on meager salaries earned by the working elderly, the Federal Government effectively holds many retirees in poverty. Is this fair? Of course not.

The solution is to repeal the earnings test and allow retirees to work for an honest dollar. Tonight, after the House has completed business, there will be a special order on this important subject. I urge my colleagues to listen closely. I also want to urge everyone who has not already cosponsored one of the bills to repeal the earnings test to join me in cosponsoring H.R. 967. The retirees of this Nation are waiting.

WHITE HOUSE POLITICS DIVIDING OUR COUNTRY

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

Mr. GRAY. Mr. Speaker, Willie Horton wasn't enough.

Blowing up the historic negotiations between the Business Round Table and the civil rights groups wasn't enough.

And dismissing yesterday's breakthrough agreement to outlaw quotas, without even bothering to read it, wasn't enough;

Because the President's men do not want to bring our country together;

Because the President's men do not want a consensus that unites us and moves us forward;

Because the President's men have an unquenchable thirst for wedge issues, for political hot buttons—for dividing our country;

Mr. President, it is time to bring the Nation together. It is time to build a consensus and stop playing politics.

Because, Mr. President, enough is enough.

H.R. 1, SLEDGE-HAMMER APPROACH TO CIVIL RIGHTS

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

Mr. BUNNING. Mr. Speaker, H.R. 1, the civil rights quota bill will not and cannot help the American working man or woman and should be rejected.

This bill is not a simple restoration bill. It is a sledge-hammer approach to civils rights. Supporters of the bill say it simply overturns 1989 Supreme Court decisions in order to restore employee's rights. But, it goes way beyond that to jury trials and unlimited punitive and compensatory damages.

This bill is not consistent with existing civils rights laws. It transforms civils rights law into a tort system—a scheme that has been debated and rejected dozens of times in the past 25 years.

This bill is not going to result in increased job opportunities for women and minorities. It encourages defacto hiring quotas and unfair preferences which provide opportunities for some but only by taking jobs away from others. There is noting fair about that.

This bill is not a fair bill. It means quotas. It means unnecessary and costly lawsuits.

I urge my colleagues to reject quotas and to reject a bad piece of legislation. H.R. 1 should be rejected

□ 1040

THE POLITICS OF DIVISION AND FEAR

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

Mr. BONIOR. Mr. Speaker, the administration has no place to hide now.

The bipartisan civils rights compromise clearly answers an administration that is trying to deny civil rights by claiming quotas.

We have put it into law. Hiring and promotion quotas are outlawed. It cannot be clearer. But the White House is not satisfied.

So it is also clear—and the American people should know this—that there is no language which will satisfy the administration.

They would rather practice the politics of division than bring people together.

They would rather practice the politics of fear than promote fairness and equality for all Americans.

But their game is over.

Quotas are outlawed and they have no place to hide.

UPDATE ON THE SSC

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

Mr. BARTON of Texas. Mr. Speaker, I rise today to give a brief update on the SSC, one of the most innovative research projects currently under consideration by the Federal Government. This project would unlock the basic secrets of the atom. It is moving ahead of schedule. The magnet contracts have recently been signed with two private companies in the United States. The test results for the magnet are exceeding expectations. We have over 1,200 people working at the laboratory just south of Dallas. We have research project subcontracts under way now in over 30 States. Progress is moving ahead very rapidly.

Mr. Speaker, last week the Subcommittee on Appropriations voted to spend $434 million of the $534 million that the President has requested on the project. Today the full Committee on Appropriations considers this project. I would urge my colleagues on the full Committee on Appropriations to honor the request of the Subcommittee on Appropriations.

IS A BILL OUTLAWING QUOTAS STILL A QUOTA BILL

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

Mr. SABO. Mr. Speaker, this account of John Sununu's secret support for quotas has been largely overlooked. Hear this quote from the recent book by Bob Woodward, "The Commanders":

> Later that day, Cheney went to the White House to see Sununu and personnel chief, Chase Untermeyer. Sununu—in public a strong opponent of racial and gender quotas—told Cheney the White House wanted 30 percent of the remaining top 42 jobs in the Defense Department to be filled by women or minorities.

The White House and the Republican Party need to decide whether they want to do something to outlaw quotas, or whether it just wants to play the politics of division and pit Americans against Americans on the basis of race.

The Democrats have written a proposal to outlaw quotas, prohibit them. And the late word out of the White House is: A bill that outlaws quotas is still a quota bill. Lewis Carroll, George Orwell and, most of all, George Wallace could not have said it better.

FREE TRADE WORKS

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

Mr. IRELAND. Mr. Speaker, America's 19 million small business owners create some 60 percent of the new jobs in the United States. We can stimulate that job creation through trade policies that open foreign markets to U.S. small businesses.

However, Mr. Speaker, the administration cannot negotiate tough, fair agreements with our trading partners if other countries know that Congress plans to fiddle with the final product. A straight up or down vote on these trade agreements is the only way to go.

Mr. Speaker, free trade works. When Mexico joined GATT, Mexican tariffs went from 100 percent to roughly 20 percent. United States exports to Mexico more than doubled, creating 22,000 new United States jobs. Fast track means opportunities for small business.

I say to my colleagues, "Saying that you're all for small business is an easy job. It's how you vote that really counts. Vote to give the administration the authority to negotiate trade agreements that will be good for small business, good for jobs and good for our country."

NO QUOTAS IN CIVIL RIGHTS BILL

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

Mr. GLICKMAN. Mr. Speaker, now that the antiquota language has been clearly and unequivocally included in the Civil Rights Act to be considered next week, a vote against that bill is, in my judgment, a vote against civil fairness, civil justice, and civil rights. The language of the bill is important, and I quote:

> Nothing in this bill shall be construed to require, or encourage, or permit an employer to adopt hiring or promotion quotas on the basis of race, color, religion, sex or national origin.

Mr. Speaker, that language ought to put to rest any fears that quotas will be tolerated. We now have an issue that has historically unified the American people, equal justice for all, yet some in the Republican Party continue to drive a wedge between people of common interest in this country. I believe President Bush would desperately like to sign a civil rights bill, but he is being driven by hard-core partisan advisers who are pressing him to make Democrats squirm on the issue of civil rights for political gains in the 1992 election.

Americans historically have stood for equal and fair justice for all. That is the cornerstone of our constitutional system. Making one political party or one segment of America squirm on civil rights is like making Abraham Lincoln or Martin Luther King squirm on the same issue.

Mr. Speaker, we should be bringing people together in this country of ours, not further dividing one group of Americans against the other.

One of our most time honored national matters—e pluribus unum [out of many, one] is best served by passage of this bill.

THE ISSUE IS JUSTICE

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

Mr. STAGGERS. Mr. Speaker, as a father and a husband I can understand the fear when a father and a husband has to compete for a job, and if the issue is framed as black versus white, or quotas, I can understand the confusion that person must feel.

Mr. Speaker, in the civil rights debate this year the issue is not black versus white or quotas. The issue is simple justice. All of our future depends on our young people. Without justice, young people can have no dreams. This is true no matter what programs or anything that we would pass here in this body.

If the future, Mr. Speaker—if the future is of dreams and aspirations of our young people, then let us not steal that future. Vote "yes" on civil rights restoration.

REALITY AND THE CIVIL RIGHTS ACT

(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, I hope the American people are listening to that side of the aisle trying to defend this quota bill. They said a quota bill is a bipartisan compromise. I thought a compromise was something that everybody came together and was consulted on. This quota bill is being negotiated in back rooms by buying off Members with gimmicks. The majority leader said that this so-called compromise outlaws in the bill, quotas.

My colleagues, let me bring back a little reality, something that the other side of the aisle just cannot seem to

understand. The provision that outlaws quotas carries no penalty to it. Yet they keep in the unlimited damages for race discrimination and cap the damages for sex discrimination, making women second-class citizens.

So, what is the business person going to do when faced with no penalties for implementing quotas and penalties for not implementing quotas? He is going to implement quotas.

Mr. Speaker, this is a quota bill. The Democrats have got to understand this is a quota bill no matter how many gimmicks are put into it.

□ 1050

IN SUPPORT OF THE AUCOIN-MACHTLEY AMENDMENT

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

Mrs. LOWEY of New York. Mr. Speaker, today this House will have an important opportunity to support the right to choose and, in this instance, to expand access to reproductive health services. The AuCoin-Machtley-Fazio amendment, which we will consider later, reverses an illogical and unfair Department of Defense policy which was put into effect in 1988 without congressional approval. This policy prevents women in the military and female military dependents stationed abroad from obtaining abortion services in overseas military facilities even if they are stationed in a country where abortion is legal.

Women currently comprise 10 percent of the United States Armed Forces. These brave women have all taken an oath to uphold and protect our Constitution. And yet, these same women are denied a constitutional right available to every other woman in the United States for precisely one reason and one reason only: because they are serving in the military.

My colleagues should remember that the AuCoin-Machtley amendment would make no change in the current prohibition on Department of Defense funding of abortions except when the woman's life is endangered. These women would still have to pay for the procedure with their own funds.

To put it simply the AuCoin-Machtley-Fazio amendment will save lives and reduce hardship. This amendment would allow women abroad the same access to abortion services as women at home. I urge my colleagues to do the right thing. Let's support women who are willing to risk their lives in defense of our country by not making them risk their lives to receive a constitutionally protected health service.

CALL FOR A BIPARTISAN CIVIL RIGHTS BILL

(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, nobody wants a bipartisan civil rights bill more than I do. That is why everybody ought to be embarrassed by the games that are being played here today. The Democrats do not want a bipartisan civil rights bill. They want to negotiate with themselves to get the 290 votes necessary to override a President's veto and that is all.

Let us be honest about something. Our leadership has approached your leadership asking for bipartisan negotiations in the House of Representatives. I have followed up personally to your majority leader encouraging and reiterating that desire for bipartisan negotiations.

The other side has not made one gesture to have bipartisan negotiations with the House or with the White House. Now, if they have a bill, let us see it. Let us see this bill that is out there that is supposed to be such a great compromise. The best I can tell from this one-page talking point press release is that they are so antibusiness that on the one hand they want to penalize them if they do not have quotas with punitive and compensatory damages, and on the other hand they want to penalize them if they do.

POSTAL RATE INCENTIVES FOR USE OF RECYCLED PAPER

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

Mr. DURBIN. Mr. Speaker, when most Americans go home this evening to open their mail, they will find sandwiched among the bills and letters mail order catalogs. And if your home is like mine, once every few weeks you have to throw away a mountain of mail order catalogs before they fall off the coffee table and crush the family cat.

Last year 40 percent of our mail was third class in America. Over 7 billion pounds of third class mail processed by the Postal Service, that is more than 63 billion pieces of third class mail.

It is time for our postal rates to at least encourage the use of recycled paper. Third class mailers who use recycled paper should pay a lower rate than those who do not.

I have introduced legislation, cosponsored by the gentleman from Minnesota, Mr. GERRY SIKORSKI, to require the Postal Service to create postal rate incentives for mass mailers who use recycled paper.

H.R. 2415 will not cut down on the number of catalogs we receive at home, but it will reduce the number of trees we cut to print them.

TAKING ISSUE WITH H.R. 1

(Ms. MOLINARI asked and was given permission to address the House for 1 minute.)

Ms. MOLINARI. Mr. Speaker, I have stood in this well on several occasions lately to take issue with H.R. 1, the Democrat's civil rights bill. I have said that no matter how one changes the name of the message or massages the pitch, it is still sending out the same message to business.

Mr. Speaker, obviously some Democratic colleagues have the same concerns. That is why we have delayed debate on this bill and have last-minute changes, still not in writing, being proposed to get this bill through.

I thought earlier this week I may have been forced to say bravo to my Democratic counterparts from what I have read. The Democrats are saying they are proposing two solid, sweeping changes, capping damages and eliminating any possibility of imposed quota interpretations.

A reading of these talking points shows it not to be true. Let us talk about it in theory. A bill that bans discrimination, penalizes harrassment, and bans quotas. What great, noble, practical ideas.

These are such good ideas, the President introduced a bill several months ago to do just that, H.R. 1375, the Republican's civil rights bill. I urge my Democratic colleagues to take a look at H.R. 1375. Perhaps, rather than trying to get the political upper hand, we can deal Americans a fair hand.

WILLY RIBBS BECOMES FIRST AFRICAN-AMERICAN TO COMPETE IN INDY 500 CLASSIC

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

Mr. MINETA. Mr. Speaker, this Sunday history will be made at the Indianapolis 500.

Willy T. Ribbs, of San Jose, CA, will make that history by being the first African-American to drive in that classic contest of speed and skill.

Mr. Speaker, it is heartening for me to see one of the last barriers in professional sports brought down, and I can think of no finer American to do it than Willy Ribbs.

I have known the Ribbs family for most of my life. Willy's grandfather, Henry, and Willy's father, known to everyone as Bunny, are two of San Jose's finest individuals.

Mr. Speaker, I must confess that I feel a bit guilty about what I am about to say, since I do chair the Surface Transportation Subcommittee here in the House.

But I for one hope that Willy Ribbs puts the pedal to the metal and wins the Indy 500 going away this Sunday. I

suspect all of San Jose would be very proud, and I know I will.

SLAVE LABOR IN CHINA

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

Mr. WOLF. Mr. Speaker, as we face the issue of most-favored-nation status for China, I hope my colleagues will consider the question of slave labor. When the gentleman from New Jersey [Mr. SMITH] and I visited China several weeks ago, we visited Beijing Prison No. 1, where 40 demonstrators from Tiananmen Square are now in prison. We received these socks from the prison with pictures of golfers on them and panda bears. These socks are being made by slave labor.

Let there be no question and let me read the enclosed document:

An Asia Watch document indicates that as late as October 1988, the Beijing Municipal Prisons (including Beijing Prison No. 1) have made goods for export. The document by the chief of labor reform for the Beijing Prison System states that "the uninterrupted growth of the (Beijing Municipal) labor reform production is making exciting achievements. For example, the Gold Dual Horse brand nylon socks are not only deeply welcomed by domestic customers but have also been sold to international markets.

These men are in a difficult situation. They do not have any of the human rights that we have in most other parts of this world. As we consider MFN, consider the prodemocracy human rights people that are working in these prisons, making exports to the West.

DISTORTION OF PUBLIC OPINION ON WOMAN'S RIGHT TO ABORTION

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

Mr. AUCOIN. Mr. Speaker, my colleagues may have seen a right-wing letter sent to the offices about the AuCoin-Machtley-Fazio amendment that will be offered this afternoon or this morning to the defense bill. It completely distorts, as most right-wing letters do, current public opinion on a woman's right to choose an abortion.

Regardless of their personal views about abortion, Americans have consistently supported keeping abortion legal and allowing women to make this most personal of all decisions.

According to a Time magazine/CNN poll in April of this year, 71 percent of the American people favor leaving the decision to have an abortion to a woman and her physician.

Members may have also heard a lot of false and misleading statements about the amendment we are going to be offering from Phyllis Schlafly's Eagle Forum and other right-wing groups. In fact, the AuCoin-Machtley-Fazio amendment is a very moderate measure, and there are many lies that are being perpetuated about it.

□ 1100

The amendment only allows military families stationed abroad the same access to safe and legal abortions as their stateside counterparts and American citizens whose freedoms those service people defend.

GIVE PRESIDENT FAST-TRACK AUTHORITY

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

Mr. KOLBE. Mr. Speaker, this week, tomorrow, in fact, this House will cast a very momentous vote. The issue whether or not we will grant the President of the United States an extension of fast-track authority to conduct trade negotiations with Canada and Mexico, to create a North American Free Trade Agreement, a trading alliance that will make the United States, Canada, and Mexico the largest trading block in the world.

Just as the vote we cast a few months ago to give the President authority to use force in the Middle East represented the most important vote of this Congress with regard to our political leadership in the world, I am convinced that this vote is similarly important. It is a vote about the economic future of the United States and our leadership in the world economy. It says everything about the direction the United States will go, or that we choose to go. Will we have the courage to compete economically in the world, or will we withdraw into our shell? Do we believe that we can compete with Japan and the European Community, those emerging trading blocs, or will we try to survive in isolation from the rest of the world?

The vote on fast-track extension is not a vote on an agreement, it is a vote to give the President authority to negotiate, and I hope we have the courage to do so.

EXTEND ABORTION RIGHTS TO AMERICAN MILITARY OVERSEAS

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

Mr. MORAN. Mr. Speaker, today I rise in strong support of the AuCoin-Machtley-Fazio amendment. This is not a debate on the legality of abortions or on the appropriateness of Roe versus Wade. Mr. Speaker, this is about fairness, and about equal rights for all American women, no matter where they are, including women who have chosen to defend our country in the armed services, and the spouses and the daughters of servicemen.

Abortions, like it or not, have been legal in the United States since 1972. Since the landmark Roe versus Wade decision, abortions have become safe. No longer must American women subject themselves to unscrupulous doctors or unsafe medical practices. No longer must American women seek dangerous back alley abortions.

But in 1988, the Department of Defense prohibited women serving in the military and women dependents of the military from having abortions at military facilities, even if they paid for the procedure themselves.

As a result, women serving their country overseas do not have the same rights as women in the United States. Mr. Speaker, not only is this unfair, it is extremely dangerous. Because American military hospitals in the Third World, or in the Middle East, in Asia, and in some allied nations, are the only safe medical facilities available. If we do not allow women to have an abortion at these hospitals, then we force these women to seek a dangerous and sometimes fatal alternative.

Mr. Speaker, I urge Members to extend the same rights to women in the military that they would have had had they not chosen to serve their country.

OPPOSE AUCOIN ABORTION AMENDMENT

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

Mr. SMITH of New Jersey. Mr. Speaker, the amendment to be offered by the gentleman from Oregon [Mr. AUCOIN], later on today, will facilitate the death of unborn children by focusing DOD health facilities to provide abortion on demand. The key issue is whether Congress wants to turn our overseas U.S. military hospitals and health facilities into abortion mills.

I know that the President vehemently opposes this amendment, and will veto the entire bill if this amendment is enacted.

Under the AuCoin language, Mr. Speaker, DOD is forced to provide abortion for any reason whatsoever, and that includes abortion as a means of family planning. Mr. Speaker, this is a circumstance or reason for abortion that has been overwhelmingly rejected by the American public.

A recent Gallup poll, for example, found that 88 percent of Americans were against family planning abortions. This tracks with a Boston Globe poll which found that 89 percent of Americans were against abortion as a means of birth control.

Mr. Speaker, every abortion stops a beating heart—every abortion. Let us keep DOD hospitals havens of life,

where life is respected. Oppose the AuCoin amendment.

OPPOSE ABORTION AMENDMENT

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

Mr. DORNAN of California. Mr. Speaker, finding you sitting in the Chair pro tem, the great LES AUCOIN of Oregon, is fortuitous. It is your amendment on the House floor today that will attempt to allow abortions back into military hospitals. Abortions which I cut off as a freshman, I am proud to say, 13 years ago. It has been the law of the land, with some violations. In 1988, the Department of Defense ended all violations and began to fully enforce the law. I wanted you to know, Mr. Speaker, that I get to control the time on the Republican side. This is going to be one heck of a dog fight.

Mr. Speaker, listen to this item from last week's Newsweek: "Not the Love Boat. Much as been made of the U.S.S. *Acadia*'s 36 female crew members who left the ship because of pregnancy," thereby leaving combat, serving their country, "during its recent 7½-month deployment in the Persian Gulf."

By the way, it is hard to get these figures out of the Pentagon. Colonels get terrified, because they know it is career ending, if they appear to take sides. It is a rough road trying to get facts and figures out on this issue.

But the article says about 1,250 women were medevac'd out of the gulf because of pregnancy, and some of them may decide when they come home, if your amendment passes, to have an abortion in the military hospital.

"Military spokesmen took the defense when questioned about the development" with the *Acadia*. "Unnecessary tactic, it turns out: An average 16.2 percent of women crew members abroad all naval ships become pregnant, more than twice as many as the 8 percent of the *Acadia*'s female crew of 450."

Let us not compound this felony by killing the infants in their wombs in military hospitals.

WAKE UP AND LEARN, AMERICA

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

Mr. APPLEGATE. Mr. Speaker, $137 million in the past 5 years, $92 million in the past 5 years, $72 million, $50 million, $40 million, $30 million, $25 million. Does this sound like a reduction of the national debt? No, this is just the salaries and bonuses of America's top CEO's.

Mr. Speaker, it is no wonder America's trading partners think we are so stupid, because we pay these kinds of salaries and bonuses. The American consumers and taxpayers finance bad management. Then when these people get fired, they are rewarded with a golden parachute of hundreds of thousands of dollars, or millions of dollars.

How can America be able to compete with world trade, with corporate leeches sucking the lifeblood out of American business? There are the same people that now want to subsidize Mexico and China and take away business from these companies. When in the hell is America going to wake up and learn.

VOTE NO ON FAST TRACK

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

Mr. HUNTER. Mr. Speaker, in a few days we are going to be voting on the fast-track bill with respect to a free trade agreement between the United States and Mexico. Let me just say to my conservative Republican friends, the conservative Republican position should not be in favor of fast track, and it should not be in favor of the so-called free-trade agreement with Mexico.

Mr. Speaker, when Mexico has political freedom, has internal free trade, has the right for businessmen to buy or sell, to hire or not hire, to build a plant or not build a plant, without having to know somebody powerful, they will have prosperity in Mexico, without economic benefits having to be pushed across the border by the United States.

Mexican workers are highly productive. Workers who are employed by the General Motors plants in Mexico City are achieving 80 percent of the productivity of workers in Detroit. When you couple that with wages that are around one-tenth of the wages paid by American manufacturers, one has to conclude that there will be a shift in production. Some people say that it is good for the consumer. Well, consumers are Americans with jobs and paychecks. Vote no on fast track.

□ 1110

KUWAIT MUST GRANT DUE PROCESS TO ALL DEFENDANTS

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

Mr. MAZZOLI. Mr. Speaker, earlier this week in the well I said that the national animal of Kuwait is not the camel but the kangaroo, as in kangaroo court, because it is that kind of justice which is being meted out by the Government of Kuwait to mostly Palestinian guest workers whom they accuse of being collaborators with the enemy during the Iraqi occupation of Kuwait.

Mr. Speaker, ironies abound here, because the same government which is trying these poor people as collaborators, in keeping with its tradition of a hedonistic, pleasure-seeking, indulgent nation, sat the war out in air-conditioned hotel rooms in Egypt and around swimming pools in Saudi Arabia while these guest workers remained behind with the dangers and deprivations that that brought.

I am pleased that, following my statement, the President and the State Department urged Kuwait to conduct fair trials. We should do more than just urge them. We should cut off all aid to Kuwait until such time as they grant due process to these defendants and all defendants who ever come into their courts.

SUPPORT DORGAN RESOLUTION OF DISAPPROVAL OF FAST TRACK

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

Mr. PEASE. Mr. Speaker, tomorrow the House will vote on whether to extend the President's fast-track authority for negotiating a free-trade agreement with Mexico.

I urge my colleagues to vote yes on the Dorgan resolution of disapproval and thus to vote against fast track. I urge all Members to ask themselves as they think about how to vote: "What will happen under a Mexico free-trade agreement to the middle-class, middle-income, working Americans of their district who have already seen a 9-percent decline in their wages in the last 10 years?"

Some people say that a free-trade agreement with Mexico is about tariffs. It is not really. It is about eliminating barriers to investment by the United States and American companies in Mexico, and when those barriers are gone, American companies all across America will be tempted to pick up stakes and move to Mexico to take advantage of 70-cent-an-hour labor.

Tomorrow, before Members vote, ask yourself: "What vote will be in the best interests of middle-income Americans in your district?"

NEGOTIATE FAIR TRADE FOR AMERICAN PRODUCERS

(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, an author once wrote that the United States has never lost a war and never won a conference. I think of that when I think of our trade negotiations in this world.

We somehow seem to involve ourselves in trade negotiations and always come out on the short end of the stick.

The gentleman from Arizona was in the well a while ago saying, "Well, we need to support the free-trade initiatives, because this country can compete anywhere in the world and we should not shrink from that challenge." Yes, we can compete. I do not doubt that. We can compete anywhere in the world where we can get our goods in their markets, but you cannot compete in a market that is closed. You cannot compete against prison labor. You cannot compete against 11-year-old sweatshop labor. You cannot compete against plants that dump raw sewage in streams and dump pollution in the air.

That might be free trade and negotiate an end to the barriers between those kinds of countries, but it is not fair trade, and it will fundamentally injure this country to continue to insist on this change called "free trade" when it is not fair to American producers.

When we get something that is fair to American producers in trade negotiations, then we will compete, and we will do quite well, but until that time, we ought to vote against fast track and insist that our trade negotiators be starting to negotiate fair-trade arrangements all across this world.

MORE LESSONS TO BE LEARNED FROM GULF WAR

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

Mr. KASICH. Mr. Speaker, as we begin to wrap up the defense bill today, we have heard a lot of speakers talk about the lessons learned from the war in the gulf, but there are some lessons that I do not think we have learned and some things that we ought to consider as we move beyond the defense bill into international politics.

No. 1, I think we ought to prosecute Saddam Hussein for war crimes. We ought to energize the world body to not only be able to prosecute people like Saddam Hussein but then to be able to move against other bad guys like Saddam so we do not have to put our troops out in the field.

The President ought to call an international conference on the sale of conventional weapons, the spiraling escalation of weapons being sold at the same accelerated pace that we had before the war.

And, third, we ought to have an international conference to discuss ways in which to stop the proliferation of weapons of mass destruction, not just chemical weapons, but nuclear weapons as well. The problems of North Korea illustrate the challenges that face us.

So, Mr. Speaker, while we spend our time learning the military lessons, we ought to also spend time studying the geopolitical lessons and, unfortunately, I do not think we have all learned them. I think we had better apply ourselves to learning them to prevent war in the future.

TRIBUTE TO THE FRANKLIN DELANO ROOSEVELT THERAPEUTIC PROGRAM

(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, on the top of Pine Mountain, near Warm Springs, GA, is the F.D. Roosevelt Wilderness Therapeutic Program. This is a residential treatment center for young males and females, ages 8 to 15 years. The camp encompasses about 600 acres and is a joint project of the State of Georgia's Departments of Human and Natural Resources.

The camp was established for males in 1983 and the program for females was added in 1989. Behavior problemed youngsters are referred to the program by their parents, along with a community sponsor.

The thrust and purpose of treatment is to bring about behavioral change and improved personal functioning through living with a supportive group of peers and a caring, responsible adult in the wilderness.

I had the pleasure of visiting the camp recently and met with an Iroquis group, ages 14 to 16. I met with Keri, Tamra, Tricia, Nancy, Chrissie, Robin, Victoria, and April, along with counselors Binta and Deborah.

They are but a few of the several hundred young persons who have participated in the combination of classroom learning and its application to outdoor living. The length of treatment varies, but it usually lasts 18 months. Mental health problems are solved here, and I am pleased to call attention to the good work being done at the F.D. Roosevelt Wilderness Outdoor Therapeutic Program.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

The SPEAKER pro tempore (Mr. AUCOIN). Pursuant to House Resolution 156 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2100.

□ 1117

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2100) to authorize appropriations for fiscal years 1992 and 1993 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal years 1992 and 1993, and for other purposes, with Mr. DURBIN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, May 21, 1991, the amendment offered by the gentleman from New York [Mr. MRAZEK] had been disposed of and all the amendments printed in part 1 of House Report 102-68 had been disposed of.

The Chair has been notified that amendments No. 1 through 5, 9 through 11, 13 through 15, 17 through 23, and 28 through 30 will be considered en bloc.

It is now in order to consider amendment No. 6 as printed in part 2 of House Report 102-68.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HUNTER: At the end of section 213 (page 31, after line 10), insert the following new subsection:

(h) REQUESTED CAPABILITY.—Any system developed pursuant to this section—

(1) shall have a capability of defending against all ballistic missiles currently being deployed and developed by Iraq, China, Libya, Iran, Argentina, Brazil, North Korea, Pakistan, and Syria, including the CSS-2 missile, the SCUD missile (and all modified versions of that missile), the Condor II missile, the SS-300 missile, the SS-1000 missile, the Prithvi missile, the Agni missile, the Shahin 2 missile, the Al-Hussein missile, the Al-Abbas missile, the Tammuz 1 missile, the Hatf I and II missiles, and the SS-21 missile;

(2) shall have a capability at least equal to that of the SA-12 system, with projected upgrades, of the Soviet Union;

(3) shall be designed so that the warhead destruction mechanism and design is configured to ensure high probability of intercept and destruction of chemical and biological agents, nuclear warheads, and conventional warheads; and

(4) shall be capable of destroying multiple threats of the CSS-2 class (presently being produced and sold by the People's Republic of China), with interceptor destruction occurring at a distance sufficient and with finality to ensure that salvage fusing will not result in significant damage to the defended area.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. HUNTER] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Which Member will be speaking in opposition to the amendment?

Mr. MCCURDY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Oklahoma [Mr. MCCURDY] will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman and my colleagues, this amendment gives some direction to a very important area of national defense that was highlighted by the war in the gulf, and that is the defense against missiles and particularly against theater ballistic missiles which, in fact, is what the Scuds were which we saw so dramatically being taken down by Patriot missile systems.

The committee recognizes at this point how important ATBM is; that is, a defense against theater ballistic missiles. We have a fairly large portion of money now dedicated to ATBM; that is, $857.5 million.

We recognize also that there are many, many nations now proliferating those missiles including Iraq, which has what I would call not at this point a limited inventory; China, which is building the CSS-2 and selling it around the world; Libya, Iran, Argentina, Brazil, North Korea, Pakistan, and Syria.

The amendment that I have offered is one that goes to the ATBM section, and very simply it sets a standard. It is not micromanagement. It is a policy statement by the House of Representatives saying to DOD, "We want you to build a system—as you spend these millions of dollars that we have dedicated to the ATBM—we want you to build a system that will handle the missiles being generated in these Third World inventories and proliferated to military forces around the world."

□ 1120

If we do not do that, we will be denying the men in our Armed Forces the capability of defending themselves adequately against theater ballistic missiles.

Mr. Chairman, I reserve the balance of my time.

Mr. McCURDY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we had this debate in the Committee on Armed Services on the amendment offered by the gentleman from California [Mr. HUNTER].

I would say at the outset that he has improved his amendment from the standpoint that he has reduced some of the micromanagement that existed in the earlier version. In the earlier version he indicated a particular system that had to meet particular mach numbers that had to have a certain range and other characteristics, which resembled, as my colleague from South Carolina [Mr. SPRATT] said, looked closer like an RFP, request for proposal, as opposed to a general policy statement of the Committee on Armed Services vis-a-vis the technology and the capabilities we desire in defeating the threat of theater ballistic missiles.

As I said, the gentleman's amendment has been improved. However, it is clear under this amendment that he would require all systems developed in the joint theater missile defense program to meet certain technical criteria, and be able to defend against all ballistic missiles currently being deployed and developed by a certain country.

Therefore, he outlines the number of countries; and what, in effect, it would do is prohibit the Patriot improvements. The improved Patriots would not meet the technical standards set by this amendment. He includes some missile capability, those developed by China, the CSS-2, which appears to be in the 3,000-kilometer range, and also some question about the CSS-3. In fact, those may be crossing into the ICBM arena as well.

So the request at $170.5 million for Patriot improvements could not be spent. Much of the success in the gulf, quite frankly, was due to the success of that particular system. This amendment also requires all systems developed by the joint office or the joint program to "have a capability defending against all ballistic missiles currently being deployed and developed by Iraq and China and several other countries."

As I said, China has deployed ICBM's, and because none of the systems being developed in the joint program will have a significant ABM capability, this amendment would block all spending on the TMB capability. This amendment would block all spending on the TMB systems, Patriot, ERINT, Arrow, and THAAD. Those Members who support theater missile defense have argued consistently that SDIO should be dedicating a large percentage of the funds for this area as opposed to being concentrating on a space-based system.

Now that we have seen the success of the Patriot in the gulf, people are now rushing to try to get on the bandwagon. Unfortunately, the gentleman's amendment undercuts much of the progress we have made.

Finally, I think the principal argument against the amendment is what we are doing on the floor of the House is micromanaging, by setting requirements and standards which the military ought to be developing. They ought to assess the threat, bring it back to the Congress, and have Members debate that as opposed to Members, literally, line by line, requiring certain capabilities at this point. It does not make sense.

I urge a "no" vote.

Mr. Chairman, I yield to my distinguished colleague, the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I think I understand the gentleman correctly to suggest that if we had had the Hunter amendment in place, we could not have deployed the Patriot missile because it did not meet the requirements, because it would not be able to knock out the CSS-2, the Chinese missile; is that correct?

Mr. McCURDY. It is true that the Patriot missile does not meet the capabilities outlined, is not able to defeat the threat that is emerging in the future.

Mr. DICKS. We could not have developed the Patriot?

Mr. McCURDY. Not if we had written the standard sometime ago, that is true. Congress should not be writing standards. We are not engineers. We are not the scientists. We are not the experts who say this has to fly at this speed and be able to defeat this threat.

We ought to tell the military, "You come to us, outline what the threat is, and tell us how you will respond to that," as opposed to being "line-itemed" and telling them what to develop.

Mr. DICKS. If the gentleman will continue to yield, I concur that we need to improve the Patriot, but to do it this way is a mistake. I urge my colleagues to vote against the Hunter amendment.

Mr. McCURDY. There are a number of systems which have tremendous capability, whether ERINT or Arrow, which I support. I believe this amendment works aginst it. I urge a "no" vote on the Hunter amendment.

The CHAIRMAN pro tempore (Mr. COX of Illinois). The gentleman from California [Mr. HUNTER] has 3 minutes remaining.

Mr. HUNTER. Mr. Chairman, let me respond to my friend, the gentleman from Oklahoma, and my friend, the gentleman from Washington.

My friend from Oklahoma is absolutely wrong, that we already have in law the standard that the ATBM system that we are developing, including the program with the Arrow be as capable as the SA-12 system, fielded by the Soviet Union. According to the Patriot program office, they have the capability of matching up with SA-12. Arrow, by definition, is supposed to be able to do that.

To my friend from Washington, let me tell my friend that it was members of the Committee on Armed Services, all Republican members, but nevertheless members of the Committee on Armed Services who urged Israel to give up the Levine fighter and build an Arrow missile, and simultaneously urged General Abramson to cooperate at the head of SDI.

Another point the gentleman should know, from what I understand in talking personally with the Arrow program manager, he thinks the idea of what we have done, which is remove Arrow from SDI and put it under the Army systems and under Army guidance, is not well-received by Israel and not going to work to the benefit of that program.

The charges of micromanaging can flow back and forth. Let me just say one last thing to my friend. We are not

ombudsmen, we are charged to defend the United States and to give effectiveness to our Armed Forces. The gentleman thinks we should put on an RFP to industry to ask them if maybe they think it is a good idea to defend America, I suggest I have a different standard than he has. There are no velocities in here. There are no ranges. We simply say, "Look at all the Third World countries that are proliferating missiles around the world. Whatever you build, we want them to be able to meet the systems that presently are being sold by China, Libya, and others around the world."

Mr. Chairman, I yield to the gentleman from Oklahoma.

Mr. McCURDY. The comment I make is under the gentleman's amendment. With his requirements, we would not be able to expend the funds on Patriot, ERINT, Arrow or THAAD today. In fact, he has put a hold on the development. That is what we object to.

Mr. HUNTER. Mr. Chairman, let me reclaim my time. Under the analysis, at least this Member has done in talking about the classified aspects of the program that the gentleman has talked about, those systems can, in fact, meet these standards, and it is a matter of leadership at DOD, but they can do it without a problem.

(On request of Mr. DICKS and by unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. HUNTER. I am happy to yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, what I am concerned about here is what we should say is, go out and develop the best system possible to meet these threats, but not make a condition precedent, that it meet each individual one, because I am worried that if we do that, there is a possibility that we cannot go out and deploy a system that might be 95 percent effective, but not 100 percent. That is what I think is a worrisome feature of the Hunter amendment here.

The gentleman says it has to be able to defend against every single one. What if it could defend against all but one.

□ 1130

The CHAIRMAN pro tempore (Mr. COX of Illinois). The time of the gentleman from California has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. HUNTER. Mr. Chairman, let me answer my friend. The operative words here are "capability of defending." I do not think anybody has suggested that if you put in "capability defending" with respect to a weapons system it means that you have to stop every bullet, defend against every explosion, exclude every piece of shrapnel.

So the answer to my friend is this——

Mr. DICKS. Mr. Chairman, if the gentleman will yield, the gentleman says against all ballistic missiles currently being deployed and developed, the gentleman says all.

Mr. HUNTER. Precisely, but it does not say that every single bullet has to be stopped with a shield and that is the only way you can define "capability of defending." I think "capability of defending" has a general application much different from that; but let me just tell my friend this. We have Third World countries proliferating these missiles. If we are not going to direct our ATM office to be able to defend against those threats that are real, that are out there, those systems being sold, then we are not spending this billion dollars, almost a billion dollars, that we are going to authorize and appropriate this year.

Of course, they should be able to knock those things down, and they can do it.

Mr. McCURDY. Mr. Chairman, if the gentleman will yield, let us just add more money, let us take money out of the regular SDI and put it into this.

Mr. DICKS. This is useful.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. HUNTER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of section 4 of House Resolution 156, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from California [Mr. HUNTER] will be postponed until after completion of consideration of all of part 2 amendments which are not to be considered en bloc.

It is now in order to consider Amendment No. 7 printed in part 2 of House Report 102-68.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANK of Massachusetts:

At the end of title II (page 46, after line 22), insert the following new section:

SEC. 237. TERMINATION OF SMALL ICBM PROGRAM.

(a) PROGRAM TERMINATION.—The Secretary of Defense shall terminate the Small ICBM program (known as the Midgetman missile program).

(b) FUNDING.—Funds appropriated or otherwise made available to or for the use of the Department of Defense pursuant to this Act or any Act enacted after the date of the enactment of this Act may not be obligated or expended to enter into a contract for research, development, test, or evaluation, or for procurement (including long-lead items), in connection with the Small ICBM program.

(c) FISCAL YEAR 1992.—The amount specified in section 201 for research, development, test, and evaluation for the Air Force is hereby reduced by $548,838,000.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent, and this has been cleared with both leaderships, in consideration of offering only this amendment and not the second one, that the 10 minutes and 10 minutes be consolidated to 20 minutes on this amendment, and I will not offer the second amendment. I believe both sides have agreed to that.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment to save $548 million. If this amendment passes, the deficit of the United States will be reduced by $548 million. Now, deficit reduction has got more support in principle and less in practice than any virtue I can think of.

What this says is that we do not need the Midgetman missile. People have argued for the Midgetman missile, but as everyone who is paying attention knows, it is very, very likely that we are going to sign a treaty with the Soviet Union to get rid of it.

Now, we have been told for years that we needed it as a bargaining chip. We are now bargaining with the Soviet Union which is about ready to sign this. It has been held up by some disputes over the conventional forces treaty, but what we are being asked to do now is to pay $548 million, a significant sum, to preserve a bargaining chip which we no longer need because the bargaining which necessitated this is essentially set.

No one believes that there will be—well, I should be careful, Mr. Chairman, in this Chamber never say no one; but no one I would care to credit thinks we are going to deploy this system.

So the question is, should we spend $548 million for a system we are not going to deploy, because people say it is a bargaining chip.

Now, Mr. Chairman, I have a riddle. What is the difference between a bargaining chip and buffalo chip? The answer is that the buffalo chip is extinct and the bargaining chip costs us a lot more money.

We have a chance here to save $548 million, and on the other side you can

do research on the Midgetman. No one thinks we need it. No one thinks it is going to go into effect.

Mr. Chairman, I am a great supporter of submarines. I voted for the nuclear submarine program. We have Minuteman missiles. We have the B-1 bomber with a cruise missile. I am all for the triad, but I did not maybe get good geometry. I always thought a triad had three things in it. We are getting a five-sided triad. They want to have a Minuteman, a Midgetman, and an MX. That is three sides. I take it back. They have a six-sided triad. Then they got a nuclear submarine and then they got two airplanes, the B-2 and the B-1.

Now, if we are lucky, the B-2 will be gone, so we will not have to worry about that one anymore; but let us add the Midgetman to the pile.

Does anyone think in the current state of the world we should spend—and by the way, this $548 million only makes sense if you are prepared to spend tens and tens of billions of dollars to deploy it. This will be a very expensive system.

Now, I have to say this, Mr. Chairman. I was absent 1 day, and you know, when you miss school 1 day, sometimes you fall behind. This became the Democratic weapon when I was missing 1 day. The Republican weapon was MX and the Democratic weapon was the Midgetman. In other contexts, we are for trains and they are for trucks, but here we were for the trucks and they were for the trains.

Enough is enough, Mr. Chairman. No one thinks it has a military rationale. This weapon has outlived any possible hope of its deployment, any significant strategic mission. The only thing it has still got is a price tag of $548 million.

I offer this $548 million to the membership. It may be in the entire budget process the only chance you will get to vote for a straight 100 percent deficit reduction to no negative cost, and we have not even started to go into production. No one is going to lose their jobs yet. This is $548 million on research for something which will never go beyond the research stage. Let us kill it now.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Is there a Member in opposition to the amendment?

Mr. DICKINSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. First of all, is the gentleman in opposition?

Mr. DICKINSON. I do not know, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman has the authority to strike the last word.

Mr. DICKINSON. That is what I am asking, Mr. Chairman. I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman from Alabama (Mr. DICKINSON) is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I have listened to the gentleman as rapidly as I could and as closely as I could. I think the gentleman might be right.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does a Member rise in opposition to the amendment?

Mr. RAY. Mr. Chairman, I rise in opposition to the amendment on behalf of the committee.

The CHAIRMAN pro tempore. The gentleman from Georgia [Mr. RAY] is recognized for 10 minutes.

Mr. RAY. Mr. Chairman, the Frank amendment is contrary to last year's agreement for a number of reasons. Section 231 of the fiscal year 1991 authorization bill included this Sense of Congress language which passed twice last year in the House, once in the House bill and again in the conference report.

At a minimum, the United States should continue to develop the ICBM systems for deployment in silos to meet future U.S. ICBM modernizations, its requirements, and arms control objectives, while preserving a realistic option for our subsequent mobile basing and it should require future strategic arms control development also. This approach still makes good sense.

The other reason, the small ICBM is the future of ICBM modernization programs.

The MX missile procurement was terminated by the administration in fiscal year 1992.

Rail garrison is being put on the shelf at congressional direction after completion of R&D and one test shot from a train.

The Missileman II starts retirement in fiscal year 1992.

Minuteman III missiles have been upgraded, but cannot last forever, and whether Midgetman is deployed in silos or on hardened mobile launchers, HLS's are preferable.

It is the only part of the ICBM in development. The small ICBM supports further arms control also. A survivable ICBM will be increasingly important if and when we wrap up START and enter deeper reductions on any follow-on START II negotiations.

The single warhead Midgetman fits perfectly with the deMIRVing we have agreed on with the Soviets to pursue in START II.

START I will allow each side to have up to 1,100 warheads on mobile ICBM's. Midgetman would account for 500 at the most.

There are other reasons. The small ICBM is a prudent hedge. The Soviets have deployed two kinds of mobile ICBM's. R&D on small ICBM's is halfway there.

Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DAVIS].

□ 1140

Mr. DAVIS. Mr. Chairman, we will divide up our 5 minutes on our side against the amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. KASICH].

The CHAIRMAN pro tempore. Without objection, the gentleman from Ohio [Mr. KASICH] is recognized for 3 minutes.

There was no objection.

Mr. KASICH. Mr. Chairman, I would like to say I kind of enjoyed this debate because some of my Republican colleagues who are so apoplectic about my position on the B-2 cannot make up their minds as to whether they are for this missile or not.

So I guess it is appropriate in a changing world for people to be able to define their priorities in different ways. Let me say I rise against the Frank amendment basically because I have always been a supporter of the Scowcroft Commission. I would like to see the MX on rail because one of the real lessons we learned from the war is mobility gives you greater stability. But the MX is not what we are discussing here. We are discussing the Midgetman.

What the Midgetman represents is the United States moving away from missiles that carry many warheads into a regimen where you have a single-warhead missile that is mobile.

Now, if we are going to maintain a land-based part of the triad, a missile force that is land based, then I want to have the one that is most stable. I think that an MX missile that fits in a silo where it does not move, with 10 warheads attached to it, becomes a very inviting target for Soviet military planners.

Where I would ultimately like to see the land-based side of the triad go is mobile single-warhead systems that can move around, that do not offer very, very desirable aim points to hit.

Now, I have to tell all of you, I know we are all rethinking this whole concept of nuclear deterrence vis-a-vis the Soviets. I think we are all a little bit concerned that we are not going to spend money we do not need to spend. But I think it is necessary that a triad that has worked, that nuclear deterrence does work and that we ought to get those systems that are going to give us the greatest amount of stability but not going overboard whole hog in trying to revitalize every leg of the strategic triad, which is one of the reasons why I fight the B-2.

But I believe ultimately the small missile with a single warhead, mobile, gives us the greatest stability.

Mr. DOWNEY. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from New York.

Mr. DOWNEY. I thank the gentleman for yielding.

Mr. Chairman, I deeply respect and admire the gentleman's opinion on these issues because I think he has shown remarkable courage on his side of the aisle for being realistic.

What concerns me, if I might, is the—and I have been a supporter of the Midgetman Program—is that the world has changed, as the gentleman pointed out. No one would argue for a moment the idea of the need for a triad. There is a synergy that a diad would not have there. I think the idea that we need to have a new missile when the existing missiles are quite capable for the next 10, 15 years, is really the issue we now have to address.

Mr. KASICH. I say to the gentleman, since we are going to keep this missile in R&D and we are not going into production on it, it remains something that is negotiable with the Soviets, and I hope we negotiate the elimination of it. But, ultimately, our goal ought to be to have mobility and single warheads, not things like MX's with 10 warheads which move us away from it, which is why I continue to support the R&D, and I hope the gentleman from New York will continue to support it as well.

The CHAIRMAN pro tempore (Mr. COX of Illinois). The Chair would like to clarify the situation here: The gentleman from Massachusetts [Mr. FRANK] has 6 minutes remaining, the gentleman from Georgia [Mr. RAY] has 2½ minutes remaining, the gentleman from Michigan [Mr. DAVIS] has 2 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the gentleman for yielding.

First may I say to my distinguished colleague from Ohio [Mr. KASICH] it is with some reluctance that I rise to challenge my colleague's arguments. Today on the op-ed page of the Washington Post the gentleman and I have an op-ed piece in opposition to the B-2 bomber.

But on this particular issue, let me respond to his argument. The assumption of his argument is that each leg of our nuclear triad must be independently survivable. What the Scowcroft Commission did was to explore the myth that each leg of our triad needed to be independently survivable, as if a Soviet planner would sit there and sometime in the 1990's say, "Ah hah, the land-based missiles are vulnerable, let's attack because we have other weapons capability that would allow us to inflict such incredible, unacceptable damage that they could not survive as a civilized society in modern times."

That concept is called synergism. So it is not each leg of our nuclear triad that must be independently survivable. Survivability is in the aggregate of our nuclear weapons capabilities. And that is the response to my colleague's argument.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to my friend.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, I just want to say that my goal is to have a land-based missile force that is going to be as stable as possible, and that is why I support the Midgetman, which moves us away from the multiheaded—multiwarheaded—missiles, and that is where I am in that area. That is just to make the point clear.

Mr. DELLUMS. I appreciate the gentleman's argument. I am simply saying that the major thrust of his argument is that each of our legs of the triad must be independently survivable, and that myth was exploded when the Scowcroft Commission wrote its report.

The CHAIRMAN pro tempore. The Chair is assuming that the gentleman from Nevada [Mr. BILBRAY] has assumed the time of the gentleman from Georgia [Mr. RAY]. Is the Chair correct?

Mr. BILBRAY. That is correct.

Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the Frank amendment. Basically, we have already made some drastic decisions about strategic forces. We have stopped the Trident Program at 18. I do not think there is anybody here who thinks we are going to go ahead and deploy the rail garrison MX Program. I would oppose that. It seems to me, as a prudent hedge to try to maintain some potential survivability in our land-based leg, which is clearly all vulnerable; every missile we have today is in a fixed silo which is vulnerable. The one hedge for survivability is the small single warhead ICBM, Midgetman.

I think we need to maintain that. I have been talking to the chairman here. Chairman ASPIN agrees that we need that. We are going to do this technology, do the R&D, and put it on the shelf.

If we then at some future point have a breakthrough where there is some vulnerability to the submarine leg of the triad, we may well want to come back to Midgetman. But to kill it now I think would be a mistake. I would urge the committee to stay with the chairman, stay with the committee, and continue the R&D on this program.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. DICKS].

Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Mr. Chairman, the gentleman said he is for this because we are not going to deploy the rail garrison. Will he then, as a member of the Defense Appropriations Committee——

Mr. DICKS. We need one survivable land-based missile.

Mr. FRANK of Massachusetts. Yes. But in this bill we have $260 million for the rail garrison that he says is going to go nowhere. Why do we have that? If the gentleman does not think so, what do we have here $260 million to show that we are nice guys?

Mr. DICKS. The gentleman offered the wrong amendment.

The CHAIRMAN pro tempore (Mr. RUSSO). The Chair will state that the gentleman from Massachusetts [Mr. FRANK] has 4 minutes remaining, the gentleman from Michigan [Mr. DAVIS] has 2 minutes remaining, and the gentleman from Nevada [Mr. BILBRAY] has 1 minute remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. I thank my colleague for yielding. Mr. Speaker, I rise in support of the amendments offered by Congressman FRANK.

Before we spend $549 million for more nuclear missiles, and $250 million to place them on rails we must ask ourselves, what for? Who are we defending against?

Are we defending against the Soviets? The cold war is over and the Warsaw Pact has vanished in the morning mist. Meanwhile, the Soviet economy is in a free-fall depression. In fact, President Gorbachev has just asked us for $1.5 billion in food aid. I hardly perceive these developments merit the construction of more ICBM's.

We are already armed to the teeth. An adequate deterrent force is in place. And if we are worried about other members of the nuclear club, then I fail to see how augmenting our already massive collection of nuclear weapons will add to that deterrent force.

Are we worried about accidental or unauthorized nuclear launches? We are, but it seems to me increasing the number of nuclear missiles and placing them on wheels increases, not decreases these risks.

Yet, like the Federal deficit, our nuclear arsenal continues to balloon against all reason.

Our real threat to national security comes from within. It starts with the three out of four children who desperately need Head Start and do not receive it. And continues on through the

education system to the 9 million of this Nation's non-college-bound youth who lack any marketable skills.

I urge my colleagues to recognize the end of the cold war and save almost a billion much-needed dollars by passing the amendments offered by Congressman FRANK.

Mr. DAVIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was going to ask the gentleman from Massachusetts [Mr. FRANK] if he would acquiesce to a friendly amendment and earmark the moneys saved, the $548 million—earmark that money for continuation of the B-2 bomber?

□ 1150

Mr. FRANK of Massachusetts. Mr. Chairman, will be gentleman yield?

Mr. DAVIS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Unfortunately, Mr. Chairman, my respect for semantics prevents me from being agreeable. The gentleman said, "The money saved." If we spent it on a B-2 bomber, it would be wasted, not saved. So I cannot accept that.

Mr. DAVIS. Mr. Chairman, we have already spent $3.5 billion on the small mobile system, and what we are talking about is $548 million to continue the development of the ICBM Small Missile Program. As we all know, the Soviets already have rail garrison, SS-24's. They have road mobile SS-25's. They are continuing their strategic ICBM modernization program in earnest.

Continued development of mobile ICBM, it seems to me, is a very prudent way and a course to follow as arms negotiations are continuing to go on. The small ICBM development entails very little risk. We have already no radical new missile technology. It preserves the technology base and production capabilities for ICBM's, provides the most efficient and flexible ICBM target coverage and mobile basing, provides flexibility in meeting the threat, whatever that might be.

So, even though a lot of people may not be excited, things have changed with the Soviet Union. It seems to me that the prudent thing to do now would be to continue. We have already spent, as I said, $3.5 billion to continue to spend the $548 million to complete at least the research and development on this program.

Mr. Chairman, I recommend that we defeat the Barney Frank amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. RUSSO). The gentleman from Massachusetts [Mr. FRANK] has 2½ minutes remaining, and the gentleman from Nevada [Mr. BILBRAY], who has the right to close, has 1 minute remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, he has got a hard sell, so I do not begrudge him the chance to go last.

Mr. Chairman, I yield myself my remaining time.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. FRANK] is recognized for 2½ minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I would like to yield this country $550 million. I would like to say to the American people, "Here is $550 million you don't have to spend."

Why should we spend it? Well, some of my friends say, "Oh, you should have killed the MX," but they are going to vote to put it in there. They will have a chance later to kill that.

Others say, "Well, we have to keep it around because we have to have the flexibility." No one has argued that this has a military mission. No one believes it is going to be deployed.

In fact, Mr. Chairman, the Midgetman was invented. Let us do a little political history. The Democrats did not have a weapon. So, we did not want to go for the MX because that was expensive and destabilizing, and it was, so we came up with the Midgetman so we could have a Democratic weapon. In the context that made sense, and that weapon has already served. It won a couple victories in the political war against the Republicans.

Let us bury it in peace because it did a lot better as a political weapon against the Republicans than as a strategic weapon against a decaying Russian empire. No one believes that we are going to ever use it. We have the nuclear submarines with MIRV missiles, we have the B-1 bomber cruise missiles, we have the Midgetman and the silo.

In addition, my friend from California, a great expert on this, said, "Try. It doesn't have to be independently survivable."

Well, it does if we think we are going to go fight three separate wars at one time against three separate enemies, that we are going to fight Russia, China, and whoever. One would be with the planes, and one would be with the trains, and one would be with the submarines. But against Russia are they really going to tell us that all of the nuclear submarines—they do not know where they are, thank God, and cannot find them, and the B-1 bomber with cruise missiles, and the Midgetman; that is not enough? We got to spend $550 million, not to ever put a weapon into place, but to do some research so we will know more about the weapon that we never used?

Let us not be so intellectually curious in this case because that is what we are talking about: $550 million of intellectual curiosity to no purpose, and I will say this: "Please, if you vote against me, that's OK. I don't take it that personal. But don't talk to me about deficits, don't talk about the poor elderly you want to help. Don't talk about the environment. If you can waste $550 million, you can't mean it."

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I say to the gentleman from Massachusetts, "You've convinced me."

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Alabama.

The CHAIRMAN pro tempore. The gentleman from Nevada [Mr. BILBRAY] has 1 minute remaining to close debate.

Mr. BILBRAY. Mr. Chairman, it is hard to talk after that, but let me tell my colleagues about what the committee has looked into.

As my colleagues know, we have cut the B-2 bomber out, one leg of the triad. Yes, we have the B-1. We cut the B-2. But the B-1, we have 97 of them. Turn of the century, the aging B-52's will be phased out gradually at that time. We had the rail MX in R&D. It is correct, but many of us feel in the committee, after listening to testimony, that the MX will be traded away as part of the arms negotiations, and maybe all the MX's will be destroyed in return for the destruction of the SS-18 by the Soviets. If we go into the 21st century and we have 97 long-range bombers, we have no new ICBM's, and we are only building 1 submarine per year, we are in deep trouble, and that is why the committee believes firmly that we must continue with the R&D on this missile system. It is important to our national security.

Mr. Chairman, I say to my colleagues, "Whether you're a Democrat or a Republican, you've got to support the committee on this security of our country."

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong opposition to the amendments offered by Mr. FRANK of Massachusetts that would terminate the MX rail garrison program and the Midgetman small ICBM programs, respectively. These shortsighted amendments would have an adverse impact on our national security and the credibility of our nuclear deterrence force.

The Armed Services Committee responsibly decided to continue funding further research and development of both programs. The Peacekeeper, which some still call the MX, is our front-line, modern ICBM capable of carrying 10 nuclear warheads. It provides a significant amount of strength to the ICBM leg of our triad. At present, this missile is based in hardened silos—silos which can be very easily targeted and destroyed by Soviet missiles. The Peacekeeper, like the older, smaller, less accurate, and more vulnerable Minuteman force, is a very tempting target. The MX—Peacekeeper—rail garrison program would increase the survivability of the Peacekeeper and make first-strike targeting by the Soviets or anyone else far more difficult due to this new basing mobility. Complicating the attack plans of our adversaries and increasing the chances that

any attack may not achieve a satisfactory level of success increases nuclear stability and provides further incentive to engage in real strategic nuclear arms reduction negotiations.

The Armed Services Committee also responsibly decided to continue funding development of the new small ICBM, aptly called the Midgetman. This single warhead, second-strike ICBM is a critical program for the future. It is designed with strategic nuclear arms reductions—like those proposed in START—in mind. The small ICBM is designed to provide a mobile, highly survivable deterrent for the United States in an era of limited nuclear missiles. If we proceed with the deep cuts in nuclear missiles envisaged by START, we can no longer count on quantity of missiles and warheads to ensure a successful deterrent. The small ICBM would provide the quality and survivability our limited land based missile force would need. For those wanting deep reductions in nuclear missiles, the small ICBM is an important ingredient for any such agreement.

Both the rail-garrison MX and the small ICBM programs undergo intense testing and development at Vandenberg Air Force Base located in my district. In addition to providing critical security benefits to the United States and the free world, these programs are also beneficial to the local economy of northern Santa Barbara County. The Vandenberg AFB area was hard hit by the decision not to launch the space shuttle from the west coast. Other space programs, like the advanced launch system, are still off in the future. Vigorous testing of the Peacekeeper and small ICBM would help offset that loss. This added bonus further strengthens my support for these programs.

While we debate these programs, as we have over and over again for the past years—each time reconfirming our support for them—the Soviets are deploying their MX rail garrison and small ICBM. Rail-mobile SS-24, a fifth-generation missile of comparable size and warhead carrying capability to the MX, is being deployed. The smaller SS-25, which like the Midgetman is a single warhead, road mobile system, joined operational Soviet units in 1985. I urge my colleagues to remember that we cannot look at our programs as if they are in a vacuum. We must factor in our decisions what the Soviets have done and are doing.

I am very encouraged by the extremely positive democratic revolutions in Eastern Europe and the dissolution of the Warsaw Pact. I am also cautiously optimistic that real political and economic reforms can occur in the Soviet Union, though I am troubled by recent crackdowns in the Soviet Union and the recentralization of power in the military and the KGB. During his resignation speech, former Soviet Foreign Minister Eduard Sheverdnadze warned about the return of a hardline dictatorship in the U.S.S.R. It is a warning we should not ignore. While Gorbachev has been very successful in wooing the West with promises of peristroika and reform, the same Mikhail Gorbachev has continued to modernize and strengthen Soviet strategic nuclear forces. To me, actions speak louder than words. While we hope the words come true, we should not ignore the actions as these Frank amendments do. Despite all the euphoria in the West, we're not out of the woods yet. We cannot take chances with our national security.

We've had this debate many, many times before in one form or another. It's the debate over unilateral disarmament. And, let us not be fooled, these Frank amendments are unilaterally disarming our strategic modernization program.

Unilateral disarmament does not work. We proved it in the 1970's through failures like SALT and we proved it in the 1980's through the success of the Reagan-Bush program of peace through strength. Just look at the successful INF Treaty, which eliminated two entire classes of nuclear weapons, and the conventional forces in Europe agreement which will drastically cut military forces in the European theater. We reached these agreements not through unilateral disarmament, but through tough negotiations backed up by credible, effective military modernization programs. The agreements are guaranteed through tough verification regimes.

I strongly believe that the Soviets, who are developing and deploying their own MX rail garrison and small, mobile ICBM's will be more cooperative in reaching an equitable and verifiable strategic arms reduction agreement if they recognize we are working to counter their recent advances. Our experience with the INF Treaty underscores that. Enactment of the Frank amendments remove that incentive and weaken both our national defenses and our negotiating position. What do we end up with? No American modernization, hundreds of new, mobile Soviet missiles we have no way to counter especially with the majority's opposition to the SDI, no new missile reduction agreement, and no way to really verify any agreement we may reach. That's foolish and dangerous.

For both national security and future nuclear arms reduction reasons it is very important for the United States to continue with the MX rail garrison and small ICBM programs. To terminate either or both would severely undercut our negotiators in Geneva, making equal, reasonable strategic arms control agreements much more difficult to achieve. I believe the majority—from both sides of the aisle—on the Armed Services Committee recognize these facts and have wisely provided funds for continued development of both programs. The short-term political gains from terminating either of these programs do not even come close to offsetting the long-term national security losses. I urge my colleagues to join me in supporting the committee's position and opposing these amendments.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. BILBRAY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the provisions of section 4 of House Resolution 156 and the Chair's prior announcement, the vote on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] will be postponed until after the completion of consideration of all the part 2 amendments which are not to be considered en bloc.

It is now in order to consider amendment No. 12 printed in part 2 of House Report 102-68.

AMENDMENT OFFERED BY MS. LONG

Ms. LONG. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LONG: Page 86, line 18, strike out "FEMALE".

Page 87, line 1, strike out "Female members" and insert in lieu thereof "Members".

Page 87, line 3, strike out "female".

Page 87, line 5, strike out "mother of" and insert in lieu thereof "sole care provider for, or one member of a dual-military couple with,".

Page 87, line 7, strike out "her".

Page 87, line 7, insert after the period the following: "The preceding sentence does not apply at the same time to both members of a dual-military couple.".

Page 87, line 8, strike out "female".

Page 87, line 9, strike out "mother of" and insert in lieu thereof "sole care provider for, or one member of a dual-military couple with,".

Page 87, line 11, strike out "her".

Page 87, line 13, insert after the period the following: "The preceding sentence does not apply at the same time to both members of a dual-military couple.".

Page 87, in the matter after line 16, strike out "Female members" and insert in lieu thereof "Members".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentlewoman from Indiana [Ms. LONG] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

Is the gentlewoman from Maryland [Mrs. BYRON] opposed to the amendment?

Mrs. BYRON. I am, Mr. Chairman.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Indiana [Ms. LONG] for 5 minutes in support of her amendment.

Ms. LONG. Mr. Chairman, after I have briefly discussed this issue, I will enter into a colloquy with the gentlewoman from Maryland, the chair of the Armed Services Subcommittee on Military Personnel and Compensation.

I commend my colleague from Maryland for her continuing leadership in providing for the welfare of our military members and their families. Once again, the gentlewoman from Maryland has produced a personnel package that will enhance the recruiting and retention of a quality force.

Members became increasingly aware of the inconsistencies regarding military family policies among the various services during the recent military action in the gulf. As a result, a number of Members cosponsored legislation to address military family issues. Mrs. BYRON has incorporated a provision in

H.R. 2100 to limit military duty requirements resulting in the separation of female members from their infant children. My concern is that the gender is so specifically identified in its language that male service members could be prevented from fulfilling family responsibilities under certain circumstances.

Certainly the majority of persons who would choose to care for an infant would be females. However, there are situations where a male parent would be the sole provider for an infant, or where it would be more beneficial for the male in a dual military couple to care for an infant. In my opinion, military families should not be precluded from this option.

I understand that language passed by the House in the Desert Storm supplemental would have done, in part, what the language in my amendment would do. I also understand that the Department of Defense and members of the other body expressed concern about the provision, and the addition of my amendment will likely make the provision increasingly controversial. I do not wish to complicate the legislative process on this matter if the issue can be clarified at this point. Therefore, I would like to enter into a colloquy with Mrs. BYRON, and then we can move foreward on this important bill.

Mr. Chairman, I would like to ask the gentlewoman from Maryland if she concurs with me that there are unique circumstances where a male service member with a newborn infant should not be deployed, particularly in those cases where the male service member has sole custody of the child. Does she believe that the Department of Defense should adhere to a policy that would protect a male member from separation from a newborn in such unique circumstances?

Mrs. BYRON. Mr. Chairman, will the gentlewoman yield?

Ms. LONG. I yield to the gentlewoman from Maryland.

Mrs. BYRON. Mr. Chairman, I thank my colleague for her kind words, and I appreciate the fact that she has worked with the subcommittee on this matter. I can assure the gentlewoman that I am fully supportive of her view that male service members should not be separated from children under the age of 6 months when there are unique and compelling family circumstances, such as sole custody. Such a provision is not included in the bill because I am confident that the services would defer an assignment or deployment for such a member based on hardship criteria already documented in service regulations. You can be sure that I will continue to emphasize to the Department of Defense the need for the services to recognize the special needs of male service members with children under the age of 6 months.

Ms. LONG. Mr. Chairman, I appreciate the response of the gentlewoman and I ask unanimous consent to withdraw my amendment.

□ 1200

The CHAIRMAN pro tempore (Mr. COX of Illinois). Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

It is now in order to consider amendment No. 24 printed in part 2 of House Report 102-68.

AMENDMENT OFFERED BY MR. OWENS OF UTAH

Mr. OWENS of Utah. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OWENS of Utah: At the end of title X (page 180, after line 8), insert the following new section:

SEC. . SENSE OF CONGRESS CONCERNING UNDERGROUND NUCLEAR TESTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Threshold Test Ban Treaty, which entered into force in December 1990, contains a commitment in Article I that the United States and Soviet Union should ". . . continue their negotiations with a view toward achieving a solution to the problem of the cessation of all underground nuclear weapon tests;".

(2) The Fiscal Year 1991 National Defense Authorization Act expressed the sense of the Congress that ". . . the United States shares a special responsibility with the Soviet Union to continue the bilateral Nuclear Testing Talks to achieve further limitations on nuclear testing, including the achievement of a verifiable comprehensive test ban".

(3) In 1988, States parties to the Limited Test Ban Treaty formally proposed an amendment that would broaden its prohibition on testing in the atmosphere, in outer space, and under water to include underground testing.

(4) The early prohibition of underground nuclear explosions would constrain the development and deployment of new generations of nuclear arms, reduce reliance upon nuclear arsenals, reinvigorate efforts to prevent nuclear proliferation, and end further radioactive contamination of the environment.

(5) The reliability of nuclear weapons of the United States as deterrents to nuclear war can be assured by means other than nuclear explosive testing.

(6) Recent advances in verification techniques and recent agreements and understandings between the United States and the Soviet Union regarding in-country monitoring and on-site inspection have helped open the way to effective verification of a comprehensive test ban.

(7) The Soviet Union has pledged to join the United States in completely and permanently banning nuclear testing.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should fundamentally reassess the necessity of underground nuclear explosions and support a comprehensive test ban amendment to the Limited Test Ban Treaty.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. OWENS] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. KYL. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman from Arizona [Mr. KYL] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I ask unanimous consent that the pending amendment may be considered in the modified form that I have placed at the desk.

The CHAIRMAN pro tempore. Without objection, the amendment will be considered as modified.

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. OWENS of Utah, as modified: At the end of title XXXI (page 283, after line 22), insert the following new section:

SEC. . SENSE OF CONGRESS CONCERNING ACHIEVEMENT OF A COMPREHENSIVE TEST BAN.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Threshold Test Ban Treaty, which entered into force in December 1990, contains a commitment in Article I that the United States and Soviet Union should ". . . continue their negotiations with a view toward achieving a solution to the problem of the cessation of all underground nuclear weapon tests".

(2) The Congress, in section 3142 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510, 104 Stat. 1839), expressed the sense of Congress that ". . . the United States shares a special responsibility with the Soviet Union to continue the bilateral Nuclear Testing Talks to achieve further limitations on nuclear testing, including the achievement of a verifiable comprehensive test ban".

(3) In 1988, several of the nations that are parties to the Limited Test Ban Treaty of 1963 formally proposed an amendment that would broaden the prohibition in that treaty against testing in the atmosphere, in outer space, and under water to include underground testing.

(4) In a January 7, 1991, statement at the Limited Test Ban Treaty amendment conference, the Soviet Union pledged to join the United States in completely and permanently banning nuclear testing.

(5) Recent advances in verification techniques and recent agreements and understandings between the United States and the Soviet Union regarding in-country monitoring and on-site inspection have helped open the way to effective verification of a comprehensive test ban.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should fundamentally reassess the necessity of underground nuclear explosions and immediately pursue negotiations in good faith toward the early achievement of a verifiable comprehensive test ban; and

(2) during the period before a comprehensive test ban enters into force, nuclear weapons testing carried out by the Secretary of Energy should emphasize assuring that the

United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in preparation for such a ban.

Mr. OWENS of Utah. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Armed Services Committee and I have worked with the minority over the last few days to iron out a few disagreements over the language in this amendment. We have reached an agreement which adequately addresses the minority's concerns, I think, without compromising the message which this amendment is intended to convey. I ask unanimous consent that these modifications be included in the amendment under consideration.

This amendment makes two points. First, it expresses the sense of the Congress that the President should fundamentally reassess the necessity of underground nuclear explosions and immediately pursue negotiations in good faith toward the early achievement of a comprehensive test ban. It seeks a review of the administration's opposition to a comprehensive test ban, and is intended to urge the United States to vigorously pursue an end to underground nuclear explosions at the nuclear testing talks, the conference on disarmament, and the limited test ban treaty amendment conference when it reconvenes in the future.

Second, this amendment expresses the sense of the Congress that during the period before a comprehensive test ban enters into force. The United States should focus its efforts on improving the safety and reliability of our existing stockpile of nuclear weapons. We should not be developing a new generation of nuclear weapons, such as Earth penetrating warheads or nuclear directed energy weapons. We should not be testing to improve that last one one-hundredth of efficiency, instead, we should be working to improve the safety of our nuclear arsenal, with a view toward achieving a comprehensive test ban in the very near future.

The Spratt report found significant problems in the safety of the nuclear stockpile, and these are a major concern. This amendment does not mean that the United States cannot address these problems. To the contrary, it means focusing on safety and immediately discontinuing all tests which are not directly related to safety test ban readiness. It means conducting tests only when there is no other alternative.

A comprehensive nuclear test ban is an idea which has been endorsed repeatedly by this House, most recently in last year's defense authorization, which expressed the sense of the Congress that "* * * the United States shares a special responsibility with the Soviet Union to continue the bilateral nuclear testing talks to achieve further limitations on nuclear testing, including the achievement of a verifiable comprehensive test ban." The amendment I wish to offer reiterates this point again this year, at a time when the public is more aware than ever of the costs of continued testing both to the environment and to our efforts to strengthen the international nonproliferation regime.

Mr. Chairman, no single measure will be more effective in controlling the rampant spread of nuclear weapons than a comprehensive test ban [CTB], an objective acknowledged in the Limited Test Ban Treaty of 1963, the Nuclear Nonproliferation Treaty of 1968, and the Threshold Test Ban Treaty of 1974. As you may be aware, in January the parties to the Limited Test Ban Treaty convened an amendment conference in New York to consider a comprehensive test ban.

Of the three nations with veto power over the proposed CTB amendment, only the Soviet Union pledged to support a comprehensive test ban. Regrettably, Great Britain and the United States maintain that nuclear testing must continue as long as national security depends on nuclear deterrence.

This view stubbornly ignores an improved ability to simulate nuclear effects, advances in verification technology, and greatly expanded Soviet openness. Moreover, recent improvements in stockpile reliability and security warrant a new assessment of the costs and benefits of a comprehensive test ban to nuclear deterrence and national security. They also warrant the planned phaseout over this decade of many older nuclear warheads which were designed before recent advances in safety and security occurred.

Continued opposition to a CTB jeopardizes the future of the Nuclear Nonproliferation Treaty [NPT], which must be extended in 1995. As was evidenced at the NPT review conference, and more recently at the limited test ban treat amendment conference, a majority of the States parties are becoming increasingly disgruntled with the U.S. position. Without clear progress toward a CTB by 1995, the nonproliferation treaty may be extended for only a short period, and may ultimately lapse. Such an outcome would destroy the very foundation of the regime to prevent the proliferation of nuclear weapons.

A CTB amendment offers an opportunity to expand and fortify the international nonproliferation regime. Because a comprehensive test ban amendment would apply to all parties to the Limited Test Ban Treaty, passage would include threshold States not currently bound by the nonproliferation treaty in a uniform, nondiscriminatory agreement. More importantly, it offers a chance for the United States to assume a proper leadership role in efforts to contain the spread of nuclear weapons. To ignore this in favor of developing a third generation of exotic nuclear weapons is to ignore real opportunities for the national and global interest.

PARLIAMENTARY INQUIRY

Mr. KYL. Mr. Chairman, I have a parliamentary inquiry.

Might I inquire first, since this amendment is in opposition to the committee bill, whether I have the right to close?

The CHAIRMAN pro tempore. Yes, the gentleman does have the right to close.

Mr. KYL. Mr. Chairman, I yield myself 3 minutes.

First of all, why do we have nuclear testing? Reason No. 1, we do so to ensure the reliability of our nuclear deterrent, and I do not think anyone would deny that our nuclear deterrent must remain reliable.

Second, we conduct nuclear tests in order to improve the safety, the security, the survivability as well as the effectiveness of those weapons. And, as a matter of fact, testing has allowed the introduction of modern safety and security features on our weapons, features that would not have been possible without such testing. It has permitted a reduction by nearly one-third in the total numbers of weapons in the stockpile since 1960, as well as a reduction in the total megatonnage in that stockpile to approximately one-quarter of its 1960 value.

Testing has enabled us to come to many fewer weapons and much less megatonnage. Without the testing, we would still have the old, large, dirty weapons that existed in the 1960's. In that sense, testing is very valuable and must continue.

Third, we conduct tests to ensure that we understand the effects of the nuclear environment on military weapons. In other words, totally apart from nuclear weapons themselves, what happens if there is radiation exposed to our communications equipment or our sensing equipment and other things like satellites? We need to know those things.

Finally, we test because we want to advance our understanding of nuclear weapons design in order to avoid technological surprise by anyone else.

Those are four vital national security goals, and the Departments of Defense and Energy both have indicated that they cannot be met without nuclear testing. We have actually drastically reduced the number of tests, in fact, to the lowest point in the last 30 years, even to the point that there is significant concern about testing, particularly with respect to safety.

My colleague, the gentleman from Utah [Mr. OWENS] referred to the Spratt panel report, of which I am the ranking Republican and the Drell committee, which reported to us on the issue of safety.

Testimony by members of that panel specifically was to the effect that we are going to need more, not less testing, irrespective of any kind of test ban treaty, in order to ensure that our weapons are safe. We are going to need more, not less underground testing.

Finally, I would note that we should probably encourage the Soviets to test because we are not very sure about the safety or security of their weapons. And in order for them to come up to snuff with respect to safety and security, they are going to have to do some testing. I think they ought to do some underground testing.

With respect to the issue of modernization, they have just concluded all their modernization. We have not done ours yet. It is very clear that time on a test ban is important.

Finally, with respect to the second point of this amendment, we already have an existing law, adopted 3 years ago by the Congress, that requires the Defense and Energy Departments to be prepared in the event of a test ban treaty. It is unclear to me whether this language as a sense of Congress is designed to supplement that or be overriding or contradictory or to fit in with it. It is not clear to me why we need two different statements.

I would think we would either want to repeal the existing law or not have the second paragraph of this statement, which in some respects is unclear with respect to the existing law.

Mr. Chairman, with that I reserve the balance of my time.

Mr. OWENS of Utah. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentlewoman from Colorado, who has been a long time champion of a comprehensive test ban treaty.

□ 1210

Mrs. SCHROEDER. Mr. Chairman, I want to thank the gentleman from Utah [Mr. OWENS] for carrying this very important amendment. I think the gentleman, as always, is thinking in a forward manner.

Mr. Chairman, one of the most horrendous things we did in this century was introduce nuclear weapons. I think that the comprehensive test ban treaty, if there were any way we could get it before the century closed, would be a wonderful, wonderful improvement on the way things are.

Mr. Chairman, there are so many important aspects that have already been hit on in the prior debate. It is a little crazy to go over them, but let us also talk about the fact that there are so many countries thinking about becoming nuclear powers and saying they will not, if we really could get those that have nuclear weapons to agree to a comprehensive test ban. So I think this is one of the very, very important arms control issues that we really need to keep pressure on.

Mr. Chairman, the whole thing is not over yet. I think this is a very important thing to move forward on.

Mr. Chairman, I really thank the gentleman from Utah [Mr. OWENS] for adding this to the bill, to remind us of it all.

PARLIAMENTARY INQUIRY

Mr. KYL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. COX of Illinois). The gentleman will state it.

Mr. KYL. Mr. Chairman, the gentleman from Utah [Mr. OWENS] had, I believe, asked unanimous consent to substitute language. Is it my understanding that that language was substituted?

The CHAIRMAN pro tempore. The gentleman is correct. The amendment has been so modified.

Mr. KYL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on that point, while the language is certainly better, in my view, from that originally proposed, of course, I still object to it on the grounds that I discussed earlier. Let me reiterate them, as they have not been responded to here.

Mr. Chairman, we need weapons testing for a variety of reasons. Some of those reasons pertain whether or not we have a comprehensive test ban treaty. We specifically discussed the issue of safety, for example. The Drell panel which studied this issue of safety extensively, recommended that the United States may have to have some additional testing in order to have better security and better safety of our own weapons.

We also have extensive concern about the safety and security of Soviet weapons.

Mr. Chairman, you cannot revise these complicated devices without testing. Therefore, it would be folly for us to actually preclude undergound nuclear testing. We already have a regime under which it is limited. We are clearly cutting the number of tests that we have. But we certainly should not preclude nuclear testing, either for safety or for security's sake.

Mr. Chairman, going to the second point of the amendment, that we should be prepared for an eventual comprehensive test ban treaty, 3 years ago we passed a law that already provides for that, so there is no reason to have the sense of Congress that goes into this to any greater extent.

Moreover, the language that has been accepted here is confusing, because it says we should emphasize assuring that the United States is in a position to retain the reliability, safety, and continued deterrent effect of its stockpile and existing nuclear weapons designs. Then it adds the curious phrase, "in preparation for such a ban."

Mr. Chairman, it is unclear whether we do those things apart from a ban or not. I would suggest that even the gentleman from Utah [Mr. OWENS] would agree that it is important that we be able to continue to assure the reliability, and the security, and safety of our weapons, whether or not we have a comprehensive test ban.

Mr. Chairman, because of the lack of clarity of the amendment, the preexisting law, which could be deemed to be in conflict with this, and the fact that even the Drell Commission has indicated the desirability of continued testing, it is very clear we should defeat the amendment of the gentleman from Utah [Mr. OWENS].

Mr. GREEN of New York. Mr. Chairman, the experience in Iraq has highlighted the need to strengthen further the nuclear nonproliferation regime. One clear step we can take is to enact further restrictions on underground nuclear explosions so as to constrain the development and deployment of a new generation of nuclear arms. Today Congress must send a strong signal to President Bush that the United States must reverse its adamant opposition to a comprehensive test ban [CTB].

It has been 32 years since President Dwight Eisenhower initiated negotiations for a CTB. Yet today, the administration is unwilling even to negotiate on a CTB. This position weakens global nonproliferation efforts in several important ways.

Politically, nuclear testing undermines the Nuclear Non-Proliferation Treaty [NPT], which remains the central element of international efforts to prevent the spread of nuclear weapons. Because a substantial number of nonnuclear weapons states have linked their support for nonproliferation to a complete test ban, continued testing encourages the nuclear efforts of nonnuclear weapons states.

The global community is approaching a milestone in nonproliferation efforts. While the NPT comes up for review every 5 years, article X of the treaty states that in 1995, 25 years after the entry into force of the treaty, "a conference shall be convened to decide whether the treaty shall continue in force indefinitely," as determined by a majority of the parties to the treaty. At the 1990 NPT review conference, which I attended, the unwillingness of the United States to tie progress toward a CTB with extension of the NPT in 1995 prevented the review conference from reaching consensus on a final document reaffirming the NPT.

This situation puts the NPT in some jeopardy. Progress toward a CTB has long been regarded by the nonnuclear weapons states to be an absolute minimum condition for superpower compliance with article VI of the NPT, which encourages weapons states to agree to negotiate good faith reductions of nuclear arsenals. If the Soviets and we will not comply with article VI, we cannot expect the nonnuclear powers to comply with the other parts of the NPT which require those nonnuclear states not to become nuclear states. The longer the superpowers stall on a CTB, the greater the prospects are that some nonnuclear weapons states will resist efforts to extend the NPT in 1995.

In addition, the willingness of the nonsuperpower nuclear weapons nations such

as France, the United Kingdom, and the People's Republic of China to cooperate with the United States and the Soviet Union in a more restrictive nuclear test ban is essential to the long-term success of global efforts to limit nuclear warhead development. Those three nations, however, have resisted further restrictions on nuclear testing, believing that the two superpowers must lead the way by first achieving significant cuts in their nuclear and conventional forces before expecting other nuclear weapons states to accept further testing restrictions.

Technically, a CTB encourages nonproliferation because while a technically advanced nation with access to fissionable material can manufacture simple bombs without testing, more advanced fission and thermonuclear weapons require testing.

In short, I believe that the benefits of a CTB, which include restricting other nations' testing programs, strengthening the global nonproliferation regime, and ceasing radioactive underground contamination, greatly outweigh the concern that clandestine testing may occur below the monitoring threshold.

So today I ask my colleagues, is there any greater security challenge facing the 1990's than nuclear nonproliferation? Congress has long pushed the administration on the urgent issue of a CTB, and we must continue that course. I strongly urge my colleagues to support the Owens amendment, so that the Soviets and we can resume talks to achieve a verifiable CTB.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Utah [Mr. OWENS].

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 25 printed in part 2 of House Report 106-68.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: At the end of title X (page 180, after line 8), insert the following new section:

SEC. 1033. CONTROLLED SUBSTANCES TESTING PROGRAM FOR EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish and implement a random controlled substances testing program for employees of the Department of Defense.

(b) DEFINITIONS.—For the purposes of this section—

(1) the term "controlled substance" has the meaning given such term by section 102 of the Controlled Substances Act; and

(2) the term "employee of the Department of Defense" includes any member of the Department of Defense.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SOLOMON] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. MAVROULES. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. MAVROULES] will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last week, for the first time we got to hear the reasons why some of our colleagues are opposed to the random drug testing of Federal employees. Never mind that I have been offering this amendment for the past 2 years and they are just now speaking up. But I would like to take a moment to address their concerns.

To begin with, they claim that random drug testing is enormously expensive, something like $77,000 for each positive test result.

This exaggerated number reflects the fact that most individuals in security or safety sensitive positions have the sense to stay off illegal drugs because they know they are likely to be tested. The truth of the matter is it only costs $10 to conduct a drug test. This means that if only 1 in 5—or 200,000—civilian DOD employees were randomly tested, it would cost $2 million but probably not even that. In contrast, the budget for the U.S. Drug Interdiction Program for fiscal year 1991 is over $998 million.

Another claim is that this legislation is unconstitutional. Mr. Chairman, I have studied this from day one.

The truth here is that the Supreme Court has not ruled on the constitutionality of random drug testing of government employees and that is why I am offering the amendment. I want them to do so. And where the courts have upheld testing safety sensitive and security positions, the Supreme Court has supported the decision.

Another outrageous claim is that my random drug testing amendment has circumvented the normal committee process.

That is not so. My bill has been pending before the Committee on Post Office and Civil Service and the Committee on Armed Services for 2 years.

Mr. Chairman, their claims are misleading and inaccurate—and before Members go establishing themselves as being against drug testing as a means to reduce illegal drug use in the United States, they should be aware of all the facts.

My amendment today, requires random drug testing for all the civilian employees of the DOD.

We have to eliminate the market for illegal drugs by eliminating the demand. And this can be done through casual drug user accountability.

Mr. Speaker, the days of regarding casual drug users as victims are over.

If we condition Federal privileges to remaining drug free, we can begin to send the message to illegal drug users that they are a major part of the terrible drug problem facing our Nation and will be held accountable for their actions.

In the last Congress, I introduced legislation to condition the privilege of driving with the responsibility of remaining drug free. This measure was passed by this House and became law. My amendment today continues to condition Federal benefits to the responsibility of remaining drug free by requiring the random drug testing of all civilian employees of the Department of Defense.

This amendment has already been attached to the CIA and NASA authorization bills and I will continue to offer it to every authorization bill in the 102d Congress.

If we are going to get serious about user accountability, what better place to start than right here? As the Nation's largest employer, the Federal Government has a compelling interest in establishing reasonable conditions of employment. Remaining drug free is completely reasonable for all Federal agencies and particularly for the DOD due to the nature of their business. We can't afford to have the personnel of this or any agency using drugs. There is far too much at stake.

Mr. Chairman, our Armed Forces have used this idea with remarkable results ever since Ronald Reagan established it in 1984. As you know, back in 1982, 27 percent of our military personnel were using drugs by their own admission. Then the military instituted a policy of random drug testing and, by 1988, drug use had dropped to 4.5 percent. That's an 82 percent reduction.

If the military could reduce illegal drug use by 82 percent, and if the State and local governments could reduce illegal drug use by 82 percent, then why can't the Federal civilian work force reduce illegal drug use by 82 percent?

And the private sector could reduce illegal drug use by 82 percent, the next thing we would see is no more market for illegal drugs.

GAO has stated that testing some and not all Federal employees has led to discrepancies in the drug testing program. For us to test the military, and, think of this, not to test the civilian employees of DOD, is grossly unfair.

□ 1220

Are we going to discriminate against our own forces, especially knowing how well this program has worked for them and after all we have done in the Persian Gulf? I think not.

I want Members to support this amendment on behalf of our Armed Forces.

Mr. MAVROULES. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri [Mr. CLAY], chairman of the Committee on Post Office and Civil Service.

Mr. CLAY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. SOLOMON]. Last week, by a vote of 145 to 265, the House defeated a similar amendment. The arguments against this amendment are the same ones that this body heard last week. To save time, let me offer five reasons, any one of which is sufficient, why this amendment deserves to be defeated.

First, it is now well established by the courts that the Government may test any employees in sensitive positions and any employee whose job performance may affect safety or health. The Department of Defense, as with all other agencies, has sufficient authority to implement appropriate drug testing programs as needed. This amendment is unnecessary.

Second, adoption of this amendment will require the Department of Defense to revise its drug testing program in a manner the courts have previously held to be unconstitutional. This amendment is not only unnecessary, it jeopardizes the existing Federal drug testing program. The Department of Defense opposes the amendment for this reason.

Third, this amendment would result in an enormous waste of tax dollars. It presently costs the Federal Government $77,000 for each positive drug test it conducts. If the Congress adopts these amendments, it will add half a billion dollars to the budget. All of this to conduct an unjustifiable testing program in which 99.5 percent of those tested will pass. Though I believe they have substantially underestimated, the Department of Defense estimates that drug testing admendments being proposed by the gentleman from New York will add $10 million to its drug program costs. The Defense Department opposes the amendment being offered by the gentleman from New York on this ground as well.

Fourth, the amendment has not been subjected to the committee process, a process from which this amendment would have benefited tremendously. The gentleman from New York would impose testing on all Federal employees but has neglected to provide any language to safeguard the validity of those tests. He would, without benefit of consideration by the committee of jurisdiction, impose an enormously costly, inefficient program on every agency of the Federal Government. He would impose this program despite the fact that it will jeopardize all existing Federal drug testing programs. And he would force this body to consider his amendment again and again, without benefit of committee consideration, despite the fact that this amendment has already been soundly rejected by this body. Members should not be required to repeatedly vote on this amendment on every authorization bill when the author of the amendment has deliberately sought to circumvent committee procedures.

Fifth, the gentleman from New York believes that all current and prospective Federal employees should be subject to drug tests. He stated last week that he felt all employees, whether public or private, should be subjected to random drug tests. Presumably, in his ideal world, every man and woman in the country and most children beyond the age of infancy should be subjected to random drug testing. Certainly this would discourage drug abuse, but at what cost? I believe that our constituents will support all reasonable, necessary steps to win the war on drugs. They will not, however, willingly surrender privacy rights where there is no reasonable basis for believing the individual ever used drugs and where there is no basis with regard to sensitivity of position, public health or safety for the test. In the name of fighting drugs, the gentleman from New York would administer a lethal overdose to the Constitution of the United States. Beyond being unnecessary, counterproductive, and inordinately wasteful, I believe that the program the gentleman is espousing is also dangerous and insulting. I urge that the amendment be defeated.

Mr. MAVROULES. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, although I have great respect for the gentleman from New York, I must rise in opposition to his amendment. His amendment today is the same as was offered on the State Department authorization last week—except that this one applies to the Department of Defense. The House resoundingly defeated the amendment on the State Department bill 265 to 145. All of the arguments made then against the substance of Mr. SOLOMON'S amendment are still relevant today.

Mr. SOLOMON'S amendment, as offered, does not differentiate between civilian and military employees of the Department of Defense.

All military employees have been subject to random testing since the 1970's. As regards civilians, the Department of Defense has a robust random drug testing program already in place. The Secretary of Defense has established specific testing designated positions for civilians within the Department.

These are positions that have been determined to deal with public health and safety, protection of life and property, law enforcement, and national security issues, and were established with congressional interest in mind. Such positions would include nuclear weapons handlers, police and personnel who handle firearms, and people who handle highly classified material among others.

There are currently 150,000 civilian positions subject to random testing now. In other words, more than 10 percent of the civilian work force, the 10 percent that matters, is already subject to drug testing.

I remind the gentleman from New York that the Supreme Court has said, the Government must demonstrate a compelling Government interest that sufficiently outweighs the individuals' privacy rights under the fourth amendment, before urinalysis tests can be conducted and upheld by the courts. Thus far, the courts have only recognized certain numbers of categories of duties, that justify such warrantless drug testing. The Department testing program conforms to these judicial decisions.

Adoption of this amendment would be costly. It would place a great strain on current facilities that process drug tests. It could divert resources from testing critical personnel to testing noncritical employees. Cost is not my greatest concern, but we must weigh that against doubtful benefits from expanding this program.

And, finally, before I yield, this matter falls clearly within the jurisdiction of the Post Office and Civil Service Committee. They have done a lot of work in this area; and based on my discussions with the chairman of that committee, I believe this amendment should be defeated.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. SIKORSKI].

Mr. SIKORSKI. Mr. Chairman, I rise in opposition to the Solomon amendments.

Mr. Chairman, I oppose the amendments of my good friend, the distinguished gentleman from New York, for six reasons.

First, this is not a drug test; it is an intelligence test. It is all about testing. The test, however, is not related to any war on drugs, but the intelligence and common sense of this body and this Congress.

We should not vote for any foolish and expensive proposal requiring Federal employees to urinate in a plastic cup any time, anywhere, and at any cost, just because someone waves the war on drugs slogan.

Second, the Department of Defense opposes the Solomon amendments. It is a slap at good people—including the hundreds of thousands of civilian personnel who supported Operations Desert Shield and Desert Storm—they froze Iraqi assets, set up the logistics, operated the Patriot missiles, and helped with every fancy weapons system. It will cost DOD an additional $10 million per year to randomly drug test all civilian employees and an additional $1 million to test all DOD applicants.

Third, all military personnel have been under random drug testing since the 1970's. DOD currently tests civilian employees and applicants whose jobs affect America's national security, health, and safety.

Fourth, the Committee on Post Office and Civil Service clearly holds jurisdiction under the rules of the House, and they have not sup-

ported this proposal for good reason. Moreover, this body just last week overwhelmingly rejected a similar amendment to the State Department authorization bill by a vote of 265 to 145.

Fifth, as drug czar William Bennett said: Random drug testing is a distraction. It is also very expensive. The Subcommittee on Civil Service, which I chair, recently finished a survey of 38 Federal agencies that test for drugs. We discovered that for every Federal employee who tests positive for drugs, American taxpayers pay almost $77,000 for each positive test.

Sixth, it will cost the Federal Government more than $139 million to randomly test only 15 percent of the Federal employee population, resulting in a cost to American taxpayers of $100,000 to identify one employee testing postive for illegal drugs. Just imagine, Mr. Chairman, the cost if 100 percent of Federal employees were tested.

Mr. Chairman, my final point is that our Federal civil servants are some of the most hard-working, dependable, family oriented and drug-free employees in America. Surveys show that they are older and more conservative than any other work force, private or public, in America. They stood by our troops in the desert, they stand by us at home, and passage of this amendment is an expensive slap in the face of every one of those dedicated civil servants.

Mr. Chairman, the Federal deficit has never been higher, Federal dollars have never been scarcer, and the scourge of drugs has never been more dangerous. To win the battle against drugs, we must target every dollar for maximum impact and efficiency. Obviously a massive, expensive drug-testing program—requiring the oldest and most conservative work force in America to randomly urinate in a bunch of plastic cups—is not the answer.

For all of these reasons, I strongly oppose the amendment, and ask Members to vote no on Solomon. And no again.

Mr. MAVROULES. Mr. Chairman, I yield my last 1½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I rise in opposition to one of the two amendments. Let me say with respect to the second amendment as it relates to applicants, I believe that is current law under the executive order. It is not law but the executive order currently requires applicants to be tested, and I agree with that. I will not oppose it and do not have a problem with it.

I would say, as the gentleman probably knows, 1.3 percent of applicants have tested positive of those tested.

However, with respect to existing employees, first, the proposal I believe is unconstitutional and second, it is more costly I think in terms of dollars than the gentleman suggests. But as I indicated in the last debate, cost is not the issue here. The cost of undermining the Constitution is very great indeed.

Do we have a problem with the existing executive order? We do not. We do not.

The gentleman is properly proud of what we have done in the Armed Forces. From 27 percent down to 4.5 percent is very positive progress indeed. I would suggest that Armed Forces personnel fall into the category of the currently identified DOD employees that are in security positions or sensitive positions. The executive order covers this.

I will tell the gentleman, notwithstanding OMB's failure to authorize them to say so, the Department of Defense does not believe, does not believe this is necessary.

Why not? Because, I would tell the gentleman, if he will not object, that 89,300 have been tested in the existing random testing process, and less than a third of a percent, .33 percent have been tested positive.

There is no problem which we are addressing. I would urge Members, as we did last time, to overwhelmingly reject this amendment.

The CHAIRMAN pro tempore (Mr. COX of Illinois). All time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of section 4 of House Resolution 156 and the Chair's prior announcement, the vote on the amendment offered by the gentleman from New York [Mr. SOLOMON] will be postponed until after completion of consideration of all part 2 amendments which are not to be considered en bloc.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer amendment No. 26.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: At the end of title X (page 180, after line 8), insert the following new section:

SEC. 1033. DRUG TESTING REQUIRED AS A CONDITION OF NEW EMPLOYMENT WITH THE DEPARTMENT OF DEFENSE.

(a) PREEMPLOYMENT TESTING.—No person may be hired by the Department of Defense unless that person undergoes preemployment drug testing in accordance with this section.

(b) REGULATIONS.—The Secretary of Defense shall issue regulations to carry out subsection (a). Such regulations shall be issued no later than 90 days after the enactment of this Act.

(c) DEFINITIONS.—As used in this section, the term "pre-employment drug testing" means testing before employment for the illegal use of controlled substance (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(d) EFFECTIVE DATE.—This section applies with respect to the hiring of employees by the Department of Defense after the date on which regulations are first issued under subsection (b).

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SOLOMON] will be recognized for 5 minutes, and the gentleman from Massachusetts [Mr. MAVROULES] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say that the difference between this amendment and the other is that this only applies to applications, people who are seeking employment in the civilian sector of the Department of Defense. It is a part of the executive order today. We offered the amendment because we want to be consistent.

I have in the past offered these same amendments to all branches of government. We are trying to do that, No. 1, to be fair to all Federal employees. There is very little drug use among Federal employees, and I will be the first to stand up and fight for them in that respect. Certainly I do not expect to try to prejudice Federal employees. As a matter of fact, on this side of the aisle I happen to be one of the major sponsors to repeal the Hatch Act because I think that is grossly unfair to Federal employees. And in spite of the public unions coming out very strongly against my amendment, which I sort of resent a little bit the way they are going about it, I will not withdraw my support for the repeal of the Hatch Act. I am going to stick with my beliefs.

But I would just say this to Members on both sides of the aisle who have come under pressure from the public employees' unions, that 10 percent, perhaps, of the members of the Federal employees' unions oppose random drug testing. At least in my district, by my own personal poll, 10 percent of them oppose random drug testing.

□ 1230

The other 90 percent favor it. They do not want their fellow workers using drugs on the job or anyplace else.

So I would just say to the public employee union hierarchy, maybe you had better start listening to your membership, your rank and file back home as I am doing, because in a New York poll, 80 percent of your people are in favor of random drug testing for all employees, Government employees, in all sectors. According to a Gallup Poll taken just recently, 65 percent of the American people are in favor of not just random drug testing of Federal employees but testing every single one of them.

I do not want to go that far. That is fiscally impossible. It would not be fiscally responsible.

Mr. Chairman, I hope the committee is going to accept my amendment. They really should if we want to get rid of drugs.

Mr. Chairman, when the House accepted my amendment the other week requiring applicant drug testing for NASA employees, I called attention to the fact that the courts have already upheld drug testing applicants for employment with Federal agencies. While applicant testing is constitutional, many agencies have partial or no applicant testing programs. There is no reason why we shouldn't be drug testing all applicants to the Federal Government, as it is a reasonable condition of employment and has been upheld by the courts.

Much of the legislation that I have introduced has taken the approach that we can no longer view casual drug users as innocent victims of the drug crisis facing our Nation. They play a very large role in the illegal drug trade and must be held accountable for their actions. If we condition Federal privileges to remaining drug free we can begin to send the message to illegal drug users that they are responsible for their actions and that we are going to hold them accountable.

Last Congress, I introduced legislation to condition the privilege of driving with the responsibility of remaining drug free.

This measure was included in the fiscal year 1991 DOT appropriations bill which became Public Law 101–516. My amendment today continues to condition Federal benefits to the responsibility of remaining drug free by requiring that all applicants to the DOD must be drug tested as a condition of being hired for their position.

Some Members may question the cost of such a program, but when we look at the overall picture, how can you say that a million dollars is too much to spend to help stop the loss of lives we are seeing every day? Casual drug users are the reason why drug dealers continue to deal illegal drugs and face the possibility of death.

If even one person says I will not get started using drugs because I want to be able to work for the Federal Government, the Nation's largest employer, then we are making a difference. If we can save even one life, then we are making a difference.

We must continue to show that we are serious about dealing with the illegal drug problem in the United States. The courts have upheld this proposal and I would like to urge your support so that we can begin a campaign of user accountability. Then we can prove we are committed to ending this violent and tragic plague.

Mr. Chairman, I reserve the balance of my time.

Mr. MAVROULES. Mr. Chairman, reluctantly I must rise in opposition to Mr. SOLOMON's amendment that would require preemployment drug testing before any individual could work in the Department of Defense.

All of the arguments just made in opposition to Department-wide random drug testing apply to this amendment also. The Department already has preemployment drug testing for persons being hired for "testing designated positions" in the Department. As you heard previously, these are the positions designated by the Secretary of Defense as related to public health and safety, law enforcement issues, or relating to U.S. national security.

I believe this amendment to be unnecessary for all the reasons I have previously enumerated and encourage my colleagues to vote "no" on this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. SIKORSKI].

Mr. SIKORSKI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I, too, rise in opposition to the amendment proposed by our good friend and distinguished colleague, the gentleman from New York, and let me just point out three things.

The Department of Defense opposes this amendment and the other amendment. It is too costly.

Second, all military personnel have been under random drug testing since the 1970's—both civilian employees and applicants whose jobs affect America's national security, health, and safety.

The DOD has authority to do this under the Executive order. They do not use it because random drug tests are, as William Bennett said, a distraction, and it is very expensive.

Let me just conclude by commenting that my friend from New York says the GAO concluded that agency drug testing plans were unfair because all employees and all applicants were not included. The GAO concluded no such thing. The GAO concluded that the administration of the current testing plans was unfair because they were inconsistent and some were paying a little, some were paying a lot. To then pile onto this crazyquilt of poor administration of drug testing a further obligation flies in the face of the GAO report, and is not consistent with it.

Mr. SOLOMON. Mr. Chairman, before yielding to the gentleman from California, I would just say that the White House, in conversation with me this morning, has put out no opinion on this bill at all.

In speaking with the congressional liaison of the Pentagon, they have not either. I know there is a memorandum from the bowels of the Pentagon over there from somebody whom nobody ever heard of, so, so much for the memorandum.

Mr. Chairman, I yield the balance of my time to my good friend, the gentleman from California [Mr. CUNNINGHAM], who might have some expertise in this matter to share with us.

Mr. MAVROULES. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would just like to go through and give some of my background in the experience we have had with drug testing.

I was commanding officer of a squadron, and the Navy that I joined some 25 years ago was different in the fact that we had drug usage. It was rampant. In the services the morale was pretty low.

We decided to have random drug testing in the U.S. services, and the quality, I think, of Desert Storm and the quality of the troopers that you have in there today are far superior.

If one would go into a squadron today, I am sure they would tell you that, "No, we do not want drug testing." But what is done, every time we had a random drug test, as the commanding officer, I took the same test with them. I always told them, "I would not do anything that I would not ask of you either."

In the end result, people work in the workplace knowing that they are working with drug-free participants, and the morale, the quality of people that you have is better. And, I understand, we had them try and urinate in other people's bottles. We had them go on deployment and try and do those things. But there are ways that they try and beat it, but we can counter all of those things.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I appreciate the gentleman's comments.

First of all, the gentleman maintains, of course, that some years ago, using his term, drug usage was rampant. It was, in fact, somewhere in the neighborhood of about 27 percent or more perhaps at the time as you expressed it.

Mr. CUNNINGHAM. Yes.

Mr. HOYER. This is when they first started testing. Before that it may have been higher, as the gentlemen suggests. It is now down, and the gentleman says essentially drug free. Am I correct?

Mr. CUNNINGHAM. No; no. Last year, I threw out about seven people in a year out of the squadron that tried to beat the system.

Mr. HOYER. It is currently about 4.5 percent, which is that environment of which the gentleman spoke relatively drug free. My problem with this proposal is that currently by testing, DOD has found an incidence rate of the 90,000 people they have tested, not an inconsequential number, one-third of 1 percent, which is I suppose, one-thirtieth of what currently exists in the informed personnel.

My suggestion, therefore, is it is hardly evident. We do not need to extend beyond that which we are already doing pursuant to the President's Executive order.

Mr. CUNNINGHAM. Mr. Chairman, I agree with the gentleman, but on the one hand, there is a lower incidence rate, but if you do not continue the testing, if you start relaxing those re-

quirements, then you are going to go back to the status quo.

In the service, in this squadron when I left it, we had members established that set forth their own drug programs within the squadron. They took such pride in it, and I think the Federal employees can do the same thing across the board. When you have pride in the workplace, because you are in a drug-free environment, that is even more, and that came out of the drug testing that we had to start with.

Mr. MAVROULES. Mr. Chairman, I yield the remainder of my time to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, first of all, I misspoke, and I want to clarify that. I indicated under the Executive order that the gentleman's proposal was what the Executive order was in this case in terms of applicants. I am informed that that is not correct, because this is mandatory and, of course, the Executive order is a "may." That is a very significant difference, and apparently is the basis for the Defense Department's, not OMB's, and not the administration's position. The Defense Department's position, which I understand has not been in any way recently by Secretary Cheney saying, "No, this guy, this unknown person in the bowels of the Pentagon, does not speak for us," notwithstanding the representation of the gentleman from New York.

In any event, the DOD is, in effect, saying, "Yes, we can do this, and we want to have, continue to have, the authority to do it. We do not want to be mandated to do it."

Why? Because contrary to the belief of the gentleman from New York, they believe it will cost very substantial sums and not be justified by the return. The figure that we use in our Dear Colleague to test all Federal employees was $239 million. I do not have off the top of my head what the Department of Defense would be.

□ 1240

I frankly disagree very substantially with the gentleman's proposition.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from New York.

Mr. SOLOMON. The Department of Defense told me it would cost less than $1 million. They verified it cost $10 per test.

Mr. HOYER. In any event, DOD opposes this, notwithstanding that being mandatory, not having the "may" in the Executive order. If the President wants to change his Executive order, he can do that.

Whatever the position of the White House is, they have not done this. I presume they are still in charge. I presume the Commander in Chief is concerned about his Department of Defense. I presume that if the Commander in Chief believed this ought to be done, he would do it. Nothing constrains him from doing it, as my good friend from New York knows.

I suggest we reject this amendment and leave the Commander in Chief in charge.

Mr. SOLOMON. If the gentleman will continue to yield, the gentleman presumes that Mr. Cheney is in charge. How did the gentleman vote on the Cheney-Schwarzkopf-Powell budget yesterday? We took it away from them.

Mr. HOYER. I voted against it, and I am sure if Mr. Cheney, Mr. Schwarzkopf, and Mr. Powell had the opportunity to put a budget together after the war, it would be different than before the war, because like all Members, they learned something.

I would hope that is the case. I would hope that this amendment would be defeated.

Mr. KANJORSKI. Mr. Chairman, I rise in opposition to the Solomon amendment. The Solomon amendment is redundant, costly, and unnecessary.

The Federal Government already drug tests its employees. In 1986, the President issued an Executive order calling for each executive branch agency to establish random drug testing for its employees in sensitive positions. According to the Office of National Drug Control Policy, 122 of the 135 Federal agencies subject to drug testing already have fully approved drug-free workplace plans. Of the agencies with plans in place, 43 are conducting drug testing and represent 70 percent of the Federal work force. Only 13 agencies, mostly very small boards and commissions, do not yet have certified plans.

Guidelines for the President's drug testing program include six different types of drug testing programs: First, random and comprehensive testing of employees in sensitive positions; second, applicant testing; third, reasonable suspicion testing; fourth, voluntary testing; fifth, special condition testing; sixth, followup testing; and seventh, hardship exemptions.

In fact, the Department of Defense currently has a drug testing program for new employees as a condition of employment and it drug tests its current employees. The Department initially authorized random drug testing of civilian employees in 1985. The Department has budgeted $101 million for counterdrug reduction efforts in fiscal year 1992. Of this amount, approximately $80 million is for drug testing of military and civilian personnel. This amount would need to be increased by approximately $10 million if all civilians were subject to the Solomon amendment.

If the Solomon amendment is agreed to, the Department of Defense will have to absorb additional costs for drug testing under conditions when funds are scarce. This could cause the agency to eliminate other valuable programs in order to provide additional testing.

The Government has spent $11.7 million testing 29,000 employees with less than 1 percent of the employees testing positive. Under the Solomon amendment, it will cost the Government $186 million a year to randomly test all employees. It will cost an additional $338 million per year to test all applicants for Federal jobs. There comes a time when we must ask ourselves if this money could be used for better purposes against the war on drugs.

Last, the issue of random drug testing should be addressed by the Post Office and Civil Service Committee, who has jurisdiction over Federal employees, and not on the floor of the House. This committee has studied this issue for years and is performing continuing oversight on agency drug testing programs. Last week, the House extensively debated this amendment and rejected it by a vote of 265 to 145.

The Supreme Court has identified circumstances which drug testing should exist and is justifiable. This amendment would reignite litigation that has already been decided.

The Solomon amendment ignores the current drug testing programs and will cost the American taxpayers millions of dollars in testing alone, not to say how much it will cost to address the various court cases that will most certainly take place if this amendment is passed. The Solomon amendment instead diverts significant resources from important law-enforcement tasks that promise real progress in the war on drugs.

I urge my colleagues to vote against the Solomon amendment.

Mr. HAYES of Illinois. Mr. Chairman, I wish to reiterate my opposition to the Solomon amendments, which would impose on the Department of Defense another random drug testing system. I use the word "another" because Government agencies already have the authority and are implementing drug testing programs in accordance with Executive Order 12564, in a constitutional manner. The Department of Defense has a very successful and cost-effective program tailored to meet that agency's needs.

The Solomon amendments are unconstitutional because they require all employees to be subject to random drug testing and require applicants, without regard to positions or duties at stake, to submit to urine testing as a condition of employment. Enactment of this legislation would result in costly and repetitive relitigation of issues which have been resolved by the courts in the past 5 years.

Last week, when I discussed a similar amendment, I suggested that the millions of dollars which would be wasted by the Solomon proposal could be better spent on interdiction, enforcement, and education. I repeat that objection today. I wonder why so many of my colleagues are quick to throw exorbitant amounts of money at this legislation, but become pennypinchers when asked to support reasonable funding for education and jobs.

Don't vote for these amendments. Don't waste taxpayers money. Save your "aye" vote for programs which will get to the root cause of the problem.

The CHAIRMAN pro tempore (Mr. COX of Illinois). The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of section 4 of House Resolution 156 and the Chair's prior announcement, the vote on the amendment offered by the gentleman from New York [Mr. SOLOMON] will be postponed until after completion of consideration of all part 2 amendments which are not to be considered en bloc.

It is now in order to consider amendment No. 27 printed in part 2 of House Report 102-68.

AMENDMENT OFFERED BY MR. AU COIN

Mr. AUCOIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. AUCOIN: At the end of title X (page 180, after line 8), insert the following new section:

SEC. . REPRODUCTIVE HEALTH SERVICES IN MEDICAL FACILITIES OF THE UNIFORMED SERVICES OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074b the following new section:

"§ 1074c. Reproductive health services in medical facilities of the uniformed services outside the United States

"(a) PROVISION OF SERVICES.—A member of the uniformed services who is on duty at a station outside the United States (and any dependent of the member who is accompanying the member) is entitled to the provision of any reproductive health service in a medical facility of the uniformed services outside the United States serving that duty station in the same manner as any other type of medical care.

"(b) PAYMENT FOR SERVICES.—(1) In the case of any reproductive health service for which appropriated funds may not be used, the administering Secretary shall require the member of the uniformed service (or dependent of the member) receiving the service to pay the full cost (including indirect costs) of providing the service.

"(2) If payment is made under paragraph (1), appropriated funds shall not be considered to have been used to provide a reproductive health service under subsection (a). The amount of such payment shall be credited to the accounts of the facility at which the service was provided.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074b the following new item:

"1074c. Reproductive health services in medical facilities of the uniformed services outside the United States.".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. AUCOIN] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

Mr. DORNAN of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DORNAN] will be recognized for 5 minutes in opposition to the amendment.

Mr. AUCOIN. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. BOXER], a leader on this issue.

Mrs. BOXER. Mr. Chairman, there is broad agreement that women performed magnificently in the military. So magnificently, that the Commitee on Armed Services followed the gentlewoman from Colorado, Mrs. SCHROEDER's lead and voted to remove the restrictions from women in combat.

We trust military women to defend our country. We trust them to be officers in the military. The committee voted to lift restrictions on their assignments.

Surely, surely we should trust them to make a private personal decision of choice. If they are in a country that has outlawed abortion, they were sent there to serve America. They were not sent there to be on vacation. If they find themselves in a horrible situation, they make a difficult and legal choice, their country should be there for them when they have made that tough decision.

Do not forget, Mr. Chairman, they will be using their own resources to exercise their legal right to choose. Let Members treat the women in the military with dignity and fairness. Let Members support the gentleman from Oregon, Mr. AUCOIN's amendment. Vote aye for women in the military.

Mr. DORNAN of California. Mr. Chairman, I yield myself 1 minute to respond quickly to the gentlewoman. I am also a member of the Committee on Armed Services, and I was there for that vote, and voted in the affirmative. It was a highly structured qualified vote not to open up all combat to women, but to open flying slots to college graduate officer women, and at the discretion of the military to decide when they would fly, where, and against what country.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, the amendment offered by the gentleman from Oregon [Mr. AUCOIN] is, in a word, antichild. It forces our defense health facilities to provide abortion on demand.

If enacted into law, this amendment will facilitate the death of children, because every abortion stops a beating heart. The key issue is whether or not Congress wants to turn our U.S. military hospitals into abortion mills.

I know that the President strongly opposes this amendment and will veto the entire bill if it is attached. If the AuCoin amendent prevails, I say to my friends, the Members of Congress who are voting for it will be directly responsible for providing the suction machines, the chemical poisons, the surgical instruments, the ways and means designed to dismember, poison, and kill unborn children for any reason whatsoever.

It will be Members, voting in favor of AuCoin, who provide the mandate for the abortionists to do their killing in military hospitals.

Let there be no mistake about it, the AuCoin language forces DOD hospitals and hospital care facilities to provide abortion for any reason, and that includes abortion as a means of family planning. This is a circumstance or reason for abortion that Americans overwhelmingly reject.

A recent Gallop Poll, for example, found that 88 percent of Americans were against family planning abortions. This poll result—which may be news to some Members—tracks with a Boston Globe poll released on March 31, 1989, which found that 89 percent of Americans want to outlaw abortion as a means of birth control.

I urge Members to vote "no" on the AuCoin amendment.

Mr. AUCOIN. Mr. Chairman, I yield 1¼ minute to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, some of my colleagues, as had just been heard, will try and frame this as an argument between pro-life and pro-choice. It is not that argument.

This amendment is not about abortion on demand. This amendment is not about creating DOD abortion clinics. This amendment is about providing quality, reasonable, equal access to health care for the military women.

In the matter of protecting the health and well-being of our active duty women and dependents, this Congress has a fundamental obligation to ensure that we provide equal access.

We have just congratulated our senior members of the military in Operation Desert Storm. Are we going to treat them differently? Are we going to take away from them constitutional rights which their Stateside contemporaries now enjoy?

When a woman raises her hand to be part of our armed services, she does not, I will submit, give up constitutional rights. Because most of the Members of this Chamber are males, let me leave this one hypothetical: When your daughter calls from Turkey and is in the military and says that she

has an overactive thyroid, and her physician has advised her to terminate her pregnancy or face serious health consequences, do not force her into the back alleys of Turkey or the Philippines or another foreign country. Let her have decent military facilities in our foreign countries.

Mr. DORNAN of California. Mr. Chairman, I yield myself 15 seconds to say with all due respect to the gentleman's closing remarks, 1,250 women, which is as close a figure as I can get from the Inspector General's Office, were air-evacuated out of the Desert Storm area back to the United States. No person is rummaging around any back alleys anywhere in the world.

Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise in strong opposition to the AuCoin amendment which would reverse current policy regarding abortion in overseas military hospitals. This amendment would require U.S. Government facilities to provide abortions for any reason at any time. I do not believe that U.S. taxpayers should be forced to facilitate such a policy of abortion on demand, especially in light of recent Gallup poll findings. According to a Gallup poll released in February of this year, a majority of Americans believe that, in the majority of cases, abortion is wrong and ought to be illegal. At the same time, there is reason to believe that many Americans mistakenly assume that the Nation's abortion laws generally reflect their convictions. If this amendment passes, it will not be a reflection of the general will of the American people. According to Gallop, 74 percent of Americans disapprove of abortion either consistently or often. Only 26 percent of Americans seldom disapprove of the practice. Moreover, 77 percent of Americans believe that abortion, at a minimum, takes a human life. This amendment—while going against the will of the majority of Americans—would not only advocate a policy of abortion on demand, but would also require military hospitals to spend scarce tax dollars to provide facilities and personnel for elective abortions. Proponents of this bill may present hypothetical hard cases, in which they feel abortion is absolutely necessary. It is important to note, however, that the language of the AuCoin amendment does not limit the abortion provision to so-called hardcase situations. Rather, it would mandate a sweeping policy of abortion on demand in U.S. military hospitals. Members should be aware that the current policy already permits the performance of abortions in military facilities when the mother's life is endangered. I urge my colleagues to vote "no" on this amendment.

Mr. AUCOIN. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I thank the gentleman for yielding this time to me.

Since mid-1988, the Department of Defense has unilaterally prohibited military personnel and their dependents from privately paying for abortions in overseas DOD facilities even if there are no clinically safe private facilities available in the country in which they are stationed. This policy, which was not debated prior to its implementation by DOD, places in grave danger the life, health and welfare of millions of American women who are dependent on the military health care system, which was expressly established for the purposes of meeting all the health care needs of DOD personnel overseas.

Today, more than ever, with thousands of military women and reservists still in the Persian Gulf, where access to the full range of safe reproductive health is unavailable, it is essential that we change this policy. These women, stationed in the Persian Gulf and elsewhere throughout the world, are American citizens who have devoted their lives and careers to upholding the freedoms we all hold so dearly.

Yet in these cases, we force these women, who for very personal reasons may choose to terminate a pregnancy, to choose between unsafe, illegal abortions or traveling at great cost to a medical center in another country. This insensitive policy makes an already agonizing decision even more painful.

While this amendment provides access to medical care, it does not in any way require the Federal Government to pay for abortions and in no way affects the so-called Hyde amendment, which prohibits the use of DOD funds to pay for abortions except where the life of the mother would be endangered. It merely is a matter of fairness for those who serve our country overseas and rely on the Federal Government for their health care. It gives our military personnel overseas the same rights that the rest of us have as long as they are willing to pay for it.

Mr. Chairman, this is not abortion on demand. It simply allows Roe versus Wade to apply for all Americans, regardless whether or not they are serving their country. It is in no way a violation of the conscience clause. Our personnel in these hospitals are not required to perform them if it is against the grain for them personally.

Mr. DORNAN of California. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, how ludicrous to debate the issue of abortion, a matter of life and death, in 10 minutes, but that is what we have to do.

Yesterday, I am proud to say, the Foreign Affairs Committee protected whales, dolphins and porpoises. We passed House Concurrent Resolution 105 to state our concern about protecting those animals.

Today we come in here and say turn our military hospitals into abortion mills.

Vote for women? I would remind the gentlewoman that over half the unborn are women. Why do we not think of the little baby that is being exterminated? Why is it always the mother? Think of the baby.

Now, this is a radical amendment. There are no limitations; sex determination, late-term abortions, there is not the slightest hint of restraint, and yes, the person seeking the abortion will pay for it, but they are going to use taxpayer facilities.

You are making abortionists out of military doctors, and the conscience clause will not be effectual if this ever becomes law, and I pray it will not.

PARLIAMENTARY INQUIRY

Mr. AUCOIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. COX of Illinois). The gentleman will state it.

Mr. AUCOIN. Mr. Chairman, the committee has no position on this amendment; therefore, I believe I have the right to close, is that correct?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. AUCOIN. Mr. Chairman, I then reserve my time.

Mr. DORNAN of California. Mr. Chairman, I yield 30 seconds more to the gentleman from Illinois [Mr. HYDE] to finish his thought.

Mr. HYDE. Mr. Chairman, I think the saddest thing about this is the dissolution of the conscience clause, because once this becomes law, if it indeed ever becomes law, it will be the law that a military person or a dependent will be entitled to an abortion, and it would just take a simple lawsuit to enforce that law by requiring available medical personnel in the military to perform this abortion.

Why not a conscience clause in the bill?

Mr. AUCOIN. Mr. Chairman, if the gentleman will yield, the gentleman knows that is not right.

Mr. HYDE. I know it is right. I would not make a statement that I think is wrong.

Mr. AUCOIN. The gentleman is wrong.

Mr. HYDE. The gentleman from Oregon is wrong. The court will rule against any conscience clause that exists by regulation because the law will supersede a regulation, the gentleman knows that.

Mr. DORNAN of California. Mr. Chairman, I yield myself the remaining 45 seconds.

Mr. Chairman, we had a very passionate debate here on gun control in this country on the Brady bill. The distinguished gentleman from Oregon was passing around this button. I voted for the Brady bill, so I had a right to wear it. It says "Seven days can save a life."

Well, a 7-day trip back to the United States, medivac'd out of some foreign area around the world, may give a young potential mother, as it says in the Bible, "with child" time to think about whether or not she wants to kill that child.

I told all my colleagues on both sides of the aisle that every debate on life I am going to hold up this little medical anatomical figure that they use to teach men and women studying medicine what life is all about in the womb. It is a little 12-week old fetus. You cannot tell the gender yet, but the heart has been beating since the 18th to the 20th day.

Every abortion in or out of a military hospital kills a human being and stops a beating heart.

Mr. Chairman, I include the following material from Cardinal O'Connor, the former archbishop for the military, and Archbishop Ryan, the current military archbishop:

Mr. Chairman, a few closing brief thoughts on why I oppose the AuCoin amendment. The AuCoin amendment states that a woman is entitled to obtain an abortion at the medical facility for her duty station in the same manner as any other type of medical care.

No restrictions upon this absolute entitlement are included in the AuCoin amendment.

What restrictions on this explicit "entitlement" are missing?

Parental consent for minors' abortions.

Second and third trimester abortion limitation.

Prohibitions of gender-selection abortions.

Viability testing of unborn children.

Spousal consent policy.

Those who do not affirm this abortion-on-demand policy should not simply trust that a new statute might be buffered by reasonable regulations. Current regulations treat abortion in a different manner from other medical services by stating that abortion is a procedure which can be subject to some restrictions. This is inconsistent with AuCoin's creation of a Department obligation to provide abortion in the same manner as any other type of medical service.

If enacted, the AuCoin amendment will be the only federal law governing abortions on overseas military bases. Members should not support the AuCoin amendment in the mistaken belief that some other law places limitations on the absolute abortion entitlement which it creates. Roe versus Wade and other Supreme Court decisions allow Congress to place certain limitations on abortion in Federal jurisdictions, but no Supreme Court decision requires any such limitations.

Vote "no" on the AuCoin amendment.

REMARKS OF CARDINAL JOHN O'CONNOR, ARCHBISHOP OF NEW YORK, CHAIRMAN, NCCB COMMITTEE FOR PRO-LIFE ACTIVITIES

Re Proposed amendment to H.R. 2100 requiring military hospitals to perform elective abortions

"Having had over 27 years' experience as a Navy chaplain, I am appalled that Congress might require military hospitals to provide facilities and personnel for elective abortions. This proposal was also offered last fall, at a time when U.S. military hospitals faced the most severe test of their medical readiness since the Vietnam war. Congress rightly decided then that these hospitals should not be diverted from their healing goal to become extensions of the American abortion industry.

"There is no reason for a different decision now. On the contrary: The physicians and nurses of the armed forces performed their task of saving lives and caring for the wounded with admirable skill. Until today no one has suggested they could have done their job better by doing more abortions. In fact, according to a recent report by the National Abortion Federation, fewer and fewer hospitals within the United States are performing elective abortions, in part because there is a professional stigma attached to this procedure. Why should our military hospitals now move in the opposite direction? If anything they should be especially careful not to export abortion to host countries whose traditions and legal policies respect unborn human life. Making our military hospitals into "abortion havens" could undermine respect for our society in these host nations.

"As a former chaplain, and as a drafter of the U.S. bishops' 1983 pastoral letter on war and peace, I am acutely aware of the most solemn principle of "just war" theory: Under no circumstances must our armed forces ever direct their attacks against the lives of innocent noncombatants. If the AuCoin amendment became law, we would treat the unborn children of our own military personnel in ways we should not treat the families of our worst enemies. I fervently hope Congress will reject this amendment."

REMARKS OF ARCHBISHOP JOSEPH T. RYAN, ARCHBISHOP FOR THE MILITARY SERVICES

Re Proposed AuCoin Amendment to H.R. 2100 requiring military hospitals to perform elective abortions

"On May 17, 1991 I wrote to members of Congress requesting their assistance in defeating the AuCoin Amendment to the DOD Authorization Bill (H.R. 2100), because it would require military hospitals to perform elective abortions.

"Since then Reps. AuCoin, Machtley, and Fazio have written to their colleagues, challenging my concerns respecting the impact of this amendment on conscience protection for military personnel. They wrote: "Very simply, this is absolutely untrue," and cited military regulations.

"I am well aware of these regulations, and I am equally aware of the experience of several Catholic physicians in the military. Our Vicar General, Bishop Joseph T. Dimino, wrote to the Pentagon on March 4, 1991 in part as follows: ". . . I write to bring to your attention the fact that we have been receiving reports of harassment from several Catholic physicians now serving at military installations. The basis for the harassment and, in some cases, intimidation and discrimination would appear to be the conflict between the demands and expectations of some supervisory medical personnel and the dictates of the consciences of certain subordinate medical practitioners. This conflict is apparently centered around the refusal of particular physicians to prescribe contraceptives and to participate in abortions. We have been informed of physicians in the military who are being insulted and threatened with career difficulties because of their unwillingness to support activities opposed to their moral and religious standards and values. Since this situation is considered quite serious, we intend to do all possible to promote its alleviation."

It is my considered judgment that the passage of the AuCoin Amendment will greatly expand these problems, and I again request the members of Congress to defeat this amendment.

Mr. AUCOIN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I cannot believe the hysteria that has been ginned up against this simple and fair amendment.

Let us get this straight. This is not abortion on demand. It is not Government funding of abortion, and the right wing has been lying this amendment. It does not mandate abortion for any purposes at any point in the pregnancy.

Under the law, under the Constitution, nobody gets an abortion in the third trimester unless the life or health of the mother is at risk or if the fetus cannot survive outside the womb because it is so deformed.

Another thing, despite the hysteria that has been expressed on the floor today, this, is not about abortions for sex selection.

Sex selection? What kind of an impression do you have of our men and women in uniform? Do you really believe that the values of our brave service men and women are so loose as to abort a healthy fetus simply for sex selection? Give me a break. Give them a break.

This amendment applies only to service people abroad in places like the Philippines and Saudi Arabia where you cannot find safe and legal abortions off base. Do not tell us that there is no problem here. Talk to physicians, as I have, like LTC Jeffrey Jensen at the Subic Bay Hospital in the Philippines. He will tell you hair-raising stories, sickening stories about women he has treated in his hospital because of botched back alley abortions, resulting from the regulations that DOD has imposed on American servicewomen and their dependents.

We are talking about real people, military families who put their lives on the line in defense of our freedom here in this country. They are not asking for anything special. They simply want to be able to use what they earn, to exercise their choice as their country men and women do whom they defend.

Mr. Chairman, support the AuCoin-Machtley amendment.

PREFERENTIAL MOTION OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. SMITH of New Jersey moves that the committee now rise and report the bill the House with the recommendation that the enacting clause be striken out.

The CHAIRMAN pro tempore. The gentleman from New Jersey [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I yield to my friend, the gentleman from Illinois [Mr. HYDE].

□ 1300

Mr. HYDE. I thank the gentleman for yielding to me.

Mr. Chairman, I am sorry we take this extraordinary step, but I think, in view of the remarks the gentleman from Oregon made, that some clarification is in order as to what the law is.

Now, his amendment says an abortion must be provided the same as any other medical service. Now, that is the language the gentleman has chosen.

Now, under the law today, Roe versus Wade, January 22, 1973, and the companion case Doe versus Bolton, the Court decided that during the first trimester the State has no interest in this decision, it is between a woman and her doctor; not the husband, the woman and her doctor.

The second trimester, the State has an interest only insofar as maternal health is concerned, not fetal health.

Now we are up to the third trimester. I hope I have the attention of the gentleman from Oregon. In the third trimester we are now up to 7 months, the Court said, "Oh, yes, the State has an interest, it can even prohibit abortions if the life of the mother is at stake or her health." Then in a companion case, Doe versus Bolton, they define health as the "absence of distress."

So under the most liberal definition of "health," anxiety, distress, abortion on demand is available during the entire 9 months.

Therefore, under the gentleman's amendment, late-term abortions would be permitted up to and including the 9th month. Sex-selection abortions, which do occur, would be permitted. It is without restraint, totally without restraint.

Now, the Roe versus Wade case is so bad as constitutional law that—who was the head of Common Cause?—Archibald Cox, no friend of ours on this issue, said that the Roe versus Wade case is not constitutional law, it is a set of hospital guidelines.

So the gentleman premises his amendment on the law, the constitutional law which, by the way, the Court is backing away from continually, realizing what an abomination it is, but the law permits abortion any time during the 9 months and, therefore, the gentleman's amendment would permit abortions up to the ninth month.

If that is what the gentleman wants to do, I think we ought to know it, instead of the gentleman misstating the law because when you are dealing with life and death it is a good thing to know the law.

Mr. SMITH of New Jersey. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. COX of Illinois). The Chair would advise that the gentleman from New Jersey [Mr. SMITH] may not reserve the balance of his time; he either needs to use it or yield it back.

Mr. SMITH of New Jersey. I thank the chairman.

Mr. Chairman, I want to concur, endorse and associate myself with what my good friend, the gentleman from Illinois [Mr. HYDE] has just said. He is absolutely right. Mr. Chairman, the AuCoin amendment creates a new entitlement for abortion on demand—for any reason—and I hope my colleagues recognize that—abortions for any reason whatsoever, at any point in pregnancy, including the second and third trimesters in DOD health facilities overseas. However unpleasant, the fact of the matter is that Roe versus Wade legalized abortion on demand for all 9 months of pregnancy. That some pro-abortion Members deny this is astonishing. Former Surgeon-General C. Edward Koop, a man whom Members on both sides of the aisle deeply respect, acknowledged this fact in a letter to me in 1984. "Late abortions are legal in the United States. Abortion after 20 weeks, according to CDC figures, probably occurs 30,000 times per year in the United States. Probably about 4,000 of these are in the third trimester. Less than 5 percent of that number have induced abortions because of known defects in the fetus."

It is estimated that there are about 150,000 abortions in the U.S. after the 12th week—a majority of these having nothing to do with the so-called hard cases.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Chairman, I think I agree more with the gentleman from Illinois than the gentleman from Oregon on the Roe versus Wade/Doe versus Bolton cases. But as I remember, too, in the third trimester the State has the right to prescribe for certain reasons. But the gentleman from Oregon's amendment does not prescribe at all, has no prescription, has no conditions, nothing. As a result, we have no Federal law that does it, either.

Therefore, unless he is willing to put conditions in it, it is abortion on demand for any reason whatsoever.

Mr. SMITH of New Jersey. I thank my friend.

Mr. Chairman, I think its worth noting that the AuCoin amendment does not protect the conscience rights of military medical personnel. Since Federal agencies adopt regulations to conform to existing law, current conscience regulations, and they are good ones, could be in great jeopardy.

Mr. Chairman, the AuCoin amendment radically changes existing law and creates a new dilemma for military authorities and medical personnel. The AuCoin amendment would require DOD to provide abortions "in the same manner as any other type of medical care," a policy change that is inconsistent, with current regulations, and is likely to result in an administrative nightmare.

What happens, for example, if there are no physicians at one or several overseas health installations who are willing to participate in abortion-on-demand? What types of pressure might be brought to bear on medical personnel to participate in abortion, especially in those facilities where no one is willing to destroy children in this way? What about the conscience rights of those hospital administrators and other administrative personnel who refuse any complicity in abortion-on-demand.

These are profoundly troubling questions.

Yet, even if the "conscience" issue were to be resolved, the bottomline remains that our military hospitals should not become abortion mills. A military hosptial or health care facility should be a place of healing, a place in which life is to be saved, a place where human life should be protected.

Mr. Chairman, I believe it is evident that abortion stops a beating heart, and that abortion on demand is child abuse.

PARLIAMENTARY INQUIRY

Mr. AUCOIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. AUCOIN. Mr. Chairman, am I not entitled to 5 minutes in opposition?

The CHAIRMAN pro tempore. One Member is entitled to 5 minutes in opposition.

Mr. AUCOIN. Mr. Chairman, I claim the 5 minutes.

The CHAIRMAN pro tempore. The gentleman from Oregon [Mr. AUCOIN] is recognized for 5 minutes.

Mr. AUCOIN. Mr. Chairman, this has been a breathtaking display of opposition to the amendment, largely erroneous. At this moment I yield to the gentlewoman from Colorado [Mrs. SCHROEDER] to shed some light and some facts on the question.

Mrs. SCHROEDER. Mr. Chairman, I just want to point out that the gentleman's amendment is very, very appropriate. It says that women sent overseas to protect what this Nation and this great flag and this Constitution stand for will also be entitled to those rights. Now, they want to have a debate on what the cases say, what the law is, and everything else. That is

really irrelevant. The issue is: Are we going to treat all the people in the Armed Forces the same on one side of the Atlantic as we would on another side of the Atlantic or the Pacific? I think the issue should be very clearly "yes."

One of the things I think women were most upset about during the whole Desert Storm issue was that they were being told to comply with some of the Saudi rules and some of the Saudi rules in Arab countries that did not recognize their equality.

This is saying that they have a very basic constitutional right extended to them overseas. It says if they want to utilize it, they must spend their own money. It is not taxpayer funded.

It is the only right thing to do.

I salute the gentleman for bringing this to the floor.

I think that is the issue, and let us keep it clearly focused on what it is.

Mr. AUCOIN. Mr. Chairman, I yield to the gentlewoman from California, [Mrs. BOXER].

Mrs. BOXER. I thank the gentleman for yielding.

Mr. Chairman, sometimes we come on this House floor and we debate the issue at hand. Today what my friends on the Republican side of the aisle are debating—I should correct myself; this is really, in a way, a bipartisan issue—Mr. HYDE, and Mr. SMITH, and Mr. DORNAN are debating an issue that is not before us.

The issue that is not before us is the decision of Roe versus Wade, which is the law of the land. This is not before us. That is before the courts.

What is before us today is whether a woman in the military has an equal right as a woman who is not in the military and who resides in the United States of America.

I say, as these good gentlemen cheer these women home, that the least they can do is give that woman equal rights. That is all Mr. AUCOIN's amendment is about, an equal right to make a tough and difficult decision. And the ability to know that once she has made it, she can go to a hospital and, with her own resources, carry out that choice.

This amendment is not about abortion. It is about equal rights for women in the military.

Mr. Chairman, I commend the gentleman from Oregon and I am proud to stand beside him in this debate.

Mr. AUCOIN. Mr. Chairman, I yield to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the motion. Mr. HYDE, one of the great honors for me as a new Member is to serve with him on the Committee on the Judiciary and on the Subcommittee on Civil Rights. The problem with his motion and his arguments today is he is jump-starting our debate on the Free Choice Act. We are going to have that debate fully before this House chamber in just a few months.

What we have before us today, as the good colleague from California says, is a totally different issue. Are we going to provide safe harbor for women in the Service who are in a foreign land so they can go to a competent doctor? They will write the checks themselves to pay for the Government services, whether it is for the doctor or whether it is hospital services. They pay the bill, not Government.

We will save money in doing so because we have had testimony that shows that women who do end up in the back alleys in the Philippines end up in the Service hospitals there because of the trauma that they incurred in the back alleys.

Let us get back to the main motion before us today.

Mr. AUCOIN. I yield myself the balance of my time.

Mr. Chairman, let me close by trying once again to appeal not to people over there who do not want to listen to the facts but would rather deal with hysterical arguments, but with my colleagues who are really trying to find out the facts and trying to search for the truth.

The truth is that the amendent by statute does not touch the conscience clause that is built into every service's policy. I have the citations right here. If they are in effect today, they are untouched by our amendment. And they protect any health care provider in uniform from being ordered to perform any health care service that is against his or her conscience.

□ 1310

Mr. Chairman, these regulations were in effect from 1982 to 1988, and they protect those health care providers. They do so again today under the terms of this amendment, and the gentleman from Illinois is wrong when he says that they are somehow overturned.

This is a question of equal application of the law, and I do not think we ought to be consigning military women to back-alley abortions.

The CHAIRMAN pro tempore (Mr. COX of Illinois). The question is on the preferential motion offered by the gentleman from New Jersey [Mr. SMITH].

The preferential motion was rejected.

Mr. WOLPE. Mr. Chairman, I rise in strong support of the AuCoin-Machtley amendment. This amendment would restore the right of women in the armed services to obtain abortions at their own expense in military hospitals overseas. Women in the military had this right until October of 1988 when the Department of Defense began prohibiting military hospitals from performing abortions. I find it unconscionable that the women who are bravely protecting this country abroad are not given the same rights they would have right here at home.

Our Armed Forces are stationed in many countries which prohibit abortion, such as Saudi Arabia, Germany, and the Philippines. An American woman stationed in one of these countries who wanted an abortion would be unable to have one. She would have to wait for room on a transport plane to travel to a country where abortion is legal, delaying the abortion and increasing the risk. Or she could try to obtain an unsafe illegal abortion on the streets. This means that a woman who was risking her life defending her country in Operation Desert Storm would have to give up her right to a safe legal abortion. We should not be in the business of rescinding the rights of those who fought so bravely to protect ours.

The AuCoin-Machtley amendment is a rare opportunity to do something for our military personnel without spending any money. The amendment would not supply funds for soldiers to obtain abortions. It would only allow women in the military to pay for safe legal abortions just as women in this country are allowed to. I urge my colleagues to support AuCoin-Machtley.

Mr. EMERSON. Mr. Chairman, I stand in strong opposition to the amendment offered by Mr. AUCOIN. This amendment would require that abortions be performed, on demand, at overseas U.S. military facilities. This would include third-trimester abortions and abortions sought because the baby is not of the desired sex.

It is of no comfort at all that the amendment requires payment from the patient. Paying for abortions does not camouflage the fact that innocent human life would be taken. The conscientious burden with the issue of abortion is that of life or death, right or wrong, not of who bears the cost. Congress is quick to defend the rights of the poor, the homeless, and the disadvantaged. Yet all too often, we turn a deaf ear to the silent cries of the most helpless of all—the unborn. Mr. AUCOIN's amendment would permanently silence so many of the unborn.

Mr. AUCOIN's amendment does not allow medical personnel at military hospitals the freedom to exercise their conscience. In other words, physicians at military hospitals would have to perform abortions, even if it violated their own precepts, or be in violation of law.

A "yes" vote on this amendment is a vote for abortion. I urge a "no" vote.

Ms. PELOSI. Mr. Chairman, I rise today in support of the AuCoin/Machtley amendment to the fiscal year 1992 DOD authorization bill. I would like to also take this opportunity to thank our colleagues, Congressmen AUCOIN and MACHTLEY, for their leadership on bringing this important issue before the House.

The AuCoin/Machtley amendment states that members of the U.S. military forces and their dependents stationed overseas are entitled to all facets of reproductive health care in a military medical facility. Currently U.S. members of the military serving overseas and their dependents are limited in their options.

In October 1988, the Department of Defense initiated a policy prohibiting military families from obtaining abortion services at military health facilities even if local facilities are unsafe and local laws prohibit abortions. This policy has not only placed an undue burden on women and families in the military, causing

them to receive unsafe and/or outrageously expensive health care, but it also has gone against the purpose for which military health facilities were placed overseas. Medical facilities have been established worldwide precisely to meet the needs of military personnel and their families where local facilities are inadequate. This policy also discriminates against the women serving in the military overseas.

This amendment would allow members of the uniformed service to use their own funds to pay for an abortion. Federal dollars would not be used to pay for any abortion services.

The issue before us today is one of fairness. Providing those serving our country overseas with health care is why we have military medical centers overseas. Having volunteered to serve their country, women overseas deserve the same access to health services as Americans at home. I urge my colleagues to support the AuCoin amendment.

Mr. ANDREWS of Maine. Mr. Chairman, I rise today to urge my colleagues to support the AuCoin-Machtley-Fazio amendment to the Department of Defense authorization bill. This amendment will allow military personnel and their dependents to use their own funds to pay for abortion services at overseas military hospitals.

It is patently unfair that women who support their country through service in the military must sacrifice their right to reproductive privacy. This amendment simply upholds the law of the land, returning the right to choose to those women serving in our Armed Forces overseas.

This measure does not cost taxpayers a penny—the patient pays the full cost. It does not provide for abortion on demand. It does not create a new standard regarding reproductive rights. It simpy stops the discrimination against a woman's right to equal access to health care.

Support the AuCoin-Machtley-Fazio amendment. Support a women's constitutional right to access. Our servicewomen support their country by serving overseas; they certainly deserve to be able to exercise the same rights they have at home.

Mr. MATSUI. Mr. Chairman, before us today is the opportunity to reinstate for American women serving in the military overseas the opportunity to exercise their right to choose to have an abortion. The right of American women to choose to terminate a pregnancy is one which is protected. This protection for American women should not stop at our borders. Today we have the opportunity to reaffirm this right to choice for American women living abroad on U.S. military bases.

Since 1988, the health of American servicewomen and women in military families has been put at risk because the Department of Defense believes they should not be able to use their own money to obtain an abortion at a military medical facility. The amendment before us today does not change current restrictions on use of Federal funds to pay for abortions. It simply says that American servicewomen overseas should have the same opportunity to obtain an abortion, using their own money, that exists for women here at home.

These women are overseas either as servicewomen or as family members of service personnel. They are abroad in service to their country, working and fighting to protect the rights we Americans hold so dear. In turn, the Federal Government should recognize and respect their rights as United States citizens to obtain a safe, legal abortion if such services are necessary.

For many of the women living on military bases overseas, a safe, legal abortion is difficult, if not impossible, to find. In some instances, women have to travel outside of the country they are living in to obtain a safe, legal abortion. To limit the opportunity and compromise the health of women living outside the United States in this manner is unacceptable. Deciding to have an abortion is not a simple decision, it is one that women arrive at after much thought. The U.S. Government should not be in the business of making this decision any more traumatic than it is already.

This amendment is about consistency in our policies for American military personnel and their families. These individuals are working to protect our freedoms, it is now time for Congress to work to protect their freedom of choice. I urge my colleagues to vote in support of this amendment.

Mr. REED. Mr. Chairman, I rise in support of the AuCoin-Machtley-Fazio amendment.

As a veteran of 12 years in the military, I know the hardships that face our soldiers.

I do not believe we should add to the burdens that face those who serve our country overseas by denying them rights available to other American citizens here at home.

I urge my colleagues to adopt this amendment.

Mr. GREEN of New York. Mr. Chairman, today we shall have the opportunity to rescind a terribly unfair and ill-conceived restriction on a woman's access to a safe, legal abortion. I urge my colleagues to seize that opportunity and vote for the AuCoin-Machtley-Fazio amendment to the Department of Defense authorization bill for fiscal year 1992.

The AuCoin-Machtley-Fazio amendment will reverse a 1988 administrative decision by the Defense Department that prohibits military personnel stationed overseas from obtaining a privately paid abortion in a military health facility. This ban leaves military women who are stationed in countries where legal abortion is not available and wish to terminate a crisis pregnancy with only two options; to spend exorbitant sums of money, sometimes their life savings, to travel to the nearest country that provides legal abortions; or to risk an off-base, unsafe abortion in the country where they are stationed. Such obstacles are not faced by their counterparts in the United States who can go off base and exercise their constitutional right to a legal abortion.

The adverse effects of the ban on privately paid abortions are real and ugly. I have read statements from a Navy doctor in the Philippines who has treated women in the base hospital for life threatening complications from botched abortions. I maintain that it is unconscionable that U.S. military personnel who are putting their lives on the line for their country should be subject to such a cruel policy. Military personnel must not be denied the constitutional protections that they stand ready to defend with their lives.

I urge my colleagues to vote in favor of the AuCoin-Machtley-Fazio amendment and restore to our military personnel overseas the same rights enjoyed by their stateside counterparts.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon [Mr. AUCOIN].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DORNAN of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of section 4 of House Resolution 156 and the Chair's prior announcement, the vote on the amendment offered by the gentleman from Oregon [Mr. AUCOIN] will be postponed until after completion of consideration of all part 2 amendments which are not to be considered en bloc.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN pro tempore. Pursuant to the provisions of section 4 of House Resolution 156, votes will now be taken on those amendments in part 2 of House Report 102-68 on which recorded votes were ordered.

Votes will be taken in the following order: amendment No. 6 offered by the gentleman from California [Mr. HUNTER]; amendment No. 7 offered by the gentleman from Massachusetts [Mr. FRANK]; amendment No. 25 offered by the gentleman from New York [Mr. SOLOMON]; amendment No. 26 offered by the gentleman from New York [Mr. SOLOMON]; and amendment No. 27 offered by the gentleman from Oregon [Mr. AUCOIN].

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. HUNTER

The CHAIRMAN pro tempore. The pending business is the vote on Amendment No. 6 offered by the gentleman from California [Mr. HUNTER] on which a recorded vote is ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment offered by the gentleman from California [Mr. HUNTER].

The vote was taken by electronic device, and there were—ayes 161, noes 265, not voting 5, as follows:

[Roll No. 105]

AYES—161

Alexander	Bliley	Cox (CA)
Allard	Boehner	Crane
Applegate	Broomfield	Cunningham
Archer	Bunning	Dannemeyer
Armey	Burton	Davis
Baker	Callahan	DeLay
Ballenger	Camp	Dickinson
Barrett	Campbell (CA)	Doolittle
Barton	Chandler	Dornan (CA)
Bateman	Clinger	Dreier
Bentley	Coble	Duncan
Bereuter	Coleman (MO)	Edwards (OK)
Bilirakis	Combest	Emerson

Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goss
Gradison
Grandy
Guarini
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Horton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (SD)
Johnson (TX)
Jones (NC)
Kasich
Klug
Kyl
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morrison
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Traficant
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—265

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Gray
Green
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Jenkins
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Ray
Reed
Richardson
Roberts
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—5

Browder
Ford (MI)
Hopkins
Lehman (FL)
Serrano

□ 1333

Messrs. MRAZEK, COSTELLO, and CONYERS changed their vote from "aye" to "no."

Messrs. EMERSON, OXLEY, THOMAS of California, GRANDY, RHODES, SMITH of New Jersey, and RIDGE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. Cox of Illinois). Pursuant to the provisions of section 4 of House Resolution 156, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 7 OFFERED BY MR. FRANK

The CHAIRMAN pro tempore. The pending business is the vote on amendment No. 7 offered by the gentleman from Massachusetts [Mr. FRANK], on which a recorded vote is ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The vote was taken by electronic device, and there were—ayes 109, noes 317, not voting 5, as follows:

[Roll No. 106]

AYES—109

Abercrombie
Andrews (ME)
Atkins
Beilenson
Bilirakis
Bonior
Boxer
Bryant
Campbell (CA)
Carper
Clay
Collins (IL)
Collins (MI)
Cox (IL)
Coyne
DeFazio
Dellums
Dickinson
Dingell
Donnelly
Dorgan (ND)
Duncan
Durbin
Dymally
Early
Eckart
Edwards (CA)
Evans
Flake
Ford (TN)
Frank (MA)
Gejdenson
Grandy
Guarini
Hayes (IL)
Henry
Herger
Hertel
Hochbrueckner
Johnson (CT)
Johnston
Kennelly
Kildee
Leach
Lewis (GA)
Lowey (NY)
Machtley
Markey
McDermott
McGrath
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Moody
Moran
Morella
Mrazek
Nussle
Oberstar
Owens (NY)
Payne (NJ)
Pelosi
Petri
Poshard
Rangel
Reed
Rhodes
Ritter
Rohrabacher
Rostenkowski
Roybal
Russo
Sanders
Sangmeister
Savage
Scheuer
Schiff
Schroeder
Sensenbrenner
Shays
Sikorski
Slattery
Slaughter (NY)
Smith (NJ)
Stark
Stokes
Studds
Thomas (WY)
Torres
Towns
Traficant
Traxler
Unsoeld
Upton
Vento
Walker
Walsh
Washington
Waters
Weber
Weiss
Weldon
Wheat
Wolpe
Wyden
Yates

NOES—317

Ackerman
Alexander
Allard
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boehner
Borski
Boucher
Brewster
Brooks
Broomfield
Brown
Bruce
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeLauro
DeLay
Derrick
Dicks
Dixon
Dooley
Doolittle
Dornan (CA)
Downey
Dreier
Dwyer
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Foglietta
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Gray
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Hoagland
Hobson
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long

Lowery (CA)
Luken
Manton
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Mollohan
Montgomery
Moorhead
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Obey
Olin
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (VA)
Pease
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Regula
Richardson
Ridge
Riggs
Rinaldo
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Sabo
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schulze
Schumer
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thornton
Torricelli
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Waxman
Whitten
Williams
Wilson
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—5

Browder
Ford (MI)
Hopkins
Lehman (FL)
Serrano

□ 1342

Mr. DUNCAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 25 OFFERED BY MR. SOLOMON

The CHAIRMAN pro tempore (Mr. COX of Illinois). The pending business is the vote on amendment No. 25 offered by the gentleman from New York [Mr. SOLOMON] on which a recorded vote is ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment offered by the gentleman from New York [Mr. SOLOMON].

The vote was taken by electronic device, and there were—ayes 157, noes 269, not voting 5, as follows:

[Roll No. 107]

AYES—157

Allard
Applegate
Archer
Armey
Ballenger
Barrett
Barton
Bennett
Bereuter
Bilirakis
Bliley
Boehner
Brewster
Broomfield
Bunning
Burton
Callahan
Camp
Carr
Chandler
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
de la Garza
DeLay
Dickinson
Donnelly
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Emerson
English
Fawell
Fields
Franks (CT)
Gallegly
Gekas
Geren
Gibbons
Gilchrest
Gingrich
Glickman
Goodling
Goss
Gradison
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
Laughlin
Lewis (CA)
Lewis (FL)
Lightfoot
Lloyd
Lowery (CA)
Marlenee
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Murphy
Nichols
Nussle
Packard
Patterson
Paxon
Payne (VA)
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Santorum
Sarpalius
Schaefer
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slaughter (VA)
Smith (NJ)
Smith (TX)
Solomon
Spence
Stallings
Stearns
Stenholm
Stump
Sundquist
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weldon
Wilson
Wylie
Yatron
Young (FL)
Zeliff
Zimmer

NOES—269

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Baker
Barnard
Bateman
Beilenson
Bentley
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brooks
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Ridge
Rinaldo
Roe
Roemer
Rose
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (OR)
Snowe
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Yates
Young (AK)

NOT VOTING—5

Browder
Ford (MI)
Hopkins
Lehman (FL)
Serrano

□ 1350

Mr. ROSE changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 26 OFFERED BY MR. SOLOMON

The CHAIRMAN pro tempore (Mr. COX of Illinois). The pending business is the vote on amendment No. 26 offered by the gentleman from New York [Mr. SOLOMON] on which a recorded vote is ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment offered by the gentleman from New York [Mr. SOLOMON].

The vote was taken by electronic device, and there were—ayes 197, noes 231, not voting 3, as follows:

[Roll No. 108]

AYES—197

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bennett
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehner
Brewster
Broomfield
Browder
Bunning
Burton
Callahan
Camp
Carper
Chandler
Chapman
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
DeFazio
DeLay
Derrick
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gingrich
Glickman
Goodling
Goss
Gradison
Guarini
Hall (TX)
Hammerschmidt

Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hobson
Holloway
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Johnson (TX)
Kasich
Klug
Kolbe
Kolter
Kopetski
Kyl
Lagomarsino
Lancaster
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Luken
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Murphy
Neal (NC)
Nichols
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Payne (VA)
Porter
Poshard
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Torricelli
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wilson
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—231

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bateman
Beilenson
Berman
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brooks
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carr
Clay
Clement
Clinger
Collins (IL)
Collins (MI)
Conyers
Cooper
Cox (IL)
Coyne
Darden
Davis
de la Garza
DeLauro
Dellums
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (TX)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Grandy
Gray
Green
Gunderson
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hughes
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lantos
LaRocco
Leach
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (GA)
Long
Lowey (NY)
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Price
Rahall
Rangel
Ray
Reed
Richardson
Ridge
Roe
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Thomas (CA)
Thomas (GA)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Yates

NOT VOTING—3

Ford (MI)
Hopkins
Lehman (FL)

□ 1401

Mr. TORRICELLI and Mr. HEFNER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 27 OFFERED BY MR. AUCOIN

The CHAIRMAN pro tempore (Mr. COX of Illinois). The pending business is the vote on amendment No. 27 offered by the gentleman from Oregon [Mr. AUCOIN] on which a recorded vote is ordered.

The Clerk will resdesignate the amendment.

The Clerk redesignated the amendment offered by the gentleman from Oregon [Mr. AUCOIN].

The vote was taken by electronic device, and there were—ayes 220, noes 208, not voting 3, as follows:

[Roll No. 109]

AYES—220

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Boehlert
Boucher
Boxer
Brewster
Brooks
Brown
Bryant
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coughlin
Cox (IL)
Coyne
Cramer
Darden
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Downey
Durbin
Dymally
Eckart
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Gray
Green
Guarini
Gunderson
Hamilton
Hayes (IL)
Hefner
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kennedy
Kennelly
Klug
Kolbe
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (GA)
Long
Lowey (NY)
Machtley
Markey
Matsui
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Molinari
Moody
Moran
Morella
Morrison
Mrazek
Nagle
Neal (NC)
Nichols
Obey
Olin
Owens (NY)
Owens (UT)
Pallone
Panetta
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Peterson (FL)
Pickett
Pickle
Porter
Price
Ramstad
Rangel
Reed
Richardson
Ridge
Riggs
Roukema
Rowland
Roybal
Sabo
Sanders
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Zeliff
Zimmer

NOES—208

Allard
Annunzio
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Bonior
Borski
Broomfield
Browder
Bruce
Bunning
Burton
Byron
Callahan
Camp
Clinger
Coble
Coleman (MO)
Combest
Costello
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
de la Garza
DeLay
Dickinson
Donnelly
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Dwyer
Early
Edwards (OK)
Emerson
English
Fields
Fish
Gallegly
Gaydos
Gekas
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hobson
Holloway
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (TX)
Kanjorski
Kaptur
Kasich
Kildee
Kleczka
Kolter
Kyl
LaFalce
Lagomarsino
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Luken
Manton
Marlenee
Martin
Martinez
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
McNulty
Michel
Miller (OH)
Moakley
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Natcher
Neal (MA)
Nowak
Nussle
Oakar
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Penny
Perkins
Peterson (MN)
Petri
Poshard
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher

Ros-Lehtinen	Smith (NJ)	Traxler
Rose	Smith (OR)	Upton
Rostenkowski	Smith (TX)	Vander Jagt
Roth	Solomon	Volkmer
Russo	Spence	Vucanovich
Sangmeister	Staggers	Walker
Santorum	Stallings	Walsh
Sarpalius	Stearns	Weber
Saxton	Stenholm	Weldon
Schaefer	Stump	Whitten
Schulze	Sundquist	Wolf
Sensenbrenner	Tallon	Wylie
Shaw	Tauzin	Yatron
Shuster	Taylor (MS)	Young (AK)
Skeen	Taylor (NC)	Young (FL)
Skelton	Thomas (WY)	
Slaughter (VA)	Thornton	

NOT VOTING—3

Hatcher	Hopkins	Lehman (FL)

□ 1410

Mr. DWYER of New Jersey changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS EN BLOC AS MODIFIED OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairmam, pursuant to House Resolution 156, I offer amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc as modified is as follows:

Amendments en bloc offered by Mr. ASPIN: Pursuant to House Resolution 156, Mr. Aspin of Wisconsin offers the following amendments En Bloc. Numbers refer to the amendments as printed in Part II of the Report of the Committee on Rules providing for the further consideration of H.R. 2100 (H. Rept. 102–68).

Amendment No.	Sponsor	Modified?
1	Mr. Bateman	No.
2	Mr. Hansen	No.
3	Mr. Frank of Massachusetts	No.
4	Mr. Conyers	No.
9	Mr. Pickett	No.
10	Mr. Panetta	No.
11	Mr. Bennett	Yes.
13	Mrs. Byron	No.
14	Mr. Fields	No.
15	Mrs. Bentley	Yes.
17	Mr. Dorgan of North Dakota	No.
18	Mr. Traficant	No.
19	Mr. Mavroules	Yes.
20	Mr. Wise	Yes.
21	Mr. Montgomery	No.
22	Mr. Conyers	No.
23	Mr. Glockman	No.
28	Mr. Andrews of Maine	No.
29	Mrs. Mink	Yes.
30	Mr. Bustamante	Yes.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. ASPIN OF WISCONSIN

(Amendments 1, 2, 3, 4, 9, 10, 11 (as modified), 13, 14, 15 (as modified), 17, 19 (as modified), 20 (as modified), 21, 22, 23, 28, 29 (as modified), and 30 (as modified) in Part 2 of the Report of the Committee on Rules)

AMENDMENT TO H.R. 2100, AS REPORTED OFFERED BY MR. BATEMAN OF VIRGINIA

(Amendment 1 in Part 2 of the Report of the Committee on Rules)

At the end of title I (page 25, after line 4) insert the following new section:

SEC. . SSN-21 NUCLEAR ATTACK SUBMARINE PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President's budget request for fiscal year 1993 for the SSN-21 nuclear attack submarine program, which included funds for one submarine, is not sufficient to provide for the national security and should be revised to include funding for two submarines.

(b) FISCAL YEAR 1993 AUTHORIZATION.—There is authorized to be appropriated for fiscal year 1993 the sum of $4,061,000,000 for the SSN-21 nuclear attack submarine program for construction of two submarines.

(c) INDUSTRIAL BASE.—In order to maintain the capability to build nuclear attack submarines at two shipyards and to allow competition for contracts for the construction of nuclear attack submarines authorized for fiscal years after 1993, funds appropriated pursuant to subsection (b) shall be used for the construction of two SSN-21 nuclear attack submarines at different shipyards.

AMENDMENT TO H.R. 2100, AS REPORTED OFFERED BY MR. HANSEN OF UTAH

(Amendment 2 in Part 2 of the Report of the Committee on Rules)

At the end of title I (page 25, after line 4), insert the following new section:

SEC. 125. FUNDING CLARIFICATION FOR THE CHEMICAL WEAPONS STOCKPILE DISPOSAL PROGRAM.

Subsection (c)(3) of section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521), is amended by adding at the end the following: "Additionally, the Secretary may provide funds through cooperative agreements with State and local governments for the purpose of assisting them in processing and approving permits and licenses necessary for the construction and operation of facilities to carry out this section. The Secretary shall ensure that funds provided through such a cooperative agreement are used only for the purpose set forth in the preceding sentence.".

AMENDMENT TO H.R. 2100, AS REPORTED OFFERED BY MR. FRANK OF MASSACHUSETTS

(Amendment 3 in Part 2 of the Report of the Committee on Rules)

At the end of title I (page 25, before line 5), insert the following new section:

SEC. . GROUND-WAVE EMERGENCY NETWORK.

Section 132 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1501) is amended by inserting "before October 1, 1992, and" before "until—".

AMENDMENT TO H.R. 2100, AS REPORTED OFFERED BY MR. CONYERS OF MICHIGAN

(Amendment 4 in Part 2 of the Report of the Committee on Rules)

At the end of title I (page 25, before line 5), insert the following new section:

SEC. . TEMPERATURE SPECIFICATION FOR AIR-LAUNCHED CRUISE MISSILE FLIGHT DATA TRANSMITTER; REVIEW OF TESTING METHODOLOGIES.

(a) PLAN.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall develop and begin implementing a plan to correct the failure by the contractor to deliver flight data transmitters for the air-launched cruise missile that comply with the applicable cold temperature specification requiring the data transmitters to operate after prolonged exposure to temperatures as low as minus 65 degrees Fahrenheit.

(b) REVIEW OF TESTING METHODOLOGIES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of the testing methodologies used to ascertain compliance with cold temperature specifications required under defense contracts, including the specification requiring flight data transmitters for the air-launched cruise missile to operate after prolonged exposure to temperatures as low as minus 65 degrees Fahrenheit. After completing the review, the Secretary shall prescribe a single method for conducting such tests. Such method shall apply uniformly throughout the Department of Defense.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on implementation of the plan developed under subsection (a) and the results of the review conducted under subsection (b).

AMENDMENT TO H.R. 2100, AS REPORTED OFFERED BY MR. PICKETT OF VIRGINIA

(Amendment 9 in Part 2 of the Report of the Committee on Rules)

At the end of part C of title III (page 59, after line 9), insert the following new section:

SEC. 326. USE OF PROCEEDS FROM THE SALE OF CERTAIN LOST, ABANDONED, OR UNCLAIMED PERSONAL PROPERTY.

(a) TREATMENT OF PROCEEDS.—Notwithstanding section 2575(b) of title 10, United States code, the proceeds from the sale under that section of lost, abandoned, or unclaimed property found on a military installation described in subsection (b) shall be credited to the maintenance and operation account of that installation and used—

(1) to reimburse the installation for any costs incurred by the installation to collect, transport, store, protect, or sell the property; and

(2) if all such costs are reimbursed, to support morale, welfare, and recreation activities under the jurisdiction of the Armed Forces conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces at that installation.

(b) APPLICABLE MILITARY INSTALLATIONS.—The military installations referred to in subsection (a) are Naval Base, Norfolk and Naval Air Station, Norfolk.

(c) RECOVERY OF PROCEEDS.—The owner (or the heirs, next of kin, or legal representative of the owner) of personal property the proceeds of which are credited to a military installation under this section may file a claim with the Secretary of Defense for an amount equal to the proceeds (less costs referred to in subsection (a)(1)). Amounts to pay the claim shall be drawn from the morale, welfare, and recreation account for the installation that received the proceeds under subsection (a). Unless the claim is filed with the Secretary of Defense within five years after the date of the disposal of the property, the claim may not be considered by a court or the Secretary of Defense. A claim may not be filed under section 2575(b) of title 10, United States Code, in the case of property covered by this section.

(c) EFFECTIVE DATE.—This section shall apply with respect to property disposed of under section 2575 of title 10, United States Code, on or after the date of the enactment of this Act.

AMENDMENT TO H.R. 2100 OFFERED BY MR. PANETTA OF CALIFORNIA

(Amendment 10 in Part 2 of the Report of the Committee on Rules)

At the end of part D of title III (page 67, after line 17) add the following new section (and conform the table of contents accordingly):

SEC. 336. ENVIRONMENTAL RESTORATION REQUIREMENTS AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) REQUIREMENTS FOR INSTALLATIONS TO BE CLOSED UNDER 1989 BASE CLOSURE LIST.—(1) All remedial investigations and feasibility studies related to environmental restoration activities at each military installation described in paragraph (2) shall be completed not later than 18 months after the date of the enactment of this Act.

(2) Paragraph (1) applies to each military installation—

(A) which is to be closed pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note); and

(B) which is on the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(b) REQUIREMENTS FOR INSTALLATIONS TO BE CLOSED UNDER 1991 BASE CLOSURE LIST.—(1) All remedial investigations and feasibility studies related to environmental restoration activities at each military installation described in paragraph (2) shall be completed not later than 30 months after the date of the enactment of this Act.

(2) Paragraph (1) applies to each military installation—

(A) which is to be closed pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510) as a result of being recommended for closure in the report transmitted to Congress by the President pursuant to section 2903(e) of such Act on or before September 1, 1991; and

(B) which is on the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

MODIFICATION TO THE AMENDMENT OFFERED BY MR. BENNETT OF FLORIDA

(Amendment 11 in Part 2 in the Report of the Committee on Rules)

The amendment as modified is as follows:

Strike out section 344 (page 73, line 11 and all that follows through line 23 on page 74) and redesignate the table of contents accordingly.

Page 196, line 5, strike out "$3,300,000" and insert in lieu thereof "$18,300,000".

Page 203, line 9, strike out "$709,409,000" and insert in lieu thereof "$724,409,000".

Page 204, line 3, strike out "$710,700,000" and insert in lieu thereof "$695,700,000".

AMENDMENT TO H.R. 2100, AS REPORTED OFFERED BY MRS. BYRON OF MARYLAND

(Amendment 13 in Part 2 of the Report of the Committee on Rules)

At the end of part A of title V (page 95, after line 18), insert the following new section:

SEC. 513. GRADE OF RETIRED OFFICERS RECALLED TO ACTIVE DUTY.

(a) SERVICE IN HIGHER GRADE HELD WHILE ON ACTIVE DUTY.—Subsection (d) of section 688 of title 10, United States Code is amended—

(1) by striking out "paragraph (2)" in paragraph (1) and inserting in lieu thereof "paragraphs (2) and (3)"; and

(2) by adding at the end of the following new paragraph:

"(3)(A) A retired member ordered to active duty under this section who has previously served on active duty satisfactorily, as determined by the Secretary of the military department concerned, in a grade higher than that member's retired grade may be ordered to active duty in the highest grade in which the member had so served satisfactorily, except that such a member may not be so ordered to active duty in a grade above major general or rear admiral.

"(B) A retired member ordered to active duty in a grade that is higher than the member's retired grade pursuant to paragraph (1) shall be treated for purposes of subsection (b) as if the member was promoted to that higher grade while on that tour of active duty.

"(C) If, upon being released from that tour of active duty, such a retired member has served on active duty satisfactorily, as determined by the Secretary concerned, for not less than a total of 36 months in a grade that is a higher grade than the members retired grade, the member is entitled to placement on the retired list in that grade.".

(b) CONFORMING AMENDMENT.—Section 311(c) of Public Law 102-25 is amended by inserting ", and before the date of the enactment of the National Defense Authorization Act for Fiscal Years 1992 and 1993" before the period.

At the end of part B of title V (page 117, after line 24), insert the following new section:

SEC. 529. MANDATORY RETIREMENT OF REGULAR ARMY WARRANT OFFICERS FOR LENGTH OF SERVICE.

(a) IN GENERAL.—Section 1305(a) of title 10, United States Code, is amended—

(1) by striking out "A permanent regular warrant officer" and inserting in lieu thereof "(1) Except as provided in paragraph (2), a regular warrant officer (other than a regular Army warrant officer in the grade of chief warrant officer, W-5)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) A regular Army warrant officer in the grade of chief warrant officer, W-5, who has at least 30 years of active service as a warrant officer that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended (70 Stat. 114), shall be retired 60 days after the date on which he completes that service, except as provided by section 8301 of title 5.

"(B) A regular Army warrant officer in a warrant officer grade below the grade of chief warrant officer, W-5, who completes 24 years of active service as a warrant officer before he is required to be retired under paragraph (1) shall be retired 60 days after the date on which he completes 24 years of active service as a warrant officer except as provided by section 8301 of title 5.".

(b) SAVINGS PROVISION.—(1) Subject to paragraph (2), a warrant officer of the Army who on the effective date of this part—

(A) holds a regular chief warrant officer grade; or

(B) is on a list of officers recommended for promotion to a regular chief warrant officer grade; may be retained on active duty until he completes 30 years of active service or 24 years of active warrant officer service, whichever is later, that could be credited to him under section 511 of the Career Compensation Act of 1949 (70 Stat. 114) (as in effect on the day before the effective date of this part), and then be retired under the appropriate provision of title 10, United States Code, on the first day of the month after the month in which he completes that service.

(2) Paragraph (1) does not apply to a regular warrant officer who—

(A) is sooner retired or separated under another provision of law;

(B) is promoted to the regular grade of chief warrant officer, W-5; or

(C) is continued on active duty under section 558 and 564 of title 10, United States Code, as added by this part.

At the end of title VI (page 143, after line 13), insert the following new section:

SEC. . PREMIUM ADDITION FOR OPEN SEASON ENROLLMENT FOR SURVIVOR BENEFIT PLAN.

Section 1405 of the military Survivor Benefits Improvement Act of 1989 (title XIV of Public Law 101-189; 103 Stat. 1586) is amended by adding at the end the following new subsection:

"(j) OPEN ENROLLMENT PREMIUM ADDITION.—Premiums for persons making elections under subsection (a)(1) and (b) shall, in addition to the amount required under section 1452(a) of title 10, United States Code, include an amount prescribed under regulations by the Secretary of Defense which reflect the number of years that have elapsed since the person has been retired.".

AMENDMENT TO H.R. 2100, AS REPORTED OFFERED BY MR. FIELDS OF TEXAS

(Amendment 14 in Part 2 of the Report of the Committee on Rules)

At the end of title VII (page 152, after line 19), insert the following new section:

SEC. . REPORT REGARDING ELIGIBILITY FOR MILITARY HEALTH CARE OF CERTAIN MINORS WHO ARE NOT CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) FINDING.—Congress finds the following:

(1) Members and former members of the Armed Forces, for good and humanitarian reasons or because of a deep sense of familial responsibility, are taking legal custody of minors who—

(A) are related to a member or former member by blood or adoption;

(B) are neglected, abandoned, abused, or orphaned children; and

(C) are not considered the dependents of a member or former member for purposes of eligibility to obtain care in the military medical health care system.

(2) Under current law, unless a minor referred to in paragraph (1) is also adopted by a member or former member of the Armed Forces, the minor remains ineligible for care in the military medical health care system. A compelling reason for the reluctance of a member or former member to adopt a minor referred to in paragraph (1) is the fact that they are already related by blood or adoption.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) creative solutions should be found to enable a member or former member of the Armed Forces who is eligible for military health care to obtain care in the military medical health care system for a minor who is in the legal custody of the member or former member and is related by blood or adoption to the member or former member; and

(2) the Secretaries of the military departments, in exercising their authority to grant designee status to a minor to receive health care at military treatment facilities, should give special attention and consideration to those cases involving a minor who is related by blood or adoption to a member or former member of the Armed Forces and is in the legal custody of the member or former member.

(c) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to Congress analyzing the desirability, feasibility, and cost implications of implementing a permanent change to chapter 55 of title 10, United States Code, to expand eligibility for health care in the military medical health care system to minors who are in the

legal custody of, and related by blood or adoption to, a member or former member of the Armed Forces and are otherwise ineligible for such care.

(2) The report required by this section shall also include data covering the preceding five-year period to indicate the manner in which the Secretaries of the military departments have handled requests for designee status for minors who are in the legal custody of, and related by blood or adoption to, a member or former member of the Armed Forces and are otherwise ineligible for health care in the military medical health care system. Such data shall include—

(A) the total number of requests for designee status involving these minors during that period;

(B) the total number of these minors given designee status during that period; and

(C) the average distance and range of distances that the minors given designee status must travel for medical and dental care in the military medical health care system.

MODIFICATION TO THE AMENDMENT OFFERED BY MRS. BENTLEY OF MARYLAND

(Amendment 15 in Part 2 of the Report of the Committee on Rules)

The amendment as modified is as follows:

At the end of part A of title VIII (page 155, after line 2), insert the following new section:

SEC. 804. TRANSPORTATION OF COMPONENTS OF DOD CONTRACTOR SUPPLIED ITEMS.

Section 2631 of title 10, United States Code, is amended by inserting "or components" after "supplies" both places it appears.

Page 57, line 12, strike out "paragraphs (1) and" and insert in lieu thereof "paragraphs (1), (2), and".

AMENDMENT TO H.R. 2100, AS REPORTED OFFERED BY MR. DORGAN OF NORTH DAKOTA

(Amendment 17 in Part 2 of the Report of the Committee on Rules)

At the end of title VIII (page 165, before line 14), insert the following new section:

SEC. 815. REQUIREMENT FOR PURCHASE OF GASOHOL IN FEDERAL FUEL PROCUREMENTS WHEN PRICE IS COMPARABLE.

(a) REQUIREMENT.—Section 2398 of title 10, United States Code, is amended—

(1) by inserting "(a) DOD MOTOR VEHICLES.—" before "To the maximum extent"; and

(2) by adding at the end of the following new subsection:

"(b) OTHER FEDERAL FUEL PROCUREMENTS.—Whenever the Secretary of Defense enters into a contract for the procurement of unleaded gasoline for motor vehicles of a department or agency of the Federal Government other than the Department of Defense, the Secretary shall buy alcohol-gasoline blends containing at least 10 percent domestically produced alcohol in any case in which the price of such fuel is the same as, or lower than, the price of unleaded gasoline.".

(b) EFFECTIVE DATE.—Section 2398(b) of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts awarded pursuant to solicitations issued after the expiration of the 180-day period beginning on the date of the enactment of this Act.

(c) REPORT ON EXEMPTIONS.—The Secretary of Defense shall review all exemptions granted with respect to the Department of Defense from the requirements of section 2398 of title 10, United States Code, and section 271 of the Energy Security Act (Public Law 96-294; 42 U.S.C. 8871). The Secretary shall terminate any exemptions that the Secretary determines are no longer appropriate. Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the review, with a justification for the exemptions that remain in effect under those provisions of law.

AMENDMENT TO H.R. 2100, AS REPORTED OFFERED BY MR. TRAFICANT OF OHIO

(Amendment 18 in Part 2 of the Report of the Committee on Rules)

At the end of title VIII (page 165, after line 14), insert the following new section:

SEC. 815. BUY AMERICAN ACT WAIVER RECISIONS.

(a) DETERMINATION BY THE SECRETARY OF DEFENSE.—(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any agreement, including any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal years 1992 and 1993. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) BUY AMERICAN ACT DEFINED.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Department for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

MODIFICATION TO THE AMENDMENT OFFERED BY MR. MAVROULES OF MASSACHUSETTS

(Amendment 19 in part 2 of the Report of the Committee on Rules)

The amendment as modified is as follows:

At the end of title VIII (page 165, before line 14), add the following new section:

SEC. 815. REPEAL AND AMENDMENT OF CERTAIN POST-EMPLOYMENT RULES.

(a) REPEALS.—(1) The following provisions of law are repealed:

(A) Sections 2397 and 2397a of title 10, United States Code.

(B) Section 281 of title 18, United States Code.

(C) Section 801 of title 37, United States Code.

(2)(A) The table of sections for chapter 141 of title 10 United States Code, is amended by striking out the items relating to sections 2397 and 2397a.

(B) The table of sections for chapter 15 of title 18, United States Code, is amended by striking out the item relating to section 281.

(C) The table of sections for chapter 15 of title 37, United States Code, is amended by striking out the item relating to section 801.

(b) CLARIFICATION OF COVERAGE.—Section 202 of title 18, United States Code, is amended in the last sentence by striking out "not" before "include enlisted".

(c) INTEGRITY OF CONTRACT ADMINISTRATION.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended—

(1) by redesignating section 28 as section 29; and

(2) by inserting after section 27 the following new section 28:

"INTEGRITY OF CONTRACT ADMINISTRATION

"SEC. 28. (a) PROHIBITED CONDUCT BY CONTRACTORS.—(1) During the administration of a Federal agency contract, no covered contractor performing such contract shall knowingly—

"(A) make, directly or indirectly, any offer or promise of future employment or business opportunity to, or engage, directly or indirectly, in any discussion of future employment or business opportunity with, a contract official administering such contract, except as provided in subsection (b)(2); or

"(B) offer, give, or promise to offer or give, directly or indirectly, any money, gratuity, or other thing of value to any contract official administering such contract.

"(2) A covered contractor may engage in a discussion with a contract official that is otherwise prohibited by paragraph (1)(A) if, before engaging in such discussion, the contract official has been recused in accordance with subsection (b)(2).

"(3)(A) For purposes of paragraph (1)(A), in any case in which a covered contractor performing such contract is contacted by a contract official administering such contract about future employment or business opportunity, the contact shall not be considered a violation of that paragraph for the covered contractor if the contact is unsolicited, if the contact is terminated immediately, if no offer is made, and if the contact is reported under subparagraph (B).

"(B) In any case in which a covered contractor performing such contract is contacted by a contract official administering such contract about future employment or business opportunity, the covered contractor shall promptly report the contact to the official's supervisor and to the designated agency ethics official (or his designee) of the Federal agency in which the contract official is employed.

"(b) PROHIBITED CONDUCT BY CONTRACT OFFICIALS.—(1) During the administration of a Federal agency contract, no contract official administering such contract shall knowingly—

"(A) solicit or accept, directly or indirectly, any promise of future employment or business opportunity from, or engage, directly or indirectly, in any discussion of future employment or business opportunity with a covered contractor performing such contract, except as provided in paragraph (2); or

"(B) ask for, demand, exact, solicit, seek, accept, receive, or agree to receive, directly or indirectly, any money, gratuity, or other thing of value from any such covered contractor.

"(2)(A) Notwithstanding paragraph (1)(A), a contract official may engage in a discussion with a covered contractor performing a contract being administered by the official if, before engaging in such discussion—

"(i) the contract official proposes in writing to disqualify himself from any further

administration of the contract (I) for any period during which future employment or business opportunities for such contract official with such covered contractor have not been rejected by either the contract official or the contractor, and (II) if determined to be necessary by the head of such contract official's contracting activity (or his designee) in accordance with criteria prescribed in implementing regulations, for a reasonable period thereafter; and

"(ii) the head of that contracting activity of such contract official (or his designee), after consultation with the appropriate designated agency ethics official, approves in writing the recusal of the contract official.

"(B) For purposes of subparagraph (A)(ii), a recusal shall be deemed approved by the head of the procuring activity of a contract official if such head fails to act on the recusal within 90 days after the contract official proposes the recusal.

"(C) Regulations implementing this paragraph shall include specific criteria to be used in making determinations and approving recusals under subparagraph (A).

"(3)(A) For purposes of paragraph (1)(A), in any case in which a contract official administering such contract is contacted by a covered contractor performing the contract about a future employment or business opportunity, the contact shall not be considered a violation of that paragraph for the contract official if the contact is unsolicited, if the contact is terminated immediately, if any offer is rejected, and if the contact is reported under subparagraph (B).

"(B) In any case in which a contract official administering such contract is contacted by a covered contractor performing the contract about future employment or business opportunity, the official shall promptly report the contact to the official's supervisor and to the designated agency ethics official (or his designee) of the Federal agency in which the contract official is employed.

"(c) CONTRACTUAL PENALTIES.—(1) Regulations issued pursuant to subsection (i) shall require that each contract awarded by a Federal agency contain a clause specified in such regulation that provides appropriate contractual penalties for conduct of any covered contractor prohibited by subsection (a).

"(2) The remedies described in subsection 27(g) of this Act are authorized to be included in, and shall be considered in the development of, such regulations.

"(d) ADMINISTRATIVE ACTIONS.—(1) If an agency receives or obtains information providing a reasonable basis to believe that a covered contractor has knowingly violated the requirements of this section—

"(A) the agency shall determine whether to void or rescind the contract, to terminate the contract for default, to impose sanctions upon the contractor, or to permit the contractor to continue to perform the contract, subject to review in accordance with, and to the extent provided in, the Contract Disputes Act of 1978, or to take other appropriate actions; and

"(B) if the agency determines that such a knowing violation has occurred, the agency, pursuant to procedures specified in the Federal Acquisition Regulation—

"(i) may impose an immediate suspension, and

"(ii) shall determine whether to initiate a debarment proceeding,

against the covered contractor or other person who committed such violation.

"(2) Any contract official of a Federal agency who engages in conduct prohibited by subsection (b) shall be subject to removal or other appropriate adverse personnel action pursuant to the procedures specified in chapter 75 of titlt 5, United States Code, or other applicable law or regulation.

"(3) The actions taken under paragraph (1) or (2) may be suspended by the agency head upon the request of the Attorney General pending the disposition of any civil action pursuant to subsection (e).

"(e) CIVIL PENALTIES.—Any person who engages in conduct prohibited by subsection (a) or (b) shall be subject to the imposition of a civil fine in a civil action brought by the United States in an appropriate district court of the United States. The amount of any such civil fine for such violation may not exceed—

"(1) $100,000 in the case of an individual; or

"(2) $1,000,000 in the case of a covered contractor (other than an individual).

"(f) ETHICS ADVICE.—(1) Regulations implementing this section shall include procedures for a contract official or former contract official of a Federal agency to request advice from the appropriate designated agency ethics official regarding whether such contract official or former contract official is or would be precluded by this section from engaging in a specified activity.

"(2) A contract official or former contract official of an agency who requests advice from a designated agency ethics official pursuant to paragraph (1) shall provide the agency ethics official with all information reasonably available to the contract official or former contract official that is relevant to a determination regarding such request.

"(3) Not later than 30 days after the date on which the appropriate designated agency ethics official receives a request for advice pursuant to paragraph (1) accompanied by the information required by paragraph (2), or as soon thereafter as practicable, the official shall issue a written opinion regarding whether the requesting contract official or former contract official is precluded by this section from engaging in the specified activity.

"(g) TRAINING.—The head of each Federal agency shall establish a contract ethics program for its contract officials. The program shall, at a minimum—

"(1) provide for the distribution of written explanations of the provisions of subsections (a) and (b) to such contract officials; and

"(2) require each such contract official, as a condition of serving as a contract official, to certify that he or she is familiar with the provisions of subsections (a) and (b) and will not engage in any conduct prohibited by such subsections, and will report immediately to the contracting officer any information concerning a violation or possible violation of subsection (a) or (b) or applicable implementing regulations.

"(h) REMEDIES NOT EXCLUSIVE.—Nothing in this section shall be construed to limit the applicability of the requirements, sanctions, contract penalties, and remedies established under any other law, but no agency shall be relieved of the obligation to carry out the requirements of this section because such agency has also applied such other requirements, sanctions, contract penalties, or remedies.

"(i) IMPLEMENTING REGULATIONS AND GUIDELINES.—(1) Government-wide regulations and guidelines appropriate to carry out this section shall be included in the Federal Acquisition Regulation.

"(2) Regulations implementing this section shall—

"(A) define the term 'thing of value' for the purposes of this section and shall include a single uniform Government-wide exclusion at a specific minimal dollar amount; and

"(B) authorize the delegation of the functions assigned to designated agency ethics officials under this section.

"(j) DEFINITIONS.—As used in this section:

"(i) The term 'during the administration of any federal agency contract' means the period beginning on the date of the award, modification, or extension of a contract and concluding with cancellation, termination, or completion of performance of the contract, except that, with respect to a contract official who is involved personally and substantially in the negotiation or settlement of a claim or payment under the contract after the cancellation, termination, or completion of performance of the contract, the term means the period beginning on the date of the award, modification, or extension of a contract and concluding with final payment under the contract.

"(2)(A) The term 'contract official administering a contract' means, with respect to the contract concerned, any civilian or military official or employee of a Federal agency who has participated personally and substantially in any of the following, as defined in implementing regulations:

"(i) The management and administration of that contract in the capacity of a program executive officer, program manager, deputy program manager, contracting officer, or position with comparable responsibilities.

"(ii) The oversight of a contractor while assigned on a permanent basis in a Government Plant Representative's Office (including auditors or quality assurance personnel) or a position with comparable responsibilities (as determined under the regulations).

"(iii) Operational and developmental testing.

"(iv) the settlement or negotiation of a contract claim.

"(v) Such other specific contract actions as may be specified in implementing regulations.

"(B) For purposes of subparagraph (A), the term 'employee of a Federal agency' includes a contractor, subcontractor, consultant, expert, or adviser (other than a contractor) acting on behalf of, or providing advice to, the agency with respect to the administration of the agency contract concerned.

"(3) The term 'covered contractor' means—

"(A) any party, including any officer, employee, representative, agent, or consultant of the party, that has entered into a contract directly with a Federal agency (hereinafter in this paragraph referred to as a 'prime contractor'); and

"(B) any party, including any officer, employee, representative, agent, or consultant of the party, that has entered into a subcontract with a prime contractor, if the contract official involved in the administration of the prime contract is personally and substantially involved in the activities referred to in paragraph (2)(A) with respect to the administration of such subcontract.

"(4) The terms 'Federal agency' and 'designated agency ethics official' have the meanings given those terms by section 27(p) of this Act.".

(d) EFFECTIVE DATES.—(1) The repeals made by subsection (a)(1), the amendments made by subsections (a)(2) and (b), and, except as provided in paragraph (3), section 28 of the Office of Federal Procurement Policy Act (as added by subsection (c)) shall take effect 210 days after the date of the enactment of this Act.

(2) Not later than 120 days after the date of the enactment of this Act, the Federal Ac-

quisition Regulatory Council shall propose interim regulations to implement the repeals made by subsection (a)(1), the amendments made by subsections (a)(2) and (b), and section 28 of the Office of Federal Procurement Policy Act (as added by subsection (c)). Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall promulgate final regulations to implement such repeals, amendments, and new section.

(3) The contractual penalties required pursuant to section 28(c) of the Office of Federal Procurement Policy Act (as added by subsection (c)) shall be included in—

(A) contracts that are awarded pursuant to solicitations issued after the expiration of the 180-day period beginning on the date of the enactment of this Act;

(B) in the case of contracts for which no solicitations are issued, contracts that are awarded after the expiration of the 210-day period beginning on the date of the enactment of this Act; and

(C) contracts with respect to which a change or modification to, or extension of, is made after the expiration of the 210-day period beginning on the date of the enactment of this Act.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. WISE OF WEST VIRGINIA

(Amendment 20 in Part 2 of the Report of the Committee on Rules)

The amendment as modified is as follows:

At the end of title X (page 180, after line 8), insert the following new section:

SEC. . SENSE OF CONGRESS CONCERNING ISSUANCE OF COMMEMORATIVE CARD FOR OPERATION DESERT STORM SERVICEMEMBERS.

(a) ISSUANCE OF CARD.—It is the sense of Congress that the Secretary of Defense shall issue a special commemorative card to each member of the Armed Forces who—

(1) served in the Persian Gulf theater of operations in connection with the Persian Gulf conflict (including service as a member of an air crew over that theater); or

(2) as a member of a reserve component or a retired member, was ordered to active duty in connection with the Persian Gulf conflict.

(b) CONTENT.—The commemorative card shall indicate that the servicemember was a participant in the Persian Gulf conflict.

AMENDMENT TO H.R. 2100, AS REPORTED OFFERED BY MR. MONTGOMERY OF MISSISSIPPI

(Amendment 21 in Part 2 of the Report of the Committee on Rules)

At the end of title X (page 180, after line 8), insert the following new section:

SEC. . TECHNICAL REVISIONS TO CHARTER FOR BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM.

The Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99-661) is amended as follows:

(1) Section 1404(b)(3) (20 U.S.C. 4703(b)(3)) is amended by striking out ", at least one of whom" and all that follows through "aerospace education".

(2) Section 1408 (20 U.S.C. 4707) is amended—

(A) in subsection (b), by striking out all after "in" in the second sentence and inserting in lieu thereof "public debt securities of the United States with maturities suitable to the fund."; and

(B) in subsection (c)—

(i) by striking out "(exceptional special obligations issued exclusively to the fund)"; and

(ii) by striking out ", and such" and all that follows through "accrued interest".

(3) Section 1410(b) (20 U.S.C. 4709(b)) is amended by striking out "be compensated" and all that follows through "section 5332" and inserting in lieu thereof "serve as a noncareer appointee of the Senior Executive Service and shall be compensated at a rate determined by the Board in accordance with section 5383".

AMENDMENT TO H.R. 2100, AS REPORTED OFFERED BY MR. CONYERS OF MICHIGAN

(Amendment 22 in Part 2 of the Report of the Committee on Rules)

At the end of title X (page 180, after line 8), insert the following new section:

SEC. 1033. REPORT ON MILITARY PERSONNEL IN COLOMBIA, PERU, AND BOLIVIA.

Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report concerning members of the Armed Forces assigned or seconded to duty or serving in Colombia, Peru, and Bolivia for counter-narcotics purposes. The President may submit each report in classified or unclassified form as the President considers necessary. Each report shall provide the following information for the period covered by that report:

(1) The number of members of the Armed Forces assigned to permanent or temporary duty, seconded, or serving in these countries for counter-narcotics purposes at any time during the period covered by the report and the monthly status of these members.

(2) The missions, goals, and objectives of these members.

(3) The operational chain of command for these members and the control mechanisms being utilized to ensure that members of the Armed Forces do not assume law enforcement tasks or any operational role in counter-narcotics activities.

AMENDMENT TO H.R. 2100, AS REPORTED OFFERED BY MR. GLICKMAN OF KANSAS

(Amendment 23 in Part 2 of the Report of the Committee on Rules)

At the end of title X (page 180, after line 8), insert the following new section:

SEC. 1033. SENSE OF CONGRESS REGARDING REPAIR OF MCCONNELL AIR FORCE BASE CAUSED BY TORNADOES.

(a) FINDING.—Congress finds the following:

(1) On April 26, 1991, tornadoes caused extensive damage to McConnell Air Force Base in Wichita, Kansas.

(2) The immediate repair of the damage caused by the tornadoes is necessary to return this important military installation to its highest state of readiness and to provide the military personnel and their families stationed at this installation the necessary support facilities to assure a quality standard of living.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of Defense and the Secretary of the Air Force should make every effort to expeditiously repair the damage to McConnell Air Force Base in Wichita, Kansas, caused by the devastating tornadoes on April 26, 1991.

AMENDMENT TO H.R. 2100, AS REPORTED OFFERED BY MR. ANDREWS OF MAINE

(Amendment 28 in Part 2 of the Report of the Committee on Rules)

At the end of title XXVIII (page , after line), insert the following new section:

SEC. 2832. FUNDING FOR ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED UNDER 1991 BASE CLOSURE LIST.

(a) EXCLUSIVE SOURCE OF FUNDING.—(1) Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510) is amended by adding at the end the following new subsection:

"(d) BASE CLOSURE ACCOUNT TO BE EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Beginning with fiscal year 1993, no funds appropriated to the Department of Defense may be used for purposes described in section 2905(a)(1)(C) except funds that are in the Account. The prohibition in the preceding sentence expires upon the termination of the authority of the Secretary to carry out a closure or realignment under this part.".

(2)(A) Section 2905(a)(1)(C) is amended by striking out "or funds appropriated to the Department of Defense for environmental restoration and mitigation".

(B) The amendment made by subparagraph (A) shall become effective on October 1, 1992.

(b) REPORT ON ENVIRONMENTAL RESTORATION COSTS FOR INSTALLATIONS TO BE CLOSED UNDER 1990 BASE CLOSURE LAW.—(1) Each year, at the same time the President submits to Congress the budget for a fiscal year (pursuant to section 1105 of title 31, United States Code), the Secretary of Defense shall submit to Congress a report on—

(A) the funding needed for the fiscal year for which the budget is submitted for environmental restoration activities at each military installation described in paragraph (2), set forth separately for each military installation; and

(B) a projection of the funding needed for such activities in each of the next four fiscal years at each of the military installations described in paragraph (2), set forth separately for each military installation.

(2) The report required under paragraph (1) shall cover each military installation which is to be closed pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510).

MODIFICATION TO THE AMENDMENT OFFERED BY MRS. MINK OF HAWAII

(Amendment 29 in Part 2 of the Report of the Committee on Rules)

The amendment as modified is as follows:

At the end of title XXXI (page 283, after line 22), insert the following new section:

SEC. . SENSE OF CONGRESS CONCERNING TREATMENT OF STRATEGIC TARGET SYSTEM PROGRAM UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.

It is the sense of Congress that the Strategic Target System program conducted by the Sandia National Laboratories of the Department of Energy at the Kauai Test Facility of the Pacific Missile Range Facility, Kauai, Hawaii, should be treated as a major Federal action significantly affecting the quality of the human environment for purposes of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

MODIFICATION TO THE AMENDMENT OFFERED BY MR. BUSTAMANTE OF TEXAS

(Amendment 30 in Part 2 of the Report of the Committee on Rules)

The amendment as modified is as follows:

At the end of title XXXI (page 283, after line 22), insert the following new section:

SEC. 3136. FUNCTIONS OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) EXPANSION OF AUTHORITY TO INCLUDE ASSEMBLY FACILITIES.—Section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g) is amended in paragraph (1)(B) by striking out "assembly or".

(b) CONFORMING CLARIFICATION OF FUNCTIONS.—Section 312 of the Atomic Energy Act of 1954 (42 U.S.C. 2286a) is amended—

(1) by inserting "(a)" before "The Board shall perform"; and

(2) by adding at the end the following new subsection:

"(b) The functions of the Board under this chapter do not extend to the safety of atomic weapons. The Board shall have access to weapons information necessary to carry out the functions of the Board under subsection (a).".

The CHAIRMAN pro tempore. Pursuant to House Resolution 156, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 10 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, this package contains 20 amendments that have been agreed to by both sides.

I would like to thank the gentleman from Alabama [Mr. DICKINSON] for his cooperation in this undertaking.

Six of these amendments have been modified from the version printed in part 2 of the report of the Committee on Rules providing for consideration of H.R. 2100, House Report 102-68.

Mr. Chairman, after the Committee rises, I intend to request general leave authority for Members to submit their written statements and have them appear along with their amendments. We do this in the hope that we can keep down the debate time taken up and appointed at this point.

The amendments to be considered en bloc include the following:

An amendment by the gentleman from Virginia [Mr. BATEMAN]; one by the gentleman from Utah [Mr. HANSEN]; one by the gentleman from Massachusetts [Mr. FRANK]; one by the gentleman from Michigan [Mr. CONYERS]; one by the gentleman from Virginia [Mr. PICKETT]; one by the gentleman from California [Mr. PANETTA]; one by the gentleman from Florida [Mr. BENNETT], which has been modified; one by the gentlewoman from Maryland [Mrs. BYRON]; one by the gentleman from Texas [Mr. FIELDS]; one by the gentlewoman from Maryland [Mrs. BENTLEY], which has been modified; one by the gentleman from North Dakota [Mr. DORGAN]; one by the gentleman from Ohio [Mr. TRAFICANT]; one by the gentleman from Massachusetts [Mr. MAVROULES], which has been modified; one by the gentleman from West Virginia [Mr. WISE], which has been modified; one by the gentleman from Mississippi [Mr. MONTGOMERY]; one by the gentleman from Michigan [Mr. CONYERS]; one by the gentleman from Kansas [Mr. GLICKMAN]; one by the gentleman from Maine [Mr. ANDREWS]; one by the gentlewoman from Hawaii [Mrs. MINK], which has been modified; and one by the gentleman from Texas [Mr. BUSTAMANTE], which has been modified.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BUSTAMANTE].

Mr. BUSTAMANTE. Mr. Chairman, I am pleased that the amendment to bring the Pantex nuclear weapons assembly facility under the jurisdiction of the Defense Nuclear Facilities Safety Board is being considered under the package of en bloc amendments.

The purpose of this amendment is to include the Pantex site within the definition of nuclear facilities and the oversight of the Defense Nuclear Facilities Safety Board.

It is our intent that the Board be responsible for oversight of safety and health issues related to the assembly and disassembly process of nuclear weapons and weapons components located at the Pantex facility.

The proposed amendment does not expand the jurisdiction of the Board to include safety review of the original design of the weapon, transportation of the weapon outside the facility, or operational safety of the weapon.

However, the Board is to have access to all weapons design information necessary to fulfill its oversight responsibility at the Pantex site.

I want to thank Representatives PHIL SHARP and MIKE SYNAR for their cooperation and work on this amendment. This amendment really builds on their past work in this area.

I would also like to thank Representative BILL SARPALIUS for his input in shaping this amendment and for his support. Pantex is the largest employer in Representative SARPALIUS' district, and his backing was critical to the making of this amendment.

Finally, I would like to thank Representative JOHN SPRATT, chairman of the DOE defense nuclear facilities panel, and staffers Bob DeGrasse and Bob Schafer for their encouragement and for their efforts to improve this amendment.

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Chairman, I rise in support of this amendment to H.R. 2100, which would modify section 318 of the Atomic Energy Act of 1954.

First, I want to make it clear that I represent the Government facility affected by this amendment. By passing this amendment, it merely brings the Pantex nuclear weapons assembly facility in Amarillo, TX, under the safety oversight of the Defense Nuclear Facilities Safety Board.

This board currently has oversight over the 11 other nuclear weapons manufacturing sites in this country and this amendment extends that oversight to Pantex. I think this is a healthy amendment that will instill confidence in my constituents that the Federal Government is diligent in safeguarding their health and safety and protecting our environment.

Residents of the Texas Panhandle have enjoyed a great relationship with the Department of Energy. I want to see that relationship continue and grow. I believe the independent oversight by the Nuclear Facilities Safety Board will do nothing but help to foster an even better relationship.

I urge my colleagues to join me in the adoption of this amendment.

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, my amendment would try to get the Department of Defense to start buying ethanol fuel. They are now required to do so, but the law is littered with exemptions for it. In fact, last year the Federal Government bought 160 million gallons of fuel. We have over 400,000 gasoline-powered vehicles in the Federal Government and only four one-hundredths of 1 percent use ethanol fuel.

We ought to be the leader in stimulating the demand for ethanol. The Department of Agriculture requires that its 32,000 vehicles use ethanol, but only 2 percent of them do because they cannot find ethanol because DOD buys the fuel and they do not buy ethanol; so my amendment would require that the DOD start buying ethanol. Actually that is a requirement that is in the 1980 law, and also that they review the current exemptions for the entire Federal fleet.

I would like to see those 400,000 vehicles in the Federal fleet use ethanol. The way to start that is to get the DOD and its fuel dumps or fuel depots to have ethanol on hand.

I thank the gentleman for his cooperation on this amendment.

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I want to thank the distinguished chairman of the Armed Services Committee and also the members and staff of the Energy and Commerce Committee who worked with me on an amendment to expedite the studies that would be made for cleanup on bases that are targeted for closure.

□ 1420

Mr. Chairman, it is absolutely essential, if those bases are to close, that we not penalize the communities by having them just sit there. It is essential they be cleaned up. This amendment will help in that regard.

Mr. Chairman, I thank the gentleman for his cooperation.

Mr. Chairman, I am pleased today to be able to thank the distinguished chairman of the Armed Services Committee for his incorporation of a very important and urgent amendment into an en bloc amendment for consideration by the full House of Representatives.

My amendment would require the Department of Defense to complete remedial inves-

tigations and feasibility studies required for the restoration of contaminated sites on military bases due to be closed in a timely manner. It would affect only those military installations designated as Superfund sites by the Environmental Protection Agency [EPA] and slated for closure by the 1989 and 1991 base closure lists.

This amendment would address a serious deficiency in current law in urgent need of correction. Under current law, a Federal agency with a facility on the Superfund national priorities list [NPL] must commence a remedial investigation and feasibility study of the facility within 6 months of its listing on the NPL. Further, section 120(e) of the Comprehensive Environmental Response, Compensation, and Liability Act [Superfund] requires the administration and appropriate State officials to "publish a timetable and deadlines for expeditious completion of the investigation and study phase of the cleanup."

The amendment would clarify the existing requirement for the expeditious completion of RI/FS's at Superfund sites by imposing a deadline of 30 months from the date of enactment of this bill for the completion of such investigations and studies at military posts to be closed pursuant to this year's base closure process. It would also impose a deadline of 18 months from the enactment of the bill for the completion of RI/FS's at bases designated for closure in 1989. Once again, the amendment would govern cleanup RI/FS's only at military bases designated as Superfund sites and slated for closure by the 1989 and 1991 base closure lists.

The overall average for remedial investigations and feasibility studies for the entire Superfund program has been approximately 24 months. Thus, the deadlines at which we have arrived are eminently reasonable and fair to the Department of Defense and in the interests of each community's environment, the States and the EPA. Let me also emphasize that the deadlines in this amendment do not authorize any delay in currently scheduled RIFS's. Rather, the amendment is intended to set out deadlines which do not currently exist in the Superfund statute for completion of RIFS's at closing military bases. In addition, I would note that the amendment would not supersede the provisions of the National Environmental Policy Act as they relate to environmental impact statements on military installations.

Mr. Chairman and colleagues, we are faced with a grave crisis in the base closure process, a crisis that has gone largely unrecognized, particularly in the Department of Defense. Everyone has heard the Department's siren song: All we have to do, the song goes, is sell off each service's "prime real estate," and the Federal Government will recoup great windfalls.

Mr. Chairman and colleagues, I am here to tell you that it simply is not so. That position is a great simplification bordering on falsehood. The facts are, no part of any base placed by the Environmental Protection Agency [EPA] on the national priority list, the so-called Superfund list, can be touched by any other agency or local government or private interest until the entire base has been completely cleansed of all ordnance and hazardous waste. Moreover, this process may last as long as 20 years at some military installations.

I am devoted to the total restoration of all military posts before their transfer to other interests. I will not allow any degradation of the cleanup process to occur. Make no mistake, however. I am determined to find a way safely to expedite this process. I am also convinced that the Congress will not allow unnecessary delay in the Defense Department's conduct of the cleanup process. Let this amendment serve notice that the Congress will find the resources, the manpower and the technology to ensure that the Defense Department acquits its responsibilities to our communities, our environment, and our Nation in a safe and efficacious manner. This amendment is the first step in our effort; many other steps need to be taken. I understand that the Energy and Commerce Committee will be examining these and other issues raised by the base closure process this summer, and I commend the committee for its interest.

Mr. Chairman, I am privileged to have had the cooperation and assistance of the distinguished chairmen of the Energy and Commerce Committee, the Armed Services Committee and the Subcommittee on Transportation and Hazardous Materials, as well as the able staff of each of these gentlemen, in the conception and drafting of this provision. I want to take this opportunity to thank each of them and to offer my commitment to continuing to work with them and with other colleagues to improve the Defense Department's ability to restore its polluted lands and waters both expeditiously and thoroughly.

Mr. Chairman, I urge my colleagues strongly to approve the committee's en bloc amendment, including as it does this provision so vital to communities throughout the Nation.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I have an amendment in the en bloc package that is aimed at consolidating and clarifying existing statutes relating to post-employment restrictions for Government workers.

I want to thank the chairman of the other committees and their staffs who have been working with us—Chairman BROOKS, Judiciary, Chairman CONYERS, Government Operations, and Chairman DINGELL, Energy and Commerce, for their cooperation and for allowing me to pursue this amendment to the DOD Authorization Act. I also want to assure my colleagues that I fully recognize their concerns, that the DOD authorization bill is not the appropriate vehicle for considering Governmentwide changes to revolving door—and that we are not attempting to subvert their jurisdiction in these matters by the action we take today.

During conference, we will work together to make changes to which we can all agree. However, if there is no agreement, then we will make no changes to the underlying statutes. I do hope, however, that ultimately we can make some very necessary changes to our revolving door statutes.

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I support the amendment of my distinguished colleague from Massachusetts contained in the en bloc amendments. It represents a great deal of hard work. It was drafted by a coalition of the Government Operations Committee, together with the Armed Services Committee, and others, intent on bringing order and sense to the laws which now govern ethics in Federal contracting.

This is a matter squarely within the jurisdiction of the Government Operations Committee, which I chair. Accordingly, it is troubling to me that we are once again in the position of using a Defense authorization bill to enact this Governmentwide procurement legislation. I understand that the leadership of the Armed Services Committee has come to share my view on this problem, and I doubt that we will see this in the future.

But notwithstanding my difficulty with the choice of the Defense authorization bill as a vehicle for this reform, I think it is a well-considered step toward uniformity and relative simplicity in the Government's revolving door statutes. It will repeal certain revolving door statutes which I think rightly have been called duplicative and overly complicated, while maintaining a strong Governmentwide statute.

This amendment also strengthens existing procurement integrity controls, which govern gifts and gratuities and other improper contacts between contractors and Government officials, chiefly by extending those controls to the post-award period during which a contract is administered and performed.

Based on hearings held by my committee over the past few years into abuses in the procurement system, including fraud in major weapons systems contracts, I can assure you that a strong system of ethics in Federal procurement is needed now more than ever. This amendment will contribute substantially toward that goal, and I urge its adoption.

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the en bloc amendments offered by the gentleman from Wisconsin, Mr. ASPIN. Part of that en bloc amendment is language I proposed with respect to tornado damage in my hometown.

Mr. Chairman, a prominent part of my hometown of Wichita, KS, is McConnell Air Force Base. McConnell plays an integral role in the Wichita community and all of south central Kansas, affecting the employment of thousands of Kansans and the eco-

nomic stability and development of the entire region.

Of even greater significance to this Nation, the people, the facilities, and the equipment at McConnell provide an integral component to our strategic defense system. This military facility is the base to almost one-fifth of this Nation's fleet of B-1B bomers, an entire wing of KC-135 refueling tankers as well as a significant number of Kansas National Guard aircraft.

On April 26, 1991, several tornadoes ripped through Wichita and its surrounding area, killing 19 people, causing hundreds of millions of dollars of property damage and devastating the lives of many in this community. At least one tornado went directly through the heart of the base, destroying the hospital, the gymnasium, the noncommissioned officer's club, the recreation center and the base credit union, while damaging several other buildings, including base housing, the child care center, and the elementary school for dependents of military personnel.

The Air Force's preliminary cost estimate on the damage at McConnell is $85 million. This Nation is fortunate the tornado did not damage any of the military hardware based at McConnell, which could have resulted in, literally, billions of dollars of damage. However, all the facilities it did heavily damage or destroy directly support the quality of life of base personnel. Significant funds will be needed to clean up and eventually rebuild the facilities affected by these killer storms.

With this in mind, I have introduced an amendment expressing the sense of the Congress that the Department of Defense and the United States Air Force should make every effort to expeditiously repair the damage incurred by McConnell Air Force Base in Wichita, KS, caused by the devastating tornadoes on April 26, 1991. This amendment is supported by the committee and has been included in the en bloc amendment.

My amendment further expresses the sense of Congress that such repair is necessary to return this important military installation to its highest state of readiness and to provide the military personnel and their families stationed at McConnell Air Force Base the necessary support facilities to assure a quality standard of living.

I want to thank my friend PATRICIA SCHROEDER, chair of the Armed Services Subcommittee on Military Installations and Facilities and the distinguished chairman of the full Armed Services Committee, LES ASPIN, for their assistance during this difficult period at McConnell. Their support will certainly help maintain McConnell's high state of readiness while ensuring a high quality of life for the personnel who serve there.

Mr. ASPIN. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

(By unanimous consent, Mr. DICKINSON was allowed to speak out of order.)

Mr. DICKINSON. Mr. Chairman, if I may have the attention of the gentleman from Wisconsin, the chairman of the committee, I would like to discuss briefly what I anticipate to be the schedule for the balance of this bill.

As the minority, we have the right to a motion to recommit. It is my intention to take advantage of this position, but it will be without instruction.

I have 10 minutes on the en bloc amendments, and I do not anticipate that there will be any vote here. I would ask that if I am offering my motion to recommit without instructions, since there will be no debate time, I would request 5 minutes to discuss final passage. As far as I know, it is my understanding there would be no vote on this side at least; no request for a vote at the end of the en bloc amendments. There will be some discussion. Then there will be, when we go into the House, a motion to recommit, some discussion but no vote will be called for. Then there will be a vote on final passage.

Mr. Chairman, would the gentleman from Wisconsin see any objection to this, or does he see it differently?

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Wisconsin.

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for his explanation of his intentions. Let me say we certainly see no problem with what the gentleman wants to do. We want to thank the gentleman from Alabama for his cooperation and want to thank him and the gentleman from Arizona and others who have been trying to work on a motion to recommit. We ran into some difficulty with it. But we have sympathy with the position of the gentleman from Alabama and the gentleman from Arizona and will pursue that in another piece of legislation.

I want to thank the gentleman from Alabama for his cooperation on the bill.

Mr. DICKINSON. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time on that portion and go back to my statement for consideration of the en bloc amendments.

The CHAIRMAN pro tempore (Mr. COX of Illinois). The gentleman from Alabama [Mr. DICKINSON] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. I thank the gentleman for yielding.

Mr. Chairman, we have a problem with chemical weapons. In that the Congress has decided that they are going to demil all of our unitary weapons. We have a lot of them scattered all over the United States and in other areas.

We have mandated that this will be done. Now, in Johnston Island, 776 miles southwest of the Hawaiian Islands, we have a baseline technology. That is working at this present time on and off, and we hope that it is going.

We are building another one in Terwilla, UT, right now where we have 42 percent of all unitary weapons. Of those 42 percent, about half of them are leakers. So they put them in coffins, then they leak again, and they put them in another coffin. At other places in the United States we have unitary weapons, and the next one will be at Anniston, AL.

We have what we call baseline technology in Johnston Island and Terwilla. Now, when you go to the local building inspector and you say, "Come on in and give us a permit to build this thing," he is accustomed to doing houses, stores, service stations. Now, you say, "Here is a little $200 million deal that we are going to do, and we want you to give us a permit to do it." He has no way of knowing how.

So the States and local entities throw up their hands in despair and say, "How do we possibly do this?" They have no way to figure it out.

So, in effect, they can block what we are trying to do. In effect, they would be blocking our treaties with other nations if we cannot come to some meeting of the minds as to how to work out a permit.

So the Army has merely asked that they can work with the States and work with local entities in coming up with permits to handle these very complicated structures, such as the baseline or whatever other system may be used.

So this amendment is very simple. It just allows the Army to work with the local entities in taking care of permits to build these very necessary facilities which will be part of treaties which we have all been hoping for for many years.

Mr. DICKINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I rise in support of the Frank amendment, which seeks to delay until fiscal year 1993 the groundwave emergency net program, known as GWEN. I think in the time of the cold war, with the lessened tensions around the world, is an appropriate time for this amendment and one which we should pass.

Mr. DICKINSON. Mr. Chairman, I yield such time as she may consume to

the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. I thank the gentleman for yielding time to me.

Mr. Chairman, my amendment included in the Department of Defense authorization bill is a noncontroversial measure since it simply mirrors the intent of the Department of Defense Federal Acquisition Regulations.

Mr. Chairman, the purpose of this amendment is simple and straightforward. It requires DOD to employ U.S.-flag vessels for the ocean transportation of all components and ingredients of equipment, materials, commodities, or supplies.

The U.S. attorney general's office said that components of equipment are subject to the cargo preference requirements. My amendment will prevent this very important issue from further questionable interpretations and will help ensure that U.S. taxpayers dollars are spent in support of U.S. industry, the U.S. economy, and not those of foreign nations.

I urge my colleagues to support my amendment.

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Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last year I stood on the floor and announced that, while I had no particular heartburn with any of the individual amendments contained in the en bloc package, I did have some reservations about the fairness of the process by which the committee fashioned that package.

Today I find myself in somewhat of a role reversal. I am generally pleased with the process this year, but have some questions concerning a few of the so-called noncontroversial amendments that comprise this year's package. I should state that Chairman ASPIN and I have an informal understanding between us which precludes any amendment proposed for en bloc from being accepted if I don't agree to it. Obviously, I don't find any of the amendments in this en bloc package so egregious that I have asked they be pulled out and voted on separately. This doesn't mean that a few of them aren't borderline, though. Indeed there are several in the borderline category, and I would like to submit my views on them for the record.

However, as I stated Monday when we were discussing the rule, the process by which all of the amendments submitted to the Rules Committee were narrowed down to those we have debated and those that are included in this en bloc package was a fair one. I have no complaints about the manner with which Republican Members' amendments were considered. Unlike last year, when our side had process problems with the final en bloc package, this year we were treated equitably. I would like to thank Chairman ASPIN and the Rules Committee for taking the steps necessary to turn the situation around from a year ago.

Mr. Chairman, I support adoption of this amendment and reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, there are three amendments in the en bloc package that I would like to call to my colleagues' attention.

First, there is a sense of Congress amendment that the Secretary of Defense should issue a special commemorative card to each member of the Armed Forces who served on active duty during the Persian Gulf conflict and was a participant in that conflict. While on its face the amendment seems like a noble thing to do by recognizing only those who participated in the Persian Gulf conflict, it overlooks those who served in a backup role, as well as those who would gladly have served had they been ordered to do so. Moreover, it sets apart our Persian Gulf veterans from our World War II, Korean War, Vietnam War, Grenada, Just Cause, and other veterans. In attempting to recognize the heroics of our Desert Storm veterans the amendment unwittingly characterizes those who did not participate and those who participated in other conflicts as second-class citizens. In summary, I don't think this well intentioned amendment was a well conceived one, and unless we can substantially modify it, I will request to drop it in conference.

The en bloc package also includes an amendment which further revises the procurement conflict of interest laws. This amendment takes a step in the right direction by beginning to chip away at the double standard, presently found in law, which places more restrictions on employees of the Department of Defense than the rest of the Federal work force. Unfortunately, this very modest step ignores many of the remaining drastic and counterproductive revolving door type of restrictions which are scheduled to become effective at the end of this month. It is regrettable that Congress will allow these flawed restrictions to go into effect knowing full well that they will drive many qualified employees from Federal service and keep a larger number from ever entering. I hope that we can build on the amendment in conference by directly attacking the problems plaguing the body of procurement law. We should do away with the remaining DOD-specific restrictions as well as the duplication and definitional problems still found in the statutes. More importantly, we should once and for all reject further attempts to legislate in this area on the basis of perceived problems instead of real ones.

Finally, there is an amendment which does not fit my borderline category but rather is actually a good government idea. The problem is that it is so narrowly targeted at two particular military installations in a single district, when it should be applied to installations in everyone's district. The amendment proposes to use the proceeds from the sale of lost, abandoned, or unclaimed property found on Naval Base Norfolk and Naval Air Station Norfolk: First, to cover the costs incurred to collect, transport, store and sell the property; and second, should these costs be reimbursed in full from the proceeds of the sale, to apply any remaining funds to support morale, welfare, and recreation activities at the installations. This makes sense to me! So why not make the provision applicable across the board—as, I might add—it's author initially intended? The answer apparently lies in the fact that this amendment creates an appropriation in an authorization bill, because the two installation commanders in question would have the authority to spend the money they collected without any further action by the Committees on Appropriations. I will work to broaden this amendment in conference and will also try to strike a deal with the Appropriations Committee to get an expanded version agreed to.

Mr. ANDREWS of Maine. Mr. Chairman, we all agree that unneeded military facilities must be scaled back in a fair and equitable manner. Many of the installations proposed for closure and realignment, however, suffer from moderate to severe environmental hazards.

This greatly concerns me. The DOD has a responsibility to fund needed environmental cleanup at all its U.S. military facilities, open or closed. Years of environmental contamination have taken their toll at military facilities in every State in the United States.

As part of Chairman ASPIN's en bloc amendment is a measure I am offering to ensure proper clean up for the next round of base closure sites. This amendment requires the Department of Defense to fund environmental restoration of closed or realigned facilities out of the base closure account 1990 and provides for reporting of these requirements with the submission of the fiscal year 1993 budget request.

Last year Congress established a dedicated funding source within the base closure account 1988—the first round—for environmental restoration purposes. My amendment will make this the law for the base closure account 1990, beginning in 1993.

The DOD plans to close and then transfer bases to the public. Prior to transfer of the land, these installations must meet certain environmental standards quickly, which is difficult without changing laws or increasing cleanup funding for sites on the closure list. Without a funding source for environmental restoration within the base closure account 1990, the Defense Environmental Restoration Program must pay for these activities, perhaps by rearranging its worst-first standard and postponing needed environmental work already planned at over 17,000 sites at more than 1,800 operating facilities.

In fiscal year 1992, the Defense Department estimates that $133 million is needed for environmental restoration at facilities slated for closure or realignment in round II. At least another $158 million will be required in fiscal year 1993. We still do not have an accurate estimate for the total clean-up costs of these sites proposed for closure and realignment.

Rather than force a trade-off between funding operating and closing facilities, this amendment would establish separate funding sources in fiscal year 1993 to enable both efforts to receive needed environmental work. This amendment would also require DOD to submit a 5-year estimate of the costs for environmental restoration associated with closure and realignment at the round II facilities.

We cannot afford to wait any longer. We must put our country's military facilities in order and protect our citizens from the hazards of environmental pollution in their own communities. I urge my colleagues to support this amendment and help speed up the environmental restoration of this nation's military facilities.

Mr. SYNAR. Mr. Chairman, I rise in support of the amendment offered by my colleague from Texas, Mr. BUSTAMANTE. A year and a half ago, Mr. BUSTAMANTE asked me, as chairman of the Government Operations Subcommittee on Environment, Energy, and Natural Resources, to help him investigate reports of safety and environmental problems at the Pantex nuclear weapons plant near Amarillo, TX. So we asked the U.S. General Accounting Office to review the status of Pantex for us. On April 15 of this year, GAO issued a report confirming that there were numerous instances of safety problems at Pantex and reporting that Pantex has one of the worst worker safety records of all DOE facilities.

The Bustamante amendment would extend the jurisdiction of the Defense Nuclear Facility Safety Board, an independent agency created by Congress to oversee the DOE's nuclear weapons plants, to Pantex. With the board's oversight, made possible with this amendment, I sincerely hope that the next time we send the GAO to Pantex their report will show operations at Pantex to be much improved. I also want to commend the Armed Services Committee for recognizing the merit of this amendment.

Mr. SWIFT. Mr. Chairman, I would like to commend the gentleman from California [Mr. PANETTA], on his amendment to H.R. 2100, which will put the Department of Defense on an enforceable schedule for completion of remedial investigations and feasibility studies [RI/FS] at those closing military bases which are listed on the Superfund national priorities list.

As chairman of the Energy and Commerce Subcommittee on Transportation and Hazardous Materials—which has legislative jurisdiction over the Superfund program—I recently held a hearing on Federal facilities compliance with our Nation's hazardous waste laws. As most of us know, Mr. Chairman, that compliance record has been abysmal, resulting in a significant number of Department of Defense installations winding up on the Superfund list.

In the Superfund Amendments and Reauthorization Act of 1986, we required that the Administrator of EPA include on the Superfund national priorities list all Federal facilities which met the criteria established under the national contingency plan for determining response priorities for releases of hazardous substances.

Once a Federal facility was included on the NPL, the Department owning the facility—in this case, the Department of Defense—was required to commence a remedial investigation and feasibility study for that facility within 6 months. EPA and the appropriate State authorities were then to publish a timetable and deadlines for expeditious completion of the RI/FS.

As most Members know, the RI/FS is an extremely important step at a Superfund site; it is an in-depth characterization of the hazards at a site and provides the blueprint for cleanup. It is crucial that the RI/FS be completed in a timely manner, so that the complex and expensive cleanup activities can begin.

Unfortunately for the communities surrounding closing military bases that are also Superfund sites—which potentially include Fort Ord in Mr. PANETTA's district in California and the Whidby Island Naval Air Station in my district in Washington—the Department of Defense is not as far along as they should be in finishing the RI/FS process and beginning the cleanup. This means that those communities will be even more economically disadvantaged by the closing of the base than they otherwise would be, since environmental contamination will prevent them from making productive use of the property for several years.

Mr. PANETTA's amendment promises to do something about this situation, by giving DOD a firm deadline by which they must have completed the RI/FS process, and so begin actual cleanup.

I'd like to express a note of caution, however, for DOD. The Superfund law requires, as I've noted, expeditious completion of remedial investigations and feasibility studies at Federal NPL sites. The timelines contained in the Panetta amendment are not to be taken as an excuse to drag the process out until the very last minute; they do not stand as the definition of "expeditious completion." Instead, the timelines contained in the Panetta amendment are outside deadlines by which the RI/FS must be complete; a date representing expeditious completion of the RI/FS at many of the NPL sites on the base closure list may very likely fall much earlier than the deadlines contained in the amendment, and in those cases, the committee expects those RI/FS to be complete within that earlier timeframe.

Again, I commend the gentleman from California for this fine effort. I appreciate his working with the Energy and Commerce Committee on his amendment, and urge its passage.

Mr. DURBIN. Mr. Chairman, the amendment I have joined the gentleman from North Dakota [Mr. DORGAN] in offering puts the goal of Congress to increase the use of ethanol back on track. In the wake of the Persian Gulf war and with increasing concern over the environment, ethanol has a greater role to play in our Nation's energy policy than ever before.

It has already been the law of the land for a decade that whenever possible Federal vehicles should operate on motor fuel containing 10 percent ethanol. Every car sold in America today can operate safely on a 10-percent ethanol blend, and each time we fill up the tank with ethanol blends we reduce our need for imported oil from trouble spots such as the Middle East.

Yet, despite the clear benefits of using alternative fuels, virtually none of the fuel purchased by the Federal Government today contains ethanol.

Federal law permits exemptions where they are legitimately necessary, but these exemptions have been abused. Our amendment would close some of the out-of-date and unnecessary loopholes which are preventing the Federal Government from taking full advantage of ethanol.

The Defense Department is the bulk purchaser of motor fuel for all Federal agencies. Our amendment requires that DOD purchase ethanol blends as long as the price of the ethanol blend is the same as or lower than the price of unleaded gasoline. This will ensure that DOD purchases ethanol for fleet vehicles even if the agency doesn't specifically request it.

With regard to the Defense Department's purchases for its own use, our amendment requires that the Secretary of Defense review all exemptions that have been granted and terminate any exemptions that he determines are no longer appropriate. Any remaining exemptions, if any, shall be justified in a report to Congress within 90 days.

I believe that when the existing exemptions are reviewed, the Department of Defense will find that most of them are groundless. When ethanol is already blended into 8 percent of the entire U.S. gasoline supply and American consumers have traveled nearly one trillion miles in vehicles fueled by ethanol blends, there is no good reason why the Federal fleet cannot use ethanol. Considering our dependence on foreign imports for more than 50 percent of the crude oil we need to meet our energy requirements, it is long past time to take advantage of the benefits of using domestically produced, renewable ethanol whenever possible.

Mr. WISE. Mr. Chairman, within this en bloc amendment, I am offering an amendment that will help welcome home the veterans of the Desert Shield/Storm conflict in the gulf.

The amendment seeks the sense of Congress in requesting that the Secretary of Defense issue a special commemorative card to each member of the Armed Forces who served on active duty during the Persian Gulf conflict. This card is in no way intended to replace or interfere with the current military identification process.

The reason for this amendment stems from a program to benefit Desert Storm veterans that I am currently working on in West Virginia. The Desert Storm Discount Program in West Virginia was kicked off on Saturday and 400 businesses across the State are participating by giving a 5 to 50 percent discount to the veterans who served in the Desert Storm conflict.

To make this program work, a special identification card was needed for each veteran in West Virginia. Because National Guardsmen, reservists, and all branches of the active Armed Forces were involved with the gulf conflict, it was difficult to identify all of the soldiers who participated. Only with the help of the West Virginia National Guard and their liaisons to the other branches of the Armed Forces were we able to piece together a complete list. This amendment would save veterans' groups and other civic organizations a considerable amount of time and money in their efforts to show support for the veterans of the Gulf conflict.

In addition, when I was home 2 weekends ago, I met a young soldier who had just gotten home from the gulf. When talking abut the Desert Storm Discount Program, he showed me a card that he purchased as he was leaving Saudi Arabia. The card is similar to a credit card; it bore his signature, it was red, white, and blue, and it had a picture of a tank on it. He is very proud of this card because it is a commemorative card honoring him for his ef-

forts in the gulf. Unfortunately, the only cards available to veterans today are those that they purchased on their own, as my constituent did for 90 cents from two entrepreneurs in Saudi Arabia. It is my hope that the Congress will make this appropriate and timely gesture in support of our troops.

We have learned many lessons from our involvement in Vietnam, but one of the most important is that we cannot afford to neglect those who sacrificed for our country. If we do not want to create another generation of young Americans who feel alienated, forgotten, and disenfranchised by their government, we must make every effort, large and small, to express our gratitude. It is my hope that my amendment will help in this effort.

I hope that you will support my amendment to H.R. 2100.

Mr. LANCASTER. Mr. Chairman, I rise in support of this amendment. In my capacity as chairman of the Armed Services Committee Panel on Morale, Welfare and Recreation, I am well aware of the valuable services provided to our military men and women by this program.

I have visited many military installations to observe efforts to improve quality of life. It is heartening to see the military and their families making the extra effort to generate community funding including volunteerism in child care, Red Cross, family services, and active efforts in recycling. These people have dedicated themselves to helping their community by making up for shortfalls in appropriated fund support. This is one small way we can reciprocate for their dedication.

Allowing this procedure will provide a needed source of revenue to continue programs such as libraries, athletics, recreation, and child care. I urge my colleagues to vote with me in supporting this worthwhile program.

Mrs. MINK. Mr. Chairman, I come before you today to ask your support for my amendment to H.R. 2100, the Defense Authorization Act of 1991.

My amendment would express the sense of the Congress that the Strategic Target System Program [Stars] to be conducted at the Pacific Missile System Range Facility on Kauai, State of Hawaii, should be treated as a major Federal action and that Army Strategic Defense Command should complete an environmental impact statement.

The Stars Program, part of the strategic defense initiative would launch modified Polaris missiles with about 650 pounds of payload capability from the Pacific Missile Range Facility on Kauai to Kwajalein Atoll in an attempt to simulate missile re-entry. The Army has planned up to 40 launches over the next 10 years. Four launches per year with the first test launch scheduled for this month.

In July 1990 the Army completed an environmental assessment [EA] which concluded that the Stars Program would have no significant impact on the human environment surrounding the Pacific Missile Range Facility.

After careful review of the environmental assessment, the entire Hawaii congressional delegation, the Governor of the State of Hawaii, the mayor of Kauai, and the Kauai County Council, raised concerns that were not adequately addressed in the EA. These concerns include the following:

First, the aging characteristics of the 20-year-old Polaris booster that may increase the likelihood of a malfunction or explosion;

Second, accidents may occur during transportation of the liquid propellant over Kauai's roads;

Third, freon emissions from the missiles will deplete the ozone and hydrogen chloride emissions will adversely affect air quality;

Fourth, the launches may damage the nearby Nohili Dunes, which contain Hawaiian burial grounds and native strand vegetation;

Fifth, the launches may damage nearby Polihale State Park, which provides habitat for rare and endangered native Hawaiian plants and recreational areas for visitors and local residents;

Sixth, the launches may damage nearby Na pali Coast State Park;

Seventh, the project will require periodic closure of the Barking Sands recreation area, which visitors and local residents use for fishing, surfing, swimming, and other recreational activities;

Eighth, the launches may damage the nearby Mana wetlands, which provide essential habitat for four species of endangered Hawaiian waterbirds;

Ninth, the launches may endanger the Laysan albatross and candidate endangered plants which grow within the launch hazard area;

Tenth, the launches may harm the endangered humpback whale, the endangered Hawaii monk seal, and the threatened green sea turtle, all of which inhabit the waters offshore of the launch site;

Eleventh, noise from the launches may harm endangered forest birds that reside in the uplands north of the launch site; and

Twelfth, lights at the launch site may disorient fledgling birds of the threatened Newell's shearwater species.

Despite these environmental and safety concerns raised by the previously mentioned parties, the Army has adamantly denied the request for an EIS.

The matter was taken to Federal district court by the State of Hawaii and by the Sierra Club. Last week Friday, the U.S. Federal District Court in Hawaii issued a decision which determined that with respect "to hydrogen chloride [HCL] and freon emissions, the State is entitled to judgment as a matter of law on its NEPA claim".

The court said that the environmental assessment is inadequate to determine whether HCL and freon emissions of the STARS project may have a significant environmental impact. Accordingly, the court did not order the preparation of a full EIS, but required the Army to remedy the deficiencies in its EA on these two accounts.

The court then concluded by enjoining any further activity by the Army with respect to the STARS project on Kauai until the Army has supplemented its EA as directed by the court.

The court's decision was partially supportive of our State's claim, but while all options are being reviewed, it is important for this amendment to be acted upon to specify that this launch is a major Federal activity which requires the preparation of a full environmental impact statement.

The court's failure to require an EIS leaves a number of health, safety, and environmental concerns that have not been adequately addressed. Therefore, it is imperative that the Congress pass this amendment to ensure the continued safety of the residents of Kauai and the protection of our environment.

We in Hawaii continue to support the activities of the armed services in our State. However, these activities should comply with State and Federal law and be carried out in a safe and environmentally responsible manner.

For the sake of ensuring that the environment is protected from harm, I urge Members to vote "yes" on the en bloc amendments.

Thank you Mr. Chairman.

Ms. PELOSI. Mr. Chairman, I rise in support of Mr. PANETTA's amendment which is included in the chairman's en block amendment. This amendment would achieve the much needed goal of speeding up some of the preliminary studies for base closures included on the national priority list of Superfund sites.

The recent base closure list submitted to the Base Closure Commission by the Secretary of Defense includes 16 bases on the national priority list. One-fourth of these bases are in California, and one of them happens to be in my district.

For years, the people of San Francisco look to Hunters Point annex as a potential resource for our community, in the hopes that it might be either revitalized as a Navy base or utilized in a meaningful way for the surrounding neighborhoods.

Now, a recommendation has finally been made for closure, but because the base is a Superfund site, it could be years before these dreams for the community are realized. Mr. PANETTA's amendment addresses the important concern of laboring through unnecessarily long preliminary studies which could be expedited. The study period by the Department of Defense is often as long as 3 years; the amendment would reduce this time, in some cases, by almost 2 years without risking human health or safety.

Base closures are intended to save the Federal Government money. Many of the bases that are also NPL sites include in their cost-savings analysis land sales. As we have found with Hunters Point, cost savings for the Navy and reuse by the community will be dependent on the timing of the Superfund cleanup effort.

I believe the study time can safely be shortened to move the cleanup study process along to create a safe environment for reuse of our military installations for the public good.

I also want to express my strong support for the amendment proposed by Mr. ANDREWS of Maine which would authorize continued funding for environmental restoration of closed military bases. There are over three times the number of NPL bases on Secretary Cheney's list, compared to the 1988 base closure list. We must be able to ensure the safety of these bases for future use by our communities.

I appreciate the work of Mr. PANETTA and Mr. ANDREWS to encourge the environmental restoration of military bases being recycled for public use and I urge my colleagues to support these measures.

Mr. DICKINSON. Mr. Chairman, I reserve the balance of my time.

Mr. ASPIN. Mr. Chairman, I have no further requests for time and yield back the balance of my time.

The CHAIRMAN pro tempore [Mr. COX of Illinois]. Does the gentleman from Alabama [Mr. DICKINSON] yield back the balance of his time?

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendments en bloc, as modified, offered by the gentleman from Wisconsin [Mr. ASPIN].

The amendments en bloc, as modified, were agreed to.

Mr. VENTO. Mr. Chairman, H.R. 2100, the defense authorization bill for fiscal year 1992, appropriately continues down the path of reducing our defense expenditures from the record-high levels of previous years while providing for a strong and efficient national defense. The Armed Services Committee has recognized, in most instances in this bill, the changed nature of the world in which we live in and the realities of fiscal constraint and accountability. The bill authorizes $291 billion for fiscal year 1992, which represents a reduction of about 7 percent from the baseline level which would be required to continue policies that were in place before the budget agreement.

The bill authorizes a total of $3.5 billion for continuing research and development of the strategic defense initiative [SDI], although $858 million, or 25 percent of these program funds, are designated for a new, separate program for defense against short-range tactical ballistic missiles, such as those that were recently used in the Persian Gulf war. The new Joint Tactical Missile Defense [TMD] Program is to be run separately by the Army, which also runs the successful Patriot Program, rather than the existing SDI office.

The bill also bars any funds for the so-called Brilliant Pebbles Program, which would advance the SDI Program beyond research and development toward procurement and deployment of a limited space-based system that would put us on a collision course with the requirements contained in the 1972 Anti-Ballistic Missile [ABM] Treaty.

While the Committee bill moves in the right direction in limiting and redirecting SDI funding, I would go even further by supporting the Dellums-Boxer-Andrews amendment, which would terminate the SDI Program and fund only a basic research program at $1.1 billion. It is time that the Congress face the reality that we cannot continue to spend exorbitant amounts of scarce Federal dollars for a system that will likely never be effective enough to deter a massive long-range ballistic missile attack. Clearly, the more immediate threat today is no longer from the long-range ballistic missiles of the Soviet Union, but from mobile, low-flying, short-range missiles which were used to great effect in the Persian Gulf war and which many nations can now readily afford and acquire.

The bill terminates production of the B–2 Stealth bomber at the currently authorized level of 15 aircraft and does not provide any new funds for procurement, but continues basic research and development.

The bill also provides $298 million above the administration's request for a Radar-Jamming Modification Program for the Air Force's fleet of B–18 bombers, which the Air Force recently terminated for lack of sufficient funds.

I support the committee's efforts to provide funding for existing aircraft systems for upgrades in technology where they are available and where they are technically feasible, such as improvement for the F–117A Stealth, the F–14 fighter, and the M–1 tank.

It seems both logical and fiscally responsible to support such enormous costs associated with developing a new system, such as a new fighter aircraft. The commercial aerospace industry has reaped enormous benefits over the years from developing derivative aircraft from original designs and later developing upgraded technologies in areas such as airframes, powerplants, and avionics. U.S. policy should aggressively seek the same sense of economy in weapons systems where it is technically feasible and economically sensible.

I do not favor the authorization of $549 million for the Midgetman intercontinental ballistic missile, but I do recognize the fact that these funds are limited to continuing research and development. The administration apparently recognizes the limited nature of congressional support for the program and will hopefully move in the future to put the Midgetman in mothballs.

I also have serious reservations concerning the authorization of the administration's request for $1.2 billion for 28 D–5 Trident II missiles, along with startup procurement for 31 more missiles in fiscal year 1993. While the bill wisely mandates $15 million to study the safety of the propellant and rocket motor used on the D–5 missiles based upon safety concerns raised by the panel on nuclear weapons safety, these outstanding safety questions should be answered fully before we provide funding to buy any more D–5 missiles.

Competition in contracting is an essential element in assuring quality and efficiency in defense spending. This is particularly true with respect to big ticket items, such as aircraft, ships, and submarines. I support the Gejdenson amendment which strikes the bill's requirement that the contract for the third Seawolf SSN–21 submarine be awarded to a firm which did not win the first contract for the submarine. That contract was awarded to the Electric Boat Co. of Groton, CT, on the basis of a competitive bid. The effect of the committee bill would be to legislatively designate the Newport News, VA, Shipyard, the only other manufacturer of nuclear submarines, as the contractor for the third SSN–21 with no regard for competition in contracting. In my view, it would be unwise to abandon the principle of competitive contracting where it is successfully being utilized with the Seawolf Program or any other weapons system.

I strongly support efforts to promote burden sharing among our allies in Europe and Asia. Clearly, many of our allies who formerly relied exclusively upon the United States to help them provide for their security are now better situated to provide for their own defense. Additionally, the threats which many of our allies faced from the Warsaw Pact in Europe and from the Soviet Union in Asia have dramatically changed. The United States can no longer afford to pay the huge costs associated with maintaining a permanent cold war military force around the world. We should start down the path of gradual troop reductions in Europe, Japan, and South Korea and should begin to consider an affirmative closing of some foreign military bases. At a time when many local communities in this country are experiencing dislocations due to base closings, we should begin to look at which foreign military bases should be closed.

H.R. 2100 authorizes $78.2 billion for military personnel, including a 4.2-percent pay raise for military personnel effective January 1, 1992. The bill also permanently raises imminent danger pay from $110 to $150 per month and family separation pay from $60 to $75 per month, as well as establishing a standard $6,000 death gratuity. The Armed Services Committee voted to remove the statutory prohibition against women flying combat air missions in the Air Force, Navy, and Marine Corps. This provision in the bill clearly recognizes the unprecedented role of women in the Persian Gulf war and removes one more barrier to equality in the Armed Forces.

The bill sets a ceiling on active-duty personnel at 1.9 million and on Reserve personnel, including Reserves, National Guard, and Coast Guard at 1.2 million—67,000 more than the administration's request. The development in the Persian Gulf this past year was proof positive that the total force concept works. The contributions of Reserve and Guard units from across the nation during the war were outstanding.

Mr. Chairman, I commend the chairman of the Armed Services Committee, Mr. ASPIN, and the members of the committee for their diligent work in producing this major legislation. I hope that we will be able to continue down the path of reducing defense spending and meeting more of our urgent national needs.

Mr. FRANKS of Connecticut. Mr. Chairman, I vote today against passage of H.R. 2100. Few votes we are faced with, as a Congress, are so central to the best interests of this country and the best interests of our vital national security. And as a Congressman from Connecticut, whose economy and industrial base are dependent on defense dollars and a vibrant defense industry, it has been tremendously difficult for me to vote against this act.

On the whole, H.R. 2100 is a solid and workable blueprint for defense spending. The House Armed Services Committee, of which I am a member, worked hard to maintain a strong military posture capable of power projection throughout the world. Unfortunately, the defense numbers and constraints placed upon us by the bipartisan budget agreement made it all but impossible to meet the desired goals and requirements of each of our proud services.

It has been a frustrating process that ends today with an equally frustrating vote. Throughout the last few months I have worked closely with Representatives of our Nation's armed services, Members from both sides of the aisle as well as Connecticut contractors, to ensure that funding was preserved to continue important defense programs and weapons systems integral to our national security.

I worked hard and invested countless hours in hearings before the full committee and the three subcommittee's that I serve on. I have fought hard with my colleague from Rhode Island to preserve the Seawolf Submarine Program in Connecticut.

Connecticut companies have won important contracts which will revolutionize our military's capabilities and I was pleased that this authorization recognized their importance and provided funding. Pratt & Whitney won the advanced tactical fighter, Sikorsky—the light helicopter and Textron Lycoming has won funding for new engines for the M1A2 tank.

On a smaller scale—I have met and worked closely with several small manufacturers, and businesses who are part of the vast network of subcontractors who make up our Nation's all important industrial base. These firms, involved in R&D testing, and as suppliers to the major prime contractors, all have a vested interest in the passage of H.R. 2100.

That is why it has been so difficult for me to vote "no" on a bill which I have invested much time and exerted much effort to bring to the fore.

For while this bill does address a host of security concerns, provides billions for much needed weapons systems and continues to provide for the health and safety needs of our many fine men and women in the service: It fails to adequately meet two key national security concerns.

First and foremost, I cannot vote for this authorization which has effectively killed the B–2 Bomber Program. Second, I believe that it is imperative that we continue SDI research, not only in theater defense, but the space based Brilliant Pebbles Program, as well.

If there were two lessons learned from the Persian Gulf war, it was the value of Stealth and the importance of antiballistic defenses. This authorization is more than dollar figures and applied resources—it is an agenda, a categorization of priorities.

While I weigh heavily my responsibility as a Congressman to my district and the State of Connecticut, of equal importance is my responsibility to ensure the strength and effectiveness of our Nation's security and well-being.

That is why I cannot in good conscience vote for this authorization which has gutted two vital defense programs.

Mr. WEISS. Mr. Chairman, I rise in support of final passage of Department of Defense authorization bill of 1992, H.R. 2100. Although we could make much steeper reductions in defense spending without jeopardizing our national security, this bill takes important steps toward meeting the realities of the post cold war world and is a substantial improvement over the administration's proposed progam request.

This year's authorization bill reduces spending in weapons systems that were developed for a bygone era. For example, it terminates B–2 bomber procurement funding, stopping the program at the 15 previously authorized aircraft. It deletes all funding for Brilliant Pebbles and other phase I schemes which, if deployed, would violate the ABM Treaty. Further, it bans for 2 years the testing of the mid infrared chemical laser [MIRACL] against an object in space, and deletes funds for both the SRAM–T short-range missile, originally designed for the European theater, and the B–90 nuclear depth/strike bomb.

The measure also takes steps to provide the kind of defense we will need for the post cold war era. For example, it recognizes that the theater defense program is important in its own right and should be developed separately from SDI. It therefore invests in short-range tactical missile defense and transfers the current program from SDIO to a newly created Joint Tactical Missile Defense Program headed by the Army.

H.R. 2100 also recognizes that our greatest resource is our people and includes a number of enhancements designed to better protect our men and women in uniform. For example, it adds money to improve a battlefield "Identify Friend or Foe" system—a system designed to prevent future deaths of our ground troops due to accidential friendly fire. The bill upgrades the Army's and Navy's capabilities in the area of mine countermeasures—the detection, avoidance, and elimination of deadly land mines like those we saw in Kuwait. And, for the first time ever, the bill lifts the prohibition on women serving in combat missions in the Air Force and Navy—thus allowing women to fly combat missions as pilots.

Despite these important achievements, the bill authorizes an excessive level of defense spending. It authorizes the same amount that the administration requested, which is $8 billion more than the House-passed level of $283 billion for this year and nearly the same amount authorized in fiscal year 1990, the last year of the cold war.

Therefore, although H.R. 2100 notably reduces spending for several wasteful programs, it saves no money overall. Not one cent of the cuts made in SDI or the B–2 program will go toward deficit reduction. Last year's budget agreement gave us our topline defense spending numbers—that is, maximum spending caps, and specified that any money not spent on defense should go toward improving our economy through deficit reduction. However, rather than allowing savings to go toward deficit reduction, the drafters of this bill redirected every single available cent to beef up other programs.

For example, H.R. 2100 authorizes a total of $642 million on the B–1B bomber program—more than twice the administration request. It also rejects the administration's plan to terminate the F–14 program and authorizes some $680 million for the remanufacture of at least 12 F–14A's, $50 million in advanced procurement, and $166 million in R&D. The administration's plan to terminate the production of the F–16 line after fiscal year 1993 was ignored—the bill provides $1.1 billion for 402 planes (rather than 303) and for R&D. H.R. 2100 authorizes a total of $990 million, none of which was requested, for the V–22 Osprey program.

While the bill makes welcome changes in SDI, the combined strategic and tactical missile defense funding of $3.5 billion remains excessively high. The total is $1 billion more than the House supported and $400 million more than Congress finally approved last year. While the core, nontactical, SDI program was frozen by the committee at $2.7 billion, the Senate will inevitably increase that number, potentially by a considerable margin.

The authorization for the MX rail garrison system exemplifies some of the imprudent spending contained in this bill. Over one quarter of a billion dollars is authoirzed for R&D on the MX system which is to be mothballed as soon as the R&D is completed.

Perhaps the authors of the bill lacked the incentive to produce overall savings. Last year's budget agreement prevents Congress from transferring savings from one discretionary spending category to another, thereby eliminating the incentive to make cuts in any one area because there is no way to use any of the savings for other priorities. For instance, if Members knew that halting production of the highly unsafe and unnecessary D–5 missile program—which the bill authorizes over $1 billion—would translate directly into funds available for pressing domestic needs, perhaps overall savings would have been realized. To address this problem, I have introduced the Congressional Budget Responsibility Act of 1991, which will permit Congress to transfer between the three discretionary spending categories—domestic, defense, and foreign aid.

Overall, as I stated earlier, this authorization bill continues the restructuring and builddown of our military that we began last year, and thus I will vote for final passage. It does not, however, go far enough in cutting wasteful progams and fails to produce any savings overall. Many of my colleagues trumpet the value of fiscal responsibility and deficit reduction. When they are confronted with an opportunity to translate these fine phrases into actions, however, they pass it up. Perhaps the smell of pork is too overwhelming.

Mr. DORGAN of North Dakota. Mr. Chairman, in the early 1980's, Congress passed two laws requiring gasohol to be supplied to Federal vehicle fleets, and requiring Federal agencies to use gasohol in their vehicles as an alternative to gasoline.

One of the two laws pertains to the Department of Defense, and requires DOD to contract for gasohol instead of gasoline whenever it is reasonable to do so. Since that law was passed, DOD has written rules and regulations about supplying its vehicles with gasohol, and has taken a lot of exemptions to the requirement to use gasohol. Implementation has been mostly rule writing and very little gasohol.

Very few Defense vehicles use gasohol despite the fact the gasohol is cheaper in most markets, and despite DOD regulations that state:

> Gasohol is completely interchangeable with unleaded gasoline for use in all DOD-owned or leased administrative automotive vehicles with spark ignition engines under all climatic conditions in the United States.

So, Mr. DURBIN and I propose this amendment to Public Law 97–295 (10 U.S.C. 2398), in which Congress required DOD to buy gasohol—90 percent gasoline, 10 percent ethanol—instead of gasoline, "to the maximum extent feasible and consistent with overall defense needs and vehicle management practices * * *"

In practice, DOD contracts for all fuel for all Federal vehicle fleets. Also, in practice, and as a result of other legislation, DOD also contracts for gasohol for fleets outside of DOD

whenever any Federal agency requests that DOD bid gasohol for its use.

Also, in practice, neither DOD, nor other Federal departments, use gasohol in any significant amounts. Of 160 million gallons of gasoline-gasohol that DOD bought in bulk last year for all Federal fleet managers are going in the wrong direction: The total was 770,000 gallons of gasohol in 1987.

This is despite the law I mentioned related to DOD, and a section of the Energy Security Act of 1980 (42 U.S.C. 8871), under which President Carter issued an executive order requiring all Federal agencies to use gasohol as an alternative to gasoline. The Federal departments have taken full advantage of the flexibility Congress provided to exempt certain vehicles or fleets where using gasohol may have compromised what were, at the time, the conventional views of good vehicle management. The Federal departments have virtually exempted to death the requirements to the gasohol.

The amendment does two things:

First, DOD is required by the amendment to review all of the exemptions granted to its own diversions to the requirement to use gasohol. There are many exemptions, some maintained since the early 1980's, before manufacturers had, for example, determined that gasohol has no harmful effects on their vehicles. The amendment requires a review within 90 days of enactment, and a report back to Congress to justify any exemptions to be retained.

Second, a requirement for DOD to buy gasohol instead of gasoline—whenever prices are equal to, or lower, than gasoline—is extended to all of the departments that DOD supplies.

I do not expect our amendment to bring other Federal agencies under compliance with the Energy Security Act requirements, but our amendment will be an important step toward that end. It is a step that addresses the supplier. DOD is the supplier, and so we feel we must address that change in law within the DOD authorization. One of the shortcomings of existing law on this matter is that the same requirements do not address the Federal supplier and the users. The experience is that if you do not make the same requirement of both, very little happens.

To bring about a reasonable implementation of the Energy Security Act with regard to gasohol use in fleets outside of DOD, we will have to amend or amplify that law separately. That is, we will have to tighten the law that addresses the users, so that other Federal agencies can, in fact, order gasohol from the DOD defense fuel supply center.

Mr. DURBIN. Mr. Chairman, I am pleased to rise and express my support for H.R. 2100, the National Defense Authorization Act for fiscal year 1992 and 1993. This authorization provides a substantial increase of $91 million for medical research conducted within the Department of Defense. The authorization targets the areas of combat casualty care, burn treatment, and the research of infectious diseases. By working through these existing programs, DOD can support areas which present the highest yield for civilian, as well as military, populations.

Americans were properly proud of the Armed Forces and their high technology weaponry which served so ably in the Persian Gulf. These weapons were the product of years of bipartisan congressional research and development support. Today, Americans can be proud of a different type of research and development support which is enjoying a similar high yield in the Persian Gulf—medical research.

Over the months that have followed the swift victory in the Gulf, American soldiers have delivered supplies and performed relief efforts that have saved lives. Doctors with the Centers for Disease Control estimate that 70 percent of the 200,000 Kurdish refugees are at risk of dehydration linked to diarrhea and credit the oral rehydration administered by the military and civilian medical corps with saving thousands. Doctors also cite the persistent regional threat of malaria, particularly as the malaria season approaches. Malaria is the single greatest worldwide health threat, with over 270 million active cases in 103 countries, placing 2.1 billion people at risk. Malaria is not limited to Africa, South America, and the Middle East, with over 1,000 cases reported by Americans traveling or working in infected regions and outbreaks have been recorded in California and Florida in 1990.

The Defense Department has made groundbreaking progress in health and medical research, benefiting the American public and the world community, as well as DOD. Defense medical research is implemented in civilian hospitals on a daily basis, aiding the victims of traumatic injury by developing treatment for gunshot and auto accident victims, and improving burn and shock treatment with the development of life-saving salves and ointments. DOD research has made similar contributions to infectious disease treatment as well. DOD recombinant DNA research has produced a hepatitis vaccine, proceeding from preclinical stages to human testing, and potentially promising treatments for malaria are now undergoing voluntary human testing in Thailand and Kenya.

The world is changing and the United States is appropriately reviewing its military role within this increasingly uncertain world. However, as the United States contemplates an expanded role in the post gulf war world, the United States cannot neglect the health risk posed for both American soldiers and the American public at risk of infection.

The New England Journal of Medicine recently identified significant health risks for the service men and women returning from the Persian Gulf. Because many of the diseases, enteric fever, malaria, viral hepatitis and meningococcal diseases, are more common to the Middle East, they receive little attention from the American medical community. Tropical diseases, such as malaria and schistosomiasis, cause half of the world's illnesses, yet receive only 3 percent of its research funds. For those diseases more common to the Middle East, DOD's research programs are among the world's most active. Increased funding for defense medical research can advance the health of our service men and women as well as the general public worldwide.

This authorization's medical research increase also represent support for medical schools, unversities, and research institutions around the country by targeting these funds for extramural research. DOD spends approximately 55 percent of its medical research funds at its own intramural facilities. The committee's authorization directs the increased research funding extramurally to research facilities and medical schools around the Nation, expediting both the research and its dissemination to the broader medical community.

The decreased strategic threat posed by the Soviet Union permits the United States to shift resources, without jeopardizing national security, to improve both American and worldwide health. The authorization targets new Federal resources to existing DOD research programs in areas such as combat casualty care, burn treatment, and infectious diseases.

I am pleased to extend my support.

Mr. WOLPE. Mr. Chairman, I rise in support of H.R. 2100, the National Defense Authorization Act. With the collapse of the Soviet threat and the advent of the Persian Gulf war, our Nation's defense needs have changed drastically over the past 2 years. This bill reflects those changes and will put our country's defense capabilities in excellent position to meet the challenges of the coming decade.

This year the committee was able to study our weapons systems in action. The committee members have done a thorough job and this bill clearly reflects the lessons learned in Operation Desert Storm. The bill includes funds to upgrade the M–1 tank to M–1A2's because the newer version performed much better in the Persian Gulf. The success of the F–117A convinced the committee to fund the F–22 Stealth fighter and to continue buying F–16's until the F–22 gets into production. In addition the bill includes funds for the Army's Blackhawk helicopter and the Marine Corps' V–22 Osprey. Both these aircraft would be useful in operations like the Persian Gulf war which involve transporting large numbers of troops and equipment quickly. These weapons systems will give us a flexible military able to respond to a variety of crises around the world.

I am pleased to note that this year's defense authorization bill also cuts two of the most expensive and wasteful weapons systems, the B–2 bomber and the strategic defense initiative. The B–2 Stealth bomber was designed to penetrate Soviet air defense. The likelihood that this mission will be necessary is declining constantly and it can be carried out by the B–1B in any case. Although not perfect, the Patriot missile performed admirably against Saddam Hussein's Scud attacks. This bill authorizes funds for a tactical missile defense program run by the Army including upgrades and advanced versions of the Patriot. The bill would zero out the Brilliant Pebbles Program which would violate the ABM Treaty and provoke a defensive arms race without providing any real protection from a massive nuclear attack. In addition to these broad moves toward a realistic and strong defense program, the bill contains three provisions with which I am particularly pleased.

First, the bill authorizes $90 million for research into methods of source reduction as defined in the Pollution Prevention Act of 1990 which I sponsored. In this time of reduced threat the Department of Defense has a unique opportunity to use its vast resources to control and limit its impact on the environment.

By stopping pollution before it happens, the Defense Department can save millions of dollars in cleanup fees. This research may also discover new ways to aid civilian agencies in source reduction.

Second, the authorization bill would greatly reduce the President's cuts in the Selected Reserve forces. The men and women serving in the Reserves performed extraordinarily well in Operation Desert Shield and Operation Desert Storm. The Reserves are a critical component of today's All Volunteer Force. In recognition of this fact, this bill would cut the Selected Reserve end strength by only 37,580 instead of 107,526 in fiscal year 1992.

Third, the bill would remove the statutory prohibition on women in combat roles in the Air Force and Navy. As was demonstrated in the Persian Gulf conflict, the lines of the modern battlefield are not at all clear. Preventing women from flying combat missions does not keep them safe; it only keeps them from getting promoted. The bill would not require the Air Force and the Navy to allow qualified women to fly combat mission but it removes the statute which prevents women from doing so. It is my hope that the services will soon allow women to take on any military role for which they are qualified.

The Defense Authorization Act reflects the changing priorities of our country's military. It would make necessary cuts while maintaining and strengthening a flexible fighting force. The committee has done an excellent job in preparing this bill. I urge its passage.

Mr. MACHTLEY. Mr. Chairman, I rise in support of the Frank amendment, which seeks to delay until fiscal year 1993 the Ground Wave Emergency Network [GWEN] Program. We have been considering major reductions in the defense budget, eliminating and reducing several expensive programs. One program also worthy of elimination or at the least slowing down on is GWEN.

GWEN is a two-part network of towers stretching from Maine to California, designed to survive electromagnetic pulse disruptions during the first 15 minutes of a Soviet nuclear attack. When weapons such as GWEN were conceived, the Evil Empire was expected to last well into the next century. The program is rooted in President Reagan's 1981 National Security Directive 12, which calls for a communications system that could survive a nuclear attack.

Currently, there are some 56 towers built, and the Air Force contemplates some 40 more. Thus far, hundreds of millions of dollars have been spent on the GWEN Program, and the Air Force estimates completing the program will cost several million more dollars.

How many towers should be built has always been a mystery to those who have taken interest in the GWEN Program. In testimony before Congress in 1983, Assistant Secretary of Defense for C3 stated, "we need more than 45 and less than 500." The effectiveness of GWEN has also been called into question—no one really knows whether an electromagnetic impulse would pose a communications problem during a nuclear war.

Questions have repeatedly been raised regarding the environmental and health effects of GWEN. That is why the Air Force has requested that the National Academy of Sciences [NAS] undertake a study of health effects of electromagnetic radiation from the GWEN low frequency communications system.

The Frank amendment simply halts the GWEN Program for another year so that we can carefully consider this NAS study once it has been completed. I believe it would be foolish to continue with GWEN so long as there is the slightest possibility that the system will have adverse health effects. As such, I am pleased to strongly support the Frank amendment to delay GWEN for another year.

The CHAIRMAN pro tempore. There being no further amendments on the bill, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore. (Mr. GIBBONS) having assumed the chair, Mr. COX of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2100) to authorize appropriations for fiscal years 1992 and 1993 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal years 1992 and 1993, and for other purposes, pursuant to House Resolution 156, he reported the bill back to the House with amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. (Mr. GIBBONS). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the adoption of the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DICKINSON. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DICKINSON moves to recommit H.R. 2100, the Department of Defense Authorization Act for fiscal years 1991 and 1992, to the Committee on Armed Services.

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent that I may be allowed to proceed for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request by the gentleman from Alabama [Mr. DICKINSON] for 10 minutes of debate on his motion to recommit?

There was no objection.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for 10 minutes.

Mr. DICKINSON. Mr. Speaker, I have already pointed out, as I did in committee, that I thought this bill had serious defects. I voted affirmatively to report it out of committee, and at that time I served notice, that, if the bill were not substantially improved, on the floor my intention would be to vote no on final passage. I am convinced that not only has the bill not improved, but it is in worse shape than when it came out of the committee.

Mr. Speaker, I have here a letter from President Bush which was delivered to me on the floor. I would like to read several paragraphs contained therein which I feel are very pertinent. First,

DEAR CONGRESSMAN DICKINSON: The National Defense Authorization Act for Fiscal Year 1992 and 1993 (H.R. 2100) as reported by the House Armed Services Committee fails to meet the needs of the Nation's defense. If I am presented the bill reported by the Committee, I will veto it.

Mr. Speaker, one cannot state it much more unambiguously.

The President goes on to say that:

I urge the House of Representatives to produce a bill that reflects America's real defense needs, in lieu of the bill reported by the Committee on Armed Services.

Mr. Speaker, unfortunately the President's warnings and urgings were ignored. In fact, there were amendments added to the bill, especially in the category of burden-sharing, that made it even more objectionable than the bill reported out by the committee.

I also have a letter from General Powell, Chairman of the Joint Chiefs, which I read in part:

I am deeply concerned that some of the actions being considered by the House would upset that fine balance. For that reason, I strongly reaffirm my support and the support of the JCS for the President's program as submitted and for the Michel-Dickinson Amendment to the House authorization bill which reaffirms the President's program.

General Powell refers to be Michel-Dickinson substitute which the House defeated yesterday.

Mr. Chairman, I ask unanimous consent that both of these letters be printed in full at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The letters referred to are as follows:

THE WHITE HOUSE,
Washington, May 20, 1991.

Hon. WILLIAM L. DICKINSON, Ranking Member,
Committee on Armed Services, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN DICKINSON: The National Defense Authorization Act for Fiscal Year 1992 and 1993 (H.R. 2100) as reported by

the House Armed Services Committee fails to meet the needs of the Nation's defense. If I am presented the bill reported by the Committee, I will veto it.

With the changes in the Soviet Union and Eastern Europe, and with the limitations on resources available for national defense, we plan substantial reductions in the coming years in the size of the U.S. armed forces. To provide forces capable of meeting future challenges within the fiscal limits that American taxpayers can afford, we must spend funds available for national defense with maximum efficiency. There is no room for pork-barrel spending or politics as usual in Congress.

The bill reported by the Committee terminated the B-2 Stealth bomber program that is vital to our defense in the next century. Also, despite the increasing need for effective defenses against missile attacks, the Committee bill slashes funding for the Strategic Defense Initiative, and especially the important Brilliant Pebbles program. While cutting funding for these and other crucial programs, the bill funds unneeded items such as excessive procurement of aircraft and other weapons systems. Finally, the bill prevents the reduction in the size of the Reserve and National Guard components of the armed forces needed for a carefully balanced and effective force structure.

The bipartisan leadership of the Congress and I have agreed to limits on the amounts which we will spend in the next few years on defense. We must spend these funds wisely if we are to provide the American people with the armed forces needed to defend the Nation and its interests around the globe. I urge the House of Representatives to produce a bill that reflects America's real defense needs, in lieu of the bill reported by the committee on Armed Services.

Similar letters have been sent to the Speaker and Congressmen Michel and Aspin.

Sincerely,

GEORGE BUSH

CHAIRMAN OF THE JOINT CHIEFS OF STAFF,
Washington, DC, May 20, 1991.

Hon. ROBERT H. MICHEL,
Minority Leader of the House,
U.S. House of Representatives,
Washington, DC.

DEAR MR. MICHEL: I am writing to provide my full support to the President's defense program for FY 92 and 93 which Secretary Cheney and I and all members of the Joint Chiefs of staff have been supporting in testimony.

I want to assure the members of Congress that the President's program is a very carefully balanced program; one that is responsive to the changing geopolitical situation; one that is fiscally responsible; and one that is consistent with last year's budget summit agreement.

It was not easy putting this program together. Many tradeoffs were made; many programs were eliminated; and the force structure was reduced to insure that it could be fully supported and maintained. The resulting Base Force, as we call it, is the minimum force needed in each service to execute current national security policy and to protect our Nation's interests around the world. It is a finely tuned force and significant changes in the budget request will unbalance the Base Force.

I am deeply concerned that some of the actions being considered by the House would upset that fine balance. For that reason, I strongly reaffirm my support and the support of the JCS for the President's program as submitted and for the Michel-Dickinson Amendment to the House authorization bill which reaffirms the President's program.

Sincerely,

COLIN L. POWELL
Chairman, Joint Chiefs of Staff.

Mr. DICKINSON. Mr. Speaker, it upsets me as a staunch supporter of national defense to vote against my own committee's bill. I have been on this committee for 25 years and have always supported, and always will support, a strong defense. Unfortunately, I can't support this bill at this point in the process because I am convinced that it fails to provide as strong a defense as we could have, and should have.

Mr. Speaker, there are three major problems with this bill, and I mean major.

□ 1440

The first one is the B-2 bomber. We are all familiar with the arguments and it has been debated at length many times. But as we all know, the administration feels emphatically, that this is one element of our nuclear triad that should be funded and that we should go forward and build the requested 75 aircraft.

As the Speaker knows, the President's original plan for 132 B-2's has been scaled back to 75 aircraft. We have bought and paid for 15. There has got to be some number in between which is both politically acceptable and affordable for the country. I do not know what it is, but I believe it is closer to 75 than to 15. Stopping at 15 aircraft does the grossest disservice to the American taxpayer of any available options.

The second contentious issue in the bill is SDI. For almost a decade, successive administrations have said that SDI is critical, that it was the centerpiece of our future strategic posture. After witnessing the benefits of defenses during Operation Desert Storm, I believe more than ever that we need the SDI Program.

H.R. 2100 has decimated SDI. The committee cut the funding almost in half and pulled all of the theater missile defense programs out from under SDIO's control. This is very objectionable to the administration and will lead to a veto.

The third major issue involves end strengths, or our manpower cuts. There is no way that we can reduce our active duty forces by 500,000 people in the years ahead and not have some similar level of reduction in our Reserve and National Guard. There is no one in this Chamber that has a more active, patriotic National Guard than does this Member in the State of Alabama. I believe that my State had more guardsmen and reservists involved in Desert Storm than most any other State. It is a very important component of life in my State and I support the Guard and Reserves.

However, our plus-up of Guard and Reserve Force structure this year, combined with the proposed cuts in fiscal year 1992 and fiscal year 1993, mean cutting 10 active duty personnel for every guardsman and reservist. This inequity will ruin any hope of an effective balanced force structure in the future.

We are protecting the Guard and Reserve because we are reluctant to address the political problem. There should be some equality, some equanimity, some relationship between drawing-down our Guard and Reserve and Active Forces. H.R. 2100 totally ignores this.

So these three issues have become the focal points of administration opposition to the bill. For these reasons, the President rejects this bill in its present form. Therefore, I feel compelled to vote against final passage of H.R. 2100. I am also going to ask my colleagues to vote against the bill.

I do not think that H.R. 2100 is in the best interests of our country, nor does it address our most pressing national security interests.

I believe that the same people who guided us victoriously through Desert Shield/Storm—that is, the President, Secretary Cheney, the Chairman of the Joint Chiefs and General Schwarzkopf—are in a better position to decide what our military needs in the years ahead than we are.

Mr. Speaker, at this time I yield to the distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I feel very much the same way as the gentleman from Alabama [Mr. DICKINSON]. I do not know if ever in my 35 years I have voted against a defense authorization bill as it passed the House. I am not sure if this is going to be the first time or not. I do have the same concerns as does the distinguished gentleman from Alabama [Mr. DICKINSON].

I know that the Constitution itself says that we here in the Congress play our rightful role in determining the size of forces of our Armed Forces for the Nation's security. But in our earlier comments, during consideration of our substitute, we made the point that there were so many deficiencies in this bill as reported by the Committee on Armed Services that the President felt right up front, he had to come out and make his position quite clear that he would have to veto it.

This is not the final step. We all are aware of that. I think in deliberations in the White House several weeks ago, I got the distinct impression that what might come out of the other body would presumably be more acceptable to the President than what comes out of this body. It is just the dynamics of

both institutions and the way they are made up. So this is not the final straw.

I would hope that in the consideration of the other body, they would be more attuned to the President's considerations and what he feels strongly about as the Commander in Chief. And then to protect ourselves, I think we are certainly within our rights to vote against this measure, knowing that it is not the final vote on a conference report. And quite frankly, we have found ourselves in some years past so tied up in the authorization process where we could not come to agreement, that we had to tie it all up in the end with an appropriation bill, maybe even a continuing resolution.

That is not the best way to legislate, I will be the first to admit, but it may be the final solution. I hope not.

I hope eventually we can get together. For the moment, to help sustain our Commander in Chief's and the President's position, stronger than what we have seen it reflected by way of the committee bill and the votes that have been taken and the amendments offered, I would urge my colleagues to vote no on the authorization bill this time. This does not prejudice them against any final resolution of this defense authorization bill down the road because none of us want to sell our country short when it comes to defense.

Mr. DICKINSON. Mr. Speaker, let me say in conclusion, I would like to pay my compliments to the chairman of the full committee, the gentleman from Wisconsin [Mr. ASPIN], and to the chairman of the Rules Committee, the gentleman from Massachusetts [Mr. MOAKLEY]. We have been dealt with, I think, very fairly this year. We have had our chance at bat. We have not been precluded from offering amendments that we felt were necessary.

All in all, it has been a fair process as opposed to years past. So I would just pay my compliments to the staff who have done hard work and to the chairman, and thank all concerned and urge all to vote on this bill so that it arms us when we go to conference with the Senate.

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that I may be permitted to proceed for 5 minutes.

The SPEAKER pro tempore. (Mr. GIBBONS). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ASPIN. Mr. Speaker, let me just address some of the questions that the gentleman from Alabama [Mr. DICKINSON] raised and the gentleman from Illinois [Mr. MICHEL] raised. I think what they both talk about is very, very important.

Let me first of all compliment the gentleman from Alabama [Mr. DICKINSON] for his cooperation and understanding, and also the gentleman from Illinois [Mr. MICHEL]. They are both very, very important players in this House and very decent, and they have done a very good job here in this bill. And we have worked together very, very closely to fashion a piece of legislation here, which I understand the points of the gentleman from Alabama and the gentleman from Illinois.

Basically, I think that we have here a bill that is a very good piece of legislation, and I hope the Members of the House will vote for it. Let me explain.

The gentleman from Alabama and the gentleman from Illinois say that the Desert Storm success was due to General Powell, General Schwarzkopf, Secretary Cheney, and I agree. They got a lot of credit. The President, all of them get a lot of credit for what was done in Desert Storm, the success of that operation. They deserve a lot of credit.

I think also the Members of this House and the Members of the other body and the Members in Congress generally deserve some credit from this, too. The equipment that they used was the equipment that the House voted for and the Senate voted for and the Congress approved. We are part of the process. We were part of the process of deciding what weapons they buy, and so I think that in essence what we have done in the past, we deserve some of that credit or the people in this House deserve some of the credit in that regard.

Therefore, I think that the notion that we should suddenly all of a sudden now abdicate our responsibility and say we will just go ahead with the weapons systems that the administration has asked for would be an abdication of our responsibilities and run counter to this system which has produced up this successful operation in Desert Storm.

□ 1450

After all, in the years leading up to Desert Storm, we did not approve as a blanket the requests of the administration for defense. We changed it, we modified it, we improved it, and what we had were some weapon systems that worked very very well.

So I would say that Desert Storm is indeed a vindication of Cheney-Powell-Schwarzkopf, the President, and others, but also a vindication of the way we do business over here. I think on both sides we have got things to be proud of.

In terms of the specifics of this defense bill, what we have done with this defense bill is, of course, to improve or make some changes in the area of stealth and in the area of defenses. What we did was to not approve the B-2, any more than 15, but we did do an awful lot in the area of stealth technology. Let me just explain where we are in stealth technology in this bill.

What we have done in this bill is we have money in here to improve the F-117, which is the stealth fighter which performed so well in the gulf. We have money in here, the full request, for the advanced technical fighter, a stealth fighter for the Air Force. We have in this bill the money they requested, the administration requested, for the AX, which is the stealth fighter for the Navy. We have in this bill the money for the advanced cruise missile, which is a stealth cruise missile for the future.

In other words, what we are saying is yes to stealth technology in this bill. I would say one of the results of Desert Storm here is that from now on, every weapons system that we vote for, that we vote on here, that we approve, will have some stealth capability, but that does not mean that everything that is stealth we should vote for. In other words, anything that we vote for ought to be stealth, but it does not mean that everything that is stealth we ought to vote for.

The question then is not the Stealth B-2, but the B-2 itself. Do you need the B-2, how many do you need, et cetera.

The gentleman from Alabama [Mr. DICKINSON] is correct. This is not a question of yes to the B-2 or no to the B-2. The question that is before this House and the Senate and the conference is how many B-2's.

We have already bought and paid for 15 B-2's. The administration wants 75. My guess is ultimately it will end up with some number in between there. I would hope that the number would be pretty close to 15. The administration, the gentleman from Illinois [Mr. MICHEL], the gentleman from Alabama [Mr. DICKINSON] would like it close to 75. But that is the issue.

The question is how many do we buy, not do we buy it, yes or no. That decision we have already made in the past, and we have already decided to buy at least some B-2's.

I think that we will hear from this in the future. The Committee on Armed Services is going to be involved, now that the bill is passed and we are looking forward to conference, and will be holding some hearings and looking at the issue of how do you determine how many B-2's we ought to have, what is the number, what is the right number here to buy.

The people who are for the B-2 always brought forth a chart that showed how much you get for the B-2, how many different packages you get. That was with only two B-2's. We already have 15 B-2's. The question is how many more do you need.

The SPEAKER pro tempore (Mr. GIBBONS). The time of the gentleman from Wisconsin [Mr. ASPIN] has expired.

(By unanimous consent, Mr. ASPIN was allowed to proceed for 5 additional minutes.)

Mr. ASPIN. Mr. Speaker, let me also point out that the other change that we have talked about is the amount of money that we have here in the program for defenses. We have in fact funded three out of four components of the President's SDI Program. One of those components is tactical ballistic missiles. There is no argument here. Both sides agree on that. We funded that. Another is the antitactical weapons system.

Second is the ground-based systems that defend the continental United States. Both sides agree to that. We funded that.

The third component is the advanced technology for the future research and development into advanced systems to perform defenses in the future. We both agree, and we fully funded that.

The one point in disagreement, and it is an important point, I admit, but let us not overemphasize it, is the issue about Brilliant Pebbles. We do have a difference. We have a difference between where we believe on this side of the aisle we ought to go with that program and where the administration and I think some Members on the Republican side of the aisle believe we ought to go with that program. The question is about Brilliant Pebbles, but it is a difference about a particular part of defenses and an argument about some aspects of defenses, not an argument about defenses in general. Because I think basically at the core there is an awful lot of agreement in the House on at least three parts out of four that are parts of the SDI Program.

The final thing that is in disagreement and the President mentioned is the end strength, in particular the Guard and Reserves. It is a very contentious issue.

I would say that we have made a reduction in the amount of Guard and Reserve in this bill, and that it is more than I thought we were going to when we started to mark up this bill. The interest, of course, of a number of Members was no cut in the Guard and Reserve, but I think people began to realize as we worked through it that everybody has to sacrifice something, that defense budgets are coming down, so we need to have some reduction in the amount of money going to the Guard and Reserve and the end strengths need to come down.

This is an issue we have to revisit, and it will be an issue we will revisit in the future.

Mr. Speaker, let me tell Members, this is a very, very difficult question, the question of the composition of our forces in the future. What is the component of Guard and Reserve versus the general mix of people, how many regular, how many Guard, how many Reserve, what is the component of that in the Army, what is the component of that in the Air Force.

So I think basically the bill that we have here is a bill that is different from what the administration would want, but not dramatically. I think in very defensible ways, it is different.

I would say what we want is some B-2's, but not more than 15. What we would want is some SDI, but not Brilliant Pebbles. Those are differences, but they are not fundamental differences of kind. They are rather more differences of approach than what we have had in the past.

Mr. Speaker, I would urge Members to vote for this bill. I think it is a good bill. I think we have worked well together. I urge Members to vote for it.

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Speaker, we are now in the last minutes of the debate on the DOD authorization for the next fiscal year. It seems to me that there are at least three positions. Two of them have been enunciated.

One position was enunciated by the distinguished gentleman from Wisconsin [Mr. ASPIN], the chairman of the Committee on Armed Services.

Then there is the position articulated by the gentleman from Alabama [Mr. DICKINSON], in opposition to the bill, for the reasons that the gentleman enunciated.

Then there is a third position that this gentleman from California represents. That is the position in opposition to the work product, for reasons that have to this moment not been enunciated.

Mr. Speaker, let me try to explain the point that I choose to make. I compliment the chairman of the House Committee on Armed Services and the members of the committee for having turned the corner. I believe that this military budget has indeed begun to turn the corner. Perhaps not for all of the reasons that this gentleman would like to see it, but if for no other reason than the matter of budget constraints, pressure, this budget has begun to change.

There are three significant actions taken in this bill that I think speak to it. The fact that we zeroed the B-2 bomber, in this gentleman's opinion, points out that there is no substantive and deep support for the B-2 bomber.

Mr. Speaker, I am not naive enough to believe that if we said to people in an atmosphere of unlimited dollars, would this body buy the B-2 bomber; I believe they would. The B-2 bomber is sort of like a white dinner jacket. You will not buy it, but if someone said with unlimited dollars, "I will give it to you," you will take it. Maybe once in a while you might choose to use it.

So the B-2 bomber is sort of like a white dinner jacket. If you had all the money, you would buy it. But, Mr. Speaker, understand that we do not have all the money, and we cannot buy it.

SDI, about one-quarter of this House believe we ought to go fast forward with the strategic defense initiative. A quarter of this body believe we ought to stop it, that it is a waste of our resources. Put about a billion dollars into basic research, and go no further than that. Do not threaten the ABM Treaty.

About half of this body still believe we ought to go forward, but cautiously, so they cut back on the dollars.

Mr. Speaker, I think Members are beginning to slowly understand that in a limited dollar environment, with a changing world and a changing threat, that we need to look at how we are spending money on SDI.

□ 1500

The third significant action was taken yesterday in support of the Schroeder amendment, the Durbin amendment and the Dorgan amendment, these burden-sharing amendments that brought together Members on both sides of the aisle across a multiplicity of political thought that made at least two common points. They said the world has changed and continues to change, and No. 2, that in a limited dollar environment, with great pressure on our budget, with millions of American people feeling pain, with our children dying in the streets of America, with unemployment, with inadequately educated people, with a whole range of problems, the homeless, et cetera, that we ought to begin to redirect much of our resources to deal with the fundamental reality of human misery in this country. Whatever the political party or position, people came together in enormous numbers to accept that position.

What that says is that there needs to be fundamental change. And Mr. Speaker, make no mistake, whether we agree with everything in this budget, there has now begun the process of fundamental rethinking. This gentleman is pleased, because in future years there is going to be even bolder steps.

But the reason I stand in opposition to the bill is not because I do not think good work has been done. There have been some excellent decisions made. Not because I think we have not turned the corner. But Mr. Speaker, I stand here saying that I think our strokes must be bolder. The changes in the world are enormous. The Berlin Wall is down. The cold war is over. We are talking about theater threats.

If we could wreak such great havoc on the third largest force in the world, why are we building all of this magnificent capability to go against Third World countries that only have a mi-

croscopic degree of the incredible military capacity of this country, but there are millions of American people unemployed, millions of American people homeless, millions of American people hungry, millions of our children who are not adequately educated? If we can be honest with ourselves, we are about the business of losing an entire generation of our children.

So I stand here saying we should be bolder. In this bill, brilliant positions taken notwithstanding, Mr. Speaker, we are still building nuclear weapons in this budget that have no other function but to destroy all human life on this planet.

As I have said over and over for 20 years on this floor and in this debate, for the rational mind there is no useful function for a nuclear weapon.

Yes, we have made changes, but they are not bold enough. Mr. Speaker, what are the alternatives?

The alternative is arms control, test ban treaties and nonproliferation treaties, moving our resources to deal with the human misery of our people and the tragedies around the world. Those are the changes.

This military budget has turned the corner, but not bold enough. So in summary, I applaud my colleagues for their actions. They have taken some major steps here.

So I think one could argue in support of the bill. I cannot argue that. Yes, we have made some rearrangements, but the dollar figure is roughly the same. I think that spending close to $300 billion in a world with such great human misery is still obscene, Mr. Speaker.

So I feel that I would be derelict in my responsibility, derelict in my responsibility to represent a constituency in California and a constituency that goes beyond the border of the Eighth Congressional District in California that believe that spending this kind of money makes no sense. And for these reasons, I will stand in opposition.

The day that RON DELLUMS votes for a military budget is not the day when it just turned the corner, but the day that it got to where it should be, peace in the world and dealing with domestic issues.

The SPEAKER pro tempore (Mr. GIBBONS). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DICKINSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 268, nays 161, answered not voting 2, as follows:

[Roll No. 110]

YEAS—268

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Barton
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Camp
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clement
Coleman (TX)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Pallone
Panetta
Parker
Patterson
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Rahall
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland
Russo
Sabo
Sangmeister
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—161

Allard
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Bateman
Bentley
Bereuter
Billirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Campbell (CA)
Chandler
Clay
Clinger
Coble
Coleman (MO)
Collins (IL)
Collins (MI)
Combest
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dellums
Dickinson
Doolittle
Dornan (CA)
Dreier
Edwards (CA)
Edwards (OK)
Emerson
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (IL)
Hefley
Herger
Hobson
Holloway
Houghton
Hunter
Hyde
Inhofe
Ireland
Johnson (TX)
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morrison
Myers
Nichols
Nussle
Orton
Owens (NY)
Packard
Paxon
Payne (NJ)
Petri
Pursell
Quillen
Ramstad
Rangel
Rhodes
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roybal
Sanders
Santorum
Savage
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Serrano
Shaw
Shuster
Skeen
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stokes
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Towns
Traficant
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Weber
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—2

Hopkins
Lehman (FL)

□ 1525

Messrs. MCCANDLESS, RANGEL, and PACKARD, and Mrs. COLLINS of Michigan changed their vote from "yea" to "nay."

Messrs. LEHMAN of California, MCDERMOTT, and PEASE, and Mrs. UNSOELD changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year

for the Armed Forces, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2100, the bill just passed, and that Members who had amendments considered en bloc have permission to insert statements in the CONGRESSIONAL RECORD immediately before the disposition of those amendments.

The SPEAKER pro tempore (Mr. THORNTON). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2100, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2100, as amended, the Clerk be authorized to make such clerical and technical corrections, including corrections in the table of contents, title and section numbers, and cross references, as may be necessary.

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

There was no objection.

PERMISSION TO INCLUDE IN THE RECORD CORRECTIONS TO COMMITTEE REPORT ON H.R. 2100, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

Mr. ASPIN. Mr. Speaker, I ask unanimous consent to include in the RECORD at this point a list of technical corrections to the report on H.R. 2100, the DOD authorization bill for fiscal year 1992, Report No. 102-60.

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

There was no objection.

The list of corrections is as follows:

On page 127 of the report under the heading "Vectored thrust combat agility demonstrator program"—"recommends a deferral or elimination of the" should read "recommends that the Army not defer or eliminate the * * *."

On page 145 of the report under the heading "V-22 Osprey aircraft"—"Defense Appropriations Act for Fiscal Year 1991" should read "Defense Appropriations Act for Fiscal Year 1989."

On page 163-164 of the report under the heading "Advanced submarine technology" insert "nickel-cadmium batteries" so that it reads "* * * associated with integrated hull coatings, nickel-cadmium batteries, and integrated composite nonpressure hull sections."

On page 138 of the report under the heading "Industrial preparedness" insert "and for Metal Spray Forming" so that it reads "* * * Metalworking and Composite Centers and for Metal Spray Forming. The committee also recommends $10 million * * *."

On page 239 of the report under the heading "Review of Port Chicago Court Martial Cases," the reference to "section 512" should read "section 511."

REPORT ON HOUSE RESOLUTIONS RELATING TO FAST-TRACK PROCEDURES

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 102-72) on the resolution (H. Res. 158) providing for consideration of two resolutions on the subject of fast track procedures for consideration of bills to implement trade agreements which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On January 14, 1991:

H.J. Res. 77. Joint resolution to authorize the use of U.S. Armed Forces pursuant to U.N. Security Council Resolution 678.

On January 30, 1991:

H.R. 4. An act to extend the time for performing certain acts under the Internal Revenue laws for individuals performing services as part of the Desert Shield Operation.

On February 6, 1991:

H.R. 3. An act to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

H.R. 556. An act to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

On February 15, 1991:

H.J. Res. 30. Joint resolution to designate February 7, 1991, as "National Girls and Women in Sports Day".

On March 18, 1991:

H.J. Res. 98. Joint resolution designating March 4 through 10, 1991, as "National School Breakfast Week".

H.R. 555. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes.

On March 20, 1991:

H.J. Res. 104. Joint resolution to designate March 26, 1991, as "Education Day, U.S.A.".

On March 21, 1991:

H.J. Res. 133. Joint resolution authorizing and requesting the President to designate the second full week in March 1991 as "National Employ the Older Worker Week".

On March 22, 1991:

H.J. Res. 167. Joint resolution designating June 14, 1991, and June 14, 1992, each as "Baltic Freedom Day".

H.R. 180. An act to amend title 38, United States Code, with respect to veterans education and employment programs and for other purposes.

On March 27, 1991:

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

On March 28, 1991:

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

H.R. 1316. An act to amend chapter 54 of title 5, United States Code, to extend and improve the Performance Management and Recognition System, and for other purposes.

On April 9, 1991:

H.R. 1285. An act to resolve legal and technical issues relating to Federal postsecondary student assistance programs and to prevent undue burdens on participants in Operation Desert Storm, and for other purposes.

On April 10, 1991:

H.R. 1281. An act making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes.

H.R. 1282. An act making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1991, and for other purposes.

On April 18, 1991:

H.J. Res. 134. Joint resolution to designate the weeks of April 14 through 21, 1991, and May 3 through 10, 1992, as "Jewish Heritage Week".

H.J. Res. 197. Joint resolution to designate the week of April 15 through 21, 1991, as "National Education First Week".

H.J. Res. 222. Joint resolution to provide for a settlement of the railroad labor-management disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees.

On April 26, 1991:

H.J. Res. 218. Joint resolution to designate the week beginning April 21, 1991, and the week beginning April 19, 1992, each as "National Organ and Tissue Donor Awareness Week".

On May 7, 1991:

H.R. 598. An act 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.

On May 8, 1991:

H.J. Res. 214. Joint resolution recognizing the Astronauts Memorial at the John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty.

On May 14, 1991:

H.J. Res. 173. Joint resolution to designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month."

H.J. Res. 194. Joint resolution designating May 12, 1991, as "Infant Mortality Awareness Day."

On May 15, 1991:

H.J. Res. 109. Joint resolution designating each of the weeks beginning May 12, 1991, and May 10, 1992, as "Emergency Medical Services Week."

On May 17, 1991:

H.R. 2122. An act to authorize emergency humanitarian assistance for fiscal year 1991 for Iraqi refugees and other persons in and around Iraq who are displaced as a result of the Persian Gulf conflict.

On May 20, 1991:

H.J. Res. 154. Joint resolution designating the month of May 1991, as "National Foster Care Month."

□ 1530

WAIVING ALL POINTS OF ORDER AGAINST CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 121, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1992

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 157 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 157

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report on the concurrent resolution (H. Con. Res. 121) revising the congressional budget for the United States Government for the fiscal year 1991 and setting forth the congressional budget for the United States Government for the fiscal year 1992, 1993, 1994, 1995, and 1996, and all points of order against the conference report and against its consideration are hereby waived. The conference report shall be considered as having been read when called up for consideration. Debate on the conference report shall be limited to not more than one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

SEC. 2. Rule XLIX shall not apply with respect to the adoption by the Congress of the conference report on the concurrent resolution (H. Con. Res. 121).

The SPEAKER pro tempore. (Mr. THORNTON). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 157 waives all points of order against the conference report for House Concurrent Resolution 121, the budget resolution for fiscal year 1992, and against its consideration. Specifically, the conference report needs a waiver of clause 2 of rule 28. Clause 2 requires that a conference report layover for 3 days prior to its consideration. Since the Appropriations Committee is meeting today and consideration of several appropriations bills is expected early next week, we need to facilitate an orderly budget process and to ensure that the budget resolution conference report will be considered prior to the appropriations bills.

In addition, the conference agreement requires a waiver of clause 3 of rule 28 because it contains several outyear numbers that are beyond the scope of the conference. It also requires a waiver of germaneness, clause 4 of rule 28, because the conference agreement contains sense of Senate language that would have violated the germaneness rule, if offered as an amendment in the house.

The rule further provides that debate on the conference report shall be limited to not more than 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

Mr. Speaker, the conference report for House Concurrent Resolution 121 revises the congressional budget for fiscal year 1991 and sets forth the congressional budget for fiscal years 1992, 1993, 1994, 1995, and 1996. The conference report proposes a budget which strictly observes the terms of the "budget summit agreement" reached last year between Congress and the President. Discretionary appropriations for the defense, domestic, and international categories are all within their appropriate spending caps. The resolution calls for no additional taxes and assumes that any tax cuts or entitlement expansions Congress might enact for the fiscal year will conform to the pay-as-you-go requirements of the budget agreement.

Finally Mr. Speaker, the rule states that rule 49 will not apply. Rule 49 requires the enrolling clerk, upon adoption of the budget resolution conference report, to prepare a joint resolution changing the statutory limit on the public debt if necessary to conform to amounts in the budget resolution. There is no need for debt limit legislation this year because last year's reconciliation bill included a sufficient increase.

The committee made some tough choices in formulating this package, which freezes spending in numerous accounts at 1991 levels or below in order to enable us to increase funding in the areas I have mentioned.

Mr. Speaker, this budget will serve the needs of America, and especially those of America's working families, in the coming fiscal year and beyond. I urge all Members to support the rule and the conference report for the budget resolution.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume.

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

Mr. Speaker, I rise in strong opposition to this rule. Notwithstanding the fact that our weekly Whip notices indicate that conference reports may be brought up at any time, the fact is we still have a little House rule around here that prohibits the consideration of conference reports until the third calendar day after they are filed. That rule is rule 28, clause 2, in case anybody is interested.

The budget resolution conference report was just filed yesterday noontime. The minority members of the Budget Committee and the Rules Committee did not see it prior to yesterday. And if we were to observe House rules around here this would not be eligible for consideration until after tomorrow; so I would ask the question, Mr. Speaker, what is the rush?

Well, the chairman of the Budget Committee tells us we have deadlines to observe and that we should take this up on the floor before we consider appropriation bills.

Let me respond to that, Mr. Speaker. You know, Will Rogers once said that he never met a man he did not like. Well, the Budget Committee has never met a deadline it had to meet, either, not since I have been here for 13 years.

In this case, this budget resolution is already 37 days past its April 15 deadline for final action.

In the second place, under last year's budget summit agreement, the Appropriations Committee was given authority to move forward with its bills after May 15, even if a final budget resolution was not in place; so that argument just does not hold any water.

Third, Mr. Speaker, even if we observed the normal 3-day layover, we could take this up next Tuesday or Wednesday before we begin consideration of the first appropriations bills that are going to come on the floor sometime next week. So the fact is there is no compelling reason to violate the 3-day lay over rule unless, of course, it is the clear intention of the Budget Committee majority to rush this conference report through before Members even know what is in it.

Mr. Speaker, I would bet that there are not 15 Members in this House of 435 Members who have any idea of what is in this budget conference report now before us.

The inability of Members to study this report before they vote on it is not the only problem we have around here, however. This rule waives all points of

order against the budget resolution conference report and its consideration.

Let me repeat that. It waives all points of order. We do not even know which ones. It just waives them all.

Now, why would the Budget Committee need a blanket waiver unless it is to hide under the blanket? I do not know. How many House rules or Budget Act provisions are actually being violated by this conference report? I do not think there is anybody here who knows. I certainly do not know.

It is my understanding that they have violated both the scope and the germaneness provisions of House rule 28 which applies to conference reports, not to mention the 3-day layover rule that I mentioned before.

Mr. Speaker, a scope violation is the most serious violation that can be committed by a conference report, because it involves including something that is beyond the limits of what was committed to conference by either House. We have always abided by that. We know that if we pass a bill and the Senate passes a bill, the conference report has to be somewhere between the two.

Mr. Speaker, this rule also limits debate time on the conference report to just 1 hour, even through the Budget Act provides for up to 5 hours, as we all know, of debate on a budget conference report. This rule underscores our suspicions that the majority doesn't want the House to have sufficient time to study and debate this matter.

Just think of that, 1 hour to discuss a $1½ trillion budget which has a $300 billion deficit—1 hour for 435 Members to consider this—here on the floor this afternoon.

Mr. Speaker, I am sure the argument will be made by the supporters of this rule and this conference report that the minority is only blowing off steam about mere procedural or process objections to what is being done on this floor today.

Well, you're darn right we are, and such objections should not be trivialized or minimized. After all, what we are talking about here is a process in itself—the congressional budget process.

If that process is to retain any respect and credibility, we should either adhere to the requirements of that process, and the House rules that surround it, or we should scuttle the whole thing.

Let's not come in here at the last minute before floor consideration and say it's necessary to waive all the procedural rules of the House and Budget Act in order to consider the budget resolution.

Mr. Speaker, that is absurd on its face and an insult to every Member of this House.

I resent the fact that our Republican Members were completely shut out of the negotiations on this conference report. I told them, every single Republican in this House on the Budget Committee, was shut out completely. Every single Senator on the Republican side was shut out.

Mr. Speaker, we have a sunshine rule for conference committees that says all meetings should be public, unless otherwise closed by an action of this House. We did not do that; as far as I can determine, the only public session held by the conferees at all was a photo opportunity at which no substantive discussions were allowed. So much for Congress and so much for the sunshine law.

Mr. Speaker, the budget chairman indicated before the Rules Committee yesterday that he thought there were other matters complicating his task—and he normally does a good job at his task—he had other matters relating to other legislation for which he had no responsibility.

Quite frankly, that certainly has contributed to our anger on this side of the aisle over the quickie scheduling of this conference report by waiving all the rules of the House, and especially the 3-day layover.

But again, this is an important process issue that should be aired as long as we are on this subject.

The scheduling of legislation by the majority has turned this House topsy-turvy, and Members are very frustrated by the on-again off-again announcements we are getting on matters like fast track and civil rights and what is going to be the final versions of those bills when they are finally brought to the floor.

□ 1540

Someone once said that the process of democracy depends on an informed electorate, Mr. Speaker. I would just suggest that first of all it depends on an informed legislature and an informed Congress, and most Members on both sides of the aisle are either being misinformed or not informed at all as to what is going on both procedurally and substantially. This House is in a state of disarray, Mr. Speaker, as far as I am concerned.

For that we are going to pay, we are going to pay. We are going to pay with bigger and bigger and bigger deficits. The price we pay for being misinformed and uninformed will be bad bills and bad laws, and it will be the American people who will suffer in the long run.

So let us get back on track, Mr. Speaker, let us get our act together, let us put our House back in order so that we know what is going on and when it is going on.

Getting back to the rule at hand, Mr. Speaker, I urge a "no" vote on this rule. Let us observe the normal 3-day layover and take this up early next week after we have had a chance to comprehend 1.5 trillion dollars' worth of spending and a $300 billion deficit.

What are we doing to the American people?

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I would like to say one word before I give up my time. For my dear friend who is the ranking member of the Committee on Rules, I have served in this Congress for his entire term with Mr. PANETTA on the Committee on the Budget, when I was a member of the Committee on the Budget; I have worked with him as chairman.

These things that the gentleman has credited to him I think are outrageous. You know, I have never known anyone to accuse him of freezing anyone out or not allowing someone to be a part of the process.

Although I was not there, I rather think that the reverse is true. It was not that he froze anyone out, it was that possibly they would not come into the process. And if in fact these were—does the gentleman plan on supporting the conference report if we could hold it off a day or two? Does the gentleman plan on supporting the conference report if we could hold it off a day or two?

Mr. SOLOMON. If the gentleman is asking me a question, will the gentleman yield?

Mr. DERRICK. I am asking the gentleman a question.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, I am going to fight this rule tooth and nail because it is unfair. You treat us fairly, and we will vote with you probably 9 times out of 10. Especially on a rule, we will vote with you 100 times out of 100.

But when the gentleman is saying, and I have the deepest respect for the chairman——

Mr. DERRICK. I am glad to hear the gentleman say that. I would have not thought so after listening to the gentleman.

Mr. SOLOMON. We were not impugning his character, but something went awry here. What was it? Mr. Speaker, I yield to the ranking Republican on the Committee on the Budget for his observations.

Mr. DERRICK. Mr. Speaker, the time was mine.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] has the time, and it is his to yield.

The Chair recognizes the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. I am glad to get that straight. Of course, that was the main reason that I stood up to find out how the gentleman felt about Mr. PANETTA. I am glad to hear that you hold him in

such high esteem. I would not have known it had I not pressed the matter.

Mr. SOLOMON. Mr. PANETTA knows how I feel about him. I have the deepest respect for him.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] has 25 minutes remaining.

Mr. SOLOMON. Yes, Mr. Speaker, I would really like to get to the bottom of this disarray.

With all due respect to everybody on both sides of the aisle, every Member of the House——

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from South Carolina.

Mr. DERRICK. I thank the gentleman for yielding.

Mr. Speaker, I want to assure the gentleman there is no disarray on this side of the aisle. If there is any disarray, it is on the other side of the aisle.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. I thank the gentleman for yielding.

I know the great interest of the House in getting to the bottom of this very serious matter. Let me assure my colleagues that all of the members of the Committee on the Budget, including the Republican members, were fully advised and invited to attend and permitted to attend and participate in the one public meeting which was held as an acknowledged photo opportunity for the budget.

Prior to that session, and subsequent to that session, a number of meetings took place involving Democratic staff and members from both sides of the Capitol; Republican staff and Republican members did not participate in any of those meetings. I was never invited, I would say to my friend from New York, to any meeting other than the very delightful and terribly constructive session which we had for the benefit of the public and the press in order to show the great progress that was being made.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GRADISON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, do I understand the gentleman to say that the only session of the budget conference that the Republicans were invited to was a photo opportunity?

Mr. GRADISON. Well, I would go further: We were able to speak briefly, and we are grateful for crumbs whenever they come our way.

Mr. WALKER. But in essence what the gentleman was invited to was a photo opportunity; the substantive work on the budget took place with no Republicans in the room.

Mr. GRADISON. I believe the gentleman has reached the heart of the issue.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding to me.

Mr. Speaker, I have a few questions about the rule. The first question is: What is being waived? We have these massive waivers in the rule. Can someone explain to me what it is we are waiving?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, I would just respond that we are waiving everything, every House rule there is.

Mr. WALKER. Specifically what is down in this thing? I have this tome in front of me now, and I would be happy to know what is waived.

Mr. DERRICK. Is the question directed to me?

Mr. WALKER. Anybody who can answer it.

Mr. DERRICK. Well, I will attempt to answer it, Mr. WALKER. I doubt I would answer it to the gentleman's satisfaction, however.

Specifically, the conference report needs a waiver of clause 2 of rule XXVIII. Clause 2 requires a conference report layover for 3 days prior to being considered.

Mr. WALKER. So the 3-day rule is being waived. What else?

Mr. DERRICK. Since the Committee on Appropriations is meeting today and consideration of several appropriations bills is expected early next week, we need to facilitate an orderly budget process and to ensure that the budget—and I am answering the gentleman's question.

Mr. WALKER. If I may reclaim my time.

Mr. DERRICK. Would the gentleman allow me to answer his question?

Mr. WALKER. If I may reclaim my time Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Pennsylvania has the time.

Mr. WALKER. I understand the 3-day rule is being waived. The gentleman is being very helpful.

Mr. DERRICK. Mr. Speaker, in addition to that, the conference agreement requires a waiver of clause 3 of rule XXVIII because it contains several out-year numbers that are beyond the scope of the conference. It also requires a waiver of germaneness of clause 4 of rule XXVIII because the conference agreement contains a sense-of-Senate language that would have violated the germaneness rule if offered as an amendment in the House.

Mr. WALKER. I see. In other words, the out-year figures in this bill in several places exceed the scope of the conference. In other words, the conference has gone over the amount of money that are assured in the out years.

Now, are any of those figures beyond the scope of the budget agreement last year? I understand that some of the figures in this bill have exceeded what the budget agreement was last year. So, in other words, the rule that we are bringing to the floor here is not only a trampling on the processes of the House, it is also a trampling on last year's budget agreement that was supposedly entered in good faith. At least there is a little bit of suspicion.

The gentleman from California is telling me that is not true. I understand just for this year it is over by $1.8 billion.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

The answer is that it is not true.

Mr. WALKER. OK.

Mr. PANETTA. We stay within the budget caps and within the numbers that were in the House resolution.

The only difference here is with regard to some out-year numbers that were raised because of CBO's projections.

Mr. WALKER. I see. So we are now violating the process that said OMB should make some of these determinations. We are now taking CBO's figures and CBO's figures in the out years are different. So we have now exceeded the scope of the conference, and we have now come to the floor with a rule to allow the gentleman to exceed the scope of the conference. Is that right?

□ 1550

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. PANETTA. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for yielding.

Mr. Speaker, I might point out that seven of the last eight budget conferences have used this waiver and have also used the waivers that are included in this rule.

Mr. WALKER. OK; well, have seven of the eight previous conferences also excluded the Republicans from deliberations?

Mr. PANETTA. Mr. Speaker, Republicans were not excluded.

Mr. WALKER. Mr. Speaker, I just heard the gentleman from Ohio, who is the ranking Republican on the committee, who says that the only time he was allowed to show up was for a photo opportunity.

Mr. PANETTA. Mr. Speaker, if the gentleman will yield, I will respond to these arguments in my response.

Mr. WALKER. I would thank the gentleman. I am wondering a little bit about the document itself. I go to the back of the document, and I find out a whole bunch of names have been crossed out.

Are those Republican names that were crossed off the document?

Mr. PANETTA. I am not familiar.

Mr. WALKER. Mr. Speaker, this is his document. This is his conference report, and on the back of it there are no——

Mr. PANETTA. The gentleman from Pennsylvania [Mr. WALKER] is asking whether the Republicans signed the conference agreement. The answer to that is: No.

Mr. WALKER. OK; and the names that were typed in that evidently were crossed off, are those the Republican names?

Mr. PANETTA. I believe that the purpose of that is to avoid them being printed so that it appears that they supported the conference. That, too, is normal procedure.

Mr. WALKER. Mr. Speaker, there must have been some reason why there were no Republicans on this. It may be because they were not included in the deliberation.

But, as my colleagues know, it is kind of an odd conference report. What is all this scribbling that we have got on all these pages as I go through here? There are a whole bunch of pages here that are scribbled, and stuff is knocked out. We have handwritten notes throughout the budget.

What is all that scribbling? Can the gentleman tell me?

Mr. PANETTA. Mr. Speaker, if the gentleman will yield, we have a printed conference report that is rather clean and avoids the gentleman's concerns.

Mr. WALKER. I am glad the majority side has it. When I went back here to the minority side to find the copies which were given to us, this is what we were given, and what the minority side has; I am glad the gentleman got one in print; what we have is one with a whole bunch of scribbling on it that is a little difficult to decipher.

Mr. DERRICK. Mr. Speaker, the gentleman received those so that they could receive it at the very earliest second that it was available.

Mr. WALKER. And, Mr. Speaker, as I understand it, the very earliest second that it was available was yesterday.

Mr. DERRICK. And I would add that that is the same copy that the Committee on Rules received.

Mr. WALKER. Mr. Speaker, I am pleased to know that, and the Committee on Rules, despite the fact what they had is a bunch of scribbling, decided to give this atrocious rule.

Mr. Speaker, I would say that raises question about whether or not the Committee on Rules understood exactly what was in the bill.

Let me just say this about the substance of the budget before us. This is the budget, folks, that helped kill space station the other day in the Committee on Appropriations. As my colleagues know, the chairman came to the floor here a few weeks ago and told us how his budget protected science, space, and technology. We are now finding out that his budget is what is killing off the ability of this country to compete in high technology, and so his budget is partially responsible for the fact that down in the Committee on Appropriations they are killing off one of the high-tech projects in this country, and I would suggest to the people in the Congress that, first of all, this budget has some major problems in it, and one of those major problems is that it is a budget aimed at protecting the welfare state while killing off the entrepreneurial economy of the future, and I thank the gentleman for yielding the time.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I have to rise today in opposition to the rule providing for consideration of this conference report on the fiscal year 1992 budget resolution.

As have been pointed out, the rule provides a blanket waiver of all points of order, including the requirement that the conference report be made available to House Members for 3 days.

The distinguished gentleman from Pennsylvania [Mr. WALKER] who just preceded me and made a very eloquent case for this point of view, and I certainly subscribed to the thoughts that he has expressed so well.

Mr. Speaker, I realize that in the past we have criticized the Committee on the Budget for missing deadlines, and, again this year the April 15 deadline for adopting the budget resolution has not been met. But I would have to ask: What would be the harm in permitting Members to read the conference report before having to actually cast their vote?

Mr. Speaker, the budget resolution will not affect the 602(a) allocation of discretionary spending authority already made to the Committee on Appropriations except that it will now be called the 302(a) allocation. I seriously doubt that the appropriators will reshuffle their 602(b) subcommittee allocations based on their conference report.

Mr. Speaker, it is my understanding that the first two appropriations bills will move to the floor next week. This indicates that the budget resolution will have no further impact on the discretionary priorities already set by the appropriators.

I realize this is the democratic majority budget resolution which reflects the priorities of their party, but it disturbs me the Republicans were not included in the process of the conference between the two bodies except, as has been shown so vividly here, in a ceremonial kickoff meeting.

Mr. Speaker, this is just another indication that the majority party in this House will disregard the rights of the minority anytime that they feel they can get away with it. Now I understand for a Member, in my case, a Member of the House for 35 years, never once having been a Member of the majority party, that it is very difficult for those in the majority to have any kind of empathy or feelings for us that are struck with this plight of being in the minority. However, Mr. Speaker, I am not going to argue this case other than it seems to me we are not a proliferation of parties in the House. We are a majority party and a minority party. It ought not to be all that difficult to at least keep one of the two parties informed as to exactly what is going on at any given time. We will play our role. We lose more than we win. But we have a role of play.

In terms of priorities set by this resolution, I have got to repeat my earlier statement: This budget remains a mystery budget. Discretionary spending for many programs is assumed at levels far higher than the President's budget. Many of us would like to see higher spending, maybe for education and other important programs. It all sounds great, but how are these increases paid for?

Mr. Speaker, the Democrat majority has a $1.8 billion plug in function 950, undistributed offsetting receipts. So, the heavy lifting of actually setting priorities will be left again to the appropriators.

The majority also indicates that there may be legislation to increase various entitlement programs later this year. Well, we have report language and Senate reserve funds which foreshadow such legislation.

But the questions remain: How will these new programs be paid for and will we be faced with a major tax bill this year? There are legitimate questions to ask. We certainly cannot tell from this resolution. It is a riddle wrapped in a mystery inside an enigma enveloped by assumptions.

A budget is meant to set priorities. This budget resolution does not do that.

Therefore, Mr. Speaker, I have to vote against the budget resolution, and, yes, I would urge, as the distinguished gentleman from New York has pointed out, that our colleagues ought to oppose this rule because the rule itself infringes on the rights of the Members of this House.

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

Mr. Speaker, I will not belabor the point, because we want to get on with the vote. But let me just say that it is too bad that we could not have a rule before us, a fair rule that we could all support. We just finished debating the defense authorization bill for this country. It was a fair rule and a fair bill. We sat down. We worked it out in a workshop environment where everyone agreed, even though we did not get all that we wanted. We did not get the Cheney-Schwarzkopf-Powell budget, but, nevertheless, it was a fair fight, and we lost.

However, as my colleagues know, and I am going to say it to them once again across the aisle, "You're not going to be fair to us on Monday and Tuesday on some significant things, and then be unfair on Wednesday, Thursday and Friday. You just are not going to get away with it. We're not going to let you."

I just want everybody to remember that in the budget last year we voted for defense reductions and a $165 billion tax increase in the promise that this Congress would act responsibly in fiscal matters and get its house in order to try to control the growth of spending.

Now I am going to tell my colleagues that in this conference report there is a hidden tax increase. Let me just read from the committee report. It says, and this is the committee's language, I say to the budgeteers over there on the other side of the aisle:

> This budget Resolution does not assume specific pay-as-you-go legislation. Instead, a number of proposals have been identified by the Committee as potential initiatives which address pressing national needs. The Committee expects additional pay-as-you-go proposals to be developed by the House during the 102nd Congress.

□ 1600

As I read that, one could expect some offsets to be made by Congress, but do not count on it.

Members can take this conference report home and read throught it and tell us where the tax increase is. And when Members find it, come back here and complain about it.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. KASICH].

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

I just want, without a great amount of emotion here, to speak on this conference report. I think everybody in the House should know my feelings. This whole budget process and our ability to set the limits and everything else is a fiasco, and this whole budget agreement, I think, was a ripoff to the American taxpayer. But let us put that behind us just for a second and look at the conference report.

It is hard for me to believe that we were not able to get any real negotiating in the conference and that Members like the gentleman from Cincinnati [Mr. GRADISON] were not included. It was really not a very broad participation, but let us forget the question of participation and get down to the fact that it is absolutely mind-boggling to me that in this conference report, I hope Republicans are listening, the discretionary spending exceeds the caps and contains a $1.8 billion budget authority and $500 million outlay plug to bring the numbers in line.

Discretionary spending is out of the roof in the budget agreement, and we still could not stay within the spending caps by violating it by $1.8 billion in budget authority. There is a $2.6 billion plug to handle differences between CBO and OMB.

I heard the chairman of the Committee on the Budget say that we waive this thing all the time. We have been losing this fight. We said we were going to do scoring on the basis of OMB. That was the budget agreement. Now we have got a bill that plays off $2.6 billion more in deficits. It is a phony number here based on CBO's scoring. It is not what we agreed to. We broke that part of the deal.

Then we say we found $10 billion in entitlement spending due to different estimates.

I must talk to the Republicans because the budget game around this Congress has become one of the partisan back and forth and bickering between us and the Democrats and the White House and everybody else. I want to speak to Republicans now. Please do not come to this floor and vote for this conference report. This is not to cast aspersions on my friend, the gentleman from California [Mr. PANETTA], who does the best job he can do in monitoring and bringing together all the different interests within his party. He has got a tough job to do because he has to put together a collection of people who really differ.

But in our party, if you support the President or you support those people who differed with the President last time around on the great budget debate of last year, every Republican ought to come to this floor and vote against this conference report because this exceeds even the agreement that we agreed to that many of us thought was too much. We are breaking the deal.

Nobody ought to come to this floor and vote for this thing in either party who believes that that deal ought to be honored. The only place where we seem to be able to honor the deal and agree to the budget caps is in defense spending, where we keep going below them. The only reason we do not get more amendments to go below that is because we cannot add on the others because we violate those spending caps.

I say to my colleagues on the democratic side who want to honor the sanctity of this agreement, come to the floor and vote no to the conference report. To my Republican colleagues, not one of you ought to be voting for this thing, no matter how you feel in terms of our overall deal, because it breaks the deal, and this is a terrible deal.

Mr. SOLOMON. Mr. Speaker, I would urge all Members of the House to vote no on this rule and then to vote no on the conference report with the hidden tax increase.

Mr. DERRICK. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Budget Committee, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I urge Members to support this rule and I regret that the minority is taking the position of opposing this rule. It is very similar to the same kind of rules that we adopt with regard to the budget resolution conference each time we have taken it up.

I think it is particularly important that we endorse the agreement, that both the President and the Congress agreed to, and put it in place as soon as possible.

The reason that we tried to expedite this now is because next week the Senate is off. And if we do not take it up today, it means that there will be that much more time lost before we actually have a conference in place and will be taking up appropriations bills.

If we complete action on the conference report, it will be the second fastest time that we have put a budget conference in place in the last 10 years. The minority has constantly criticized the majority for not meeting its schedule. Here we are at the point of getting a conference adopted, meeting our schedule as close as possible, and the minority argues for delay.

I am reminded of the advice that lawyers often get which is, if facts are not with you, you argue the law. If the law is not with you, you argue the facts. If the law and the facts are not with you, you take off your shoe and pound the table.

What the minority is doing right now is taking off their shoe and pounding the table. There are many Members that have in fact voted against the budget agreement that was made between the President and the Congress, voted against the President's own budget resolution, voted against the House budget resolution. Suddenly, after doing that, the argument is, gosh, after having knifed these resolutions in the back, why are we not included in the operating room in trying to deal with the patient?

Credibility is somewhat strained. The facts are the following: The facts are that this budget conference is very close to the House budget resolution. Out of 17 functions, 15 are the House numbers or slightly higher. Two were basically splits with the Senate, which is normally done in the conference. That is clear to everyone.

In terms of the language that was adopted, the bulk of the language applies to the Senate as sense of the Senate language applying to the Senate only. So in terms of the resolution, if one supported the House budget resolution, this essentially implements the same priorities.

Let me make clear with regard to informing the minority that last Thursday, on May 16, every House conferee was invited to a 1:30 p.m. meeting to discuss the budget conference agreement, the outline. I sat down with members of the conference, both Republicans and Democrats, and went over in great detail the recommendations of the conference agreement that had been worked out by Chairman SASSER, myself, and our staffs. The numbers, budget authority and outlays, were distributed to the Members on both sides of the aisle. Staff walked through each of the 17 key budget functions, described the tentative agreement on budget authority and outlays and the rationale for each of the numbers. The committee's chief counsel explained how the language differences were going to be resolved, including those items which were only going to be sense of the Senate items.

The key issue, practically the only issue that was debated at all, was with regard to the amendment dealing with pay-as-you-go, which the Senate has now dropped.

Six days ago we did this, 6 days ago. The minority had in their hands the essence of the conference agreement. Not one number has been changed from our discussion last Thursday. Not one change in language has been made since our discussion last Thursday. And no one said at last Thursday's meeting that we were going too fast or that we were not included or that something is wrong here. None of that was heard.

For that reason, we proceeded to file the conference report and provided a copy to the minority. We sent out a "Dear Colleague" yesterday and have responded to any questions with regard to the elements of the conference report. So we have provided full information here to the Members with regard to the essence of this conference report.

With regards to the law, the law is that we ought to abide by the budget agreement. That is the deal. We now have the opportunity to stay within the caps and to enforce pay-as-you-go. This conference agreement does that.

The worst thing we can do is back away from that commitment. The bottom line is simply this, there is very little change here from the House budget resolution. If Members voted for the House budget resolution, then Members should vote for the conference. If Members voted against the Gradison motion to instruct, then Members should vote for the conference because that has been eliminated from the Senate's version. So if Members care about this agreement, if Members care about sticking to a schedule, please vote for this rule and the conference.

□ 1610

Mr. SOLOMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. THORNTON). The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 257, nays 164, not voting 10, as follows:

[Roll No. 111]

YEAS—257

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—164

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Dingell	Lehman (FL)	Neal (MA)
Ford (TN)	Martinez	Skelton
Hopkins	Mavroules	
Jefferson	Moakley	

□ 1630

Mr. WEBER changed his vote from "yea" to "nay."

Mr. JENKINS and Mr. TORRES changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 960

Mr. HATCHER. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 960.

The SPEAKER pro tempore (Mr. THORNTON). Is there objection to the request of the gentleman from Georgia?

There was no objection.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 121, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1992

Mr. PANETTA. Mr. Speaker, pursuant to the order of the House, I call up the conference report on the concurrent resolution (H. Con. Res. 121) revising the congressional budget for the U.S. Government for the fiscal year 1991 and setting forth the congressional budget for the U.S. Government for the fiscal years 1992, 1993, 1994, 1995, and 1996, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 157, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of May 21, 1991, at page 11605.)

The SPEAKER pro tempore. The gentleman from California [Mr. PANETTA] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. GRADISON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. PANETTA].

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

Mr. Speaker, the conference report before the House complies with the 1990 budget agreement between the President and the Congress and preserves the central purposes of the House-passed budget resolution to try to target additional resources to the needs of working families.

It continues the House priority of investing in children through increased funding for nutrition, education, health, and antidrug programs, and provides for economic strength through additional investments in competitiveness, energy programs, transportation, and other infrastructure. It promotes fairness for all Americans by rejecting the proposed cuts of the administration in Medicare, veterans' programs, student loans, and foster care, and by providing additional resources for rural programs, the working poor, and the homeless.

In sum, in the 17 key functions, the House level was either protected or increased slightly in 15, and in 2 of the functions we basically split the difference between the House and Senate levels.

The House position was agreed to in the energy, transportation, community development, health, Medicare, Social Security, veterans, international affairs, and general government functions. Additional funding above the House-passed levels was agreed to in the education, natural resources, agriculture, and commerce functions.

Compromise levels were agreed to with the Senate in the space and science and in the administration of justice functions.

I will provide for the RECORD a specific in each of these functional areas, but I do want to summarize some of the key functions.

On 050 in defense, both the House and Senate resolutions met the cap for defense set in last year's budget agreement. The conference report sets spending levels exactly at that cap. On international affairs, the Senate receded to the House-passed level. On science and space, the House and Senate agreed on a level midway between the two resolutions. On energy, the Senate receded to the House-passed level. On natural resources, the House agreed to an additional $100 million in this function equaling the higher Senate-passed level. In agriculture, the House agreed to an additional $100 million in this function. On commerce and housing, the House agreed to the Senate-passed level allowing additional funding for the revenue-forgone payment to the Postal Service. On transportation, the Senate receded to the House level which provided additional spending for highways, aviation, and mass transit. In community development, the Senate receded to the House-passed level. In education and training, the House-passed level is increased by $2 billion in the conference agreement. In health care, the Senate receded to the House-passed level. In Medicare, the Senate receded to the House-passed level. In income security, an additional $400 million above the House-passed level was agreed to by the conferees. In Social Security, the Senate receded to the House-passed level. In veterans, the Senate- and House-passed levels were almost identical, and we accepted that level for this function. In the administration of justice, a level midway between the House- and Senate-passed levels was agreed to by the conferees. On general government, the Senate receded to the House-passed level. On 950, the conferees agreed to an unallocated reduction of $1.8 billion in budget authority and $500 million in outlays across all functions within the domestic discretionary cap.

The purpose of this $1.8 billion was to include that part of it would be achieved through development of user fees. The House-passed budget had $300 million in user fees. The President's budget, incidentally, had $2.3 billion in user fees, and that was not included here.

Part of this amount could be achieved as well through decisions made by the Committee on Appropriations as they go through the process of refining the priorities in the domestic discretionary portion of the budget.

In addition, I want to point out to the Members on the pay-as-you-go process, we have here abided by the pay-as-you-go requirements of the budget agreement. The House rejected last week by a vote of 284 to 132 the motion to instruct House conferees to accept Senate language imposing restrictions on what type of pay-as-you-go measures could be considered in the Senate.

The conferees followed the will of the House by rejecting the original Senate approach and replacing it with language which conforms to the 1990 budget agreement and paves the way for consideration of initiatives in the areas of health, nutrition, early childhood development, economic recovery, health care, and transportation, but it must be paid for, and it must be on a deficit-neutral basis.

In summary, I believe the House conferees did a superb job of protecting the priorities set by the House in its fiscal year 1992 budget resolution, and I urge the Members to support this conference report.

If we do, this will be the second-fastest time that we have put a budget conference report in place in the last 10 years. We will be meeting our schedule, but, more importantly, we will be meeting our obligations under the budget agreement agreed to with the President.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, the Democrats in the House and Senate faced a dilemma in putting together this conference agreement. Having excluded Republicans from the negotiations, they had to put together a budget that could pass with Democratic votes. They had two possible avenues.

The first was to craft a realistic budget—one that actually made choices and tradeoffs within the available resources. That would have been

interesting, but would also have revealed that the Democratic promises were nothing more than that: just promises without the funding needed to make them come true.

The second choice was simply to offer a budget that could pass, because it pretended to fund the various Democratic priorities and initiatives we've all heard so much about. Doing so, however, would demonstrate the irrelevance of this process.

Our Democratic friends took the second of these two avenues—and are offering an irrelevant budget that can, and will, pass with Democratic votes.

Some have argued that passage of a congressional budget will make the Budget Committee relevant and give it clout. I believe the result will be precisely the opposite. The Budget Committee derives its clout solely from its credibility, not from its power. Because this conference report is so sorely lacking in credibility, it will reduce the Budget Committee's clout rather than enhance it.

THE HIDDEN AGENDA

The first time this House debated the budget for fiscal year 1992, the committee's chairman, Mr. PANETTA, argued that a budget is not just numbers and dollar signs, it is priorities and directions.[1] You might call it the Democrats' vision thing. I agree with the chairman's view. But I would go on to say that a true budget does also consist of numbers—numbers that explain how you get to where you are going, how you will achieve your priorities, and how you will stay within your resources. That is what the President laid out in full detail last February. That's what budgets are for.

But this Democratic budget is not on the level. It masks a hidden agenda, and doesn't explain—by the numbers, as it should—how that agenda will be achieved. In that sense the Democrats have chosen irrelevancy for themselves and the Budget Committees.

Let me be a bit more specific.

First, look at the domestic discretionary accounts. During the budget debate in the House last month, it was obvious that when it came to new themes and priorities, funding levels could not begin to match rhetorical levels. There simply was not enough room within the domestic discretionary cap to make good on all the promises. No surprise that when the "bidding war" began to see who could promise the most for education, the funds had to be stolen from other areas—environmental protection, fighting drug abuse, tax enforcement.

PLUGGING THE GAP

First the House, then the Senate, shifted funds toward attractive priorities at the expense of basic, but boring, government activities.

When the Democratic conferees—no Republicans were invited to decision-making meetings—tried to compromise House and Senate versions against the budget agreement cap, they found they had promised too much. Their solution? Pretend that funds were available for the attractive new initiatives as well as the necessary but unexciting day-to-day functions of government. Then, to squash the total back down to the cap level, they inserted a huge mystery minus of $1.8 billion in Budget authority. This is called a plug. It has nothing to do with different scoring by OMB and CBO. It is a cover-up, pure and simple, for the fact that there is not enough money under the domestic cap to pay for both exciting new promises and old, boring government without breaking the budget agreement.

This cover-up has made the Democratic budget irrelevant. This is not a budget; it is a wish list. The people who make the tough decisions on carving that $1.8 billion overhang out of domestic discretionary spending will be the ones who are relevant; not the people who put together the wish list. To add insult to injury, apportioning the $1.8 billion cut already has been decided. The House Appropriations Committee last week informally agreed to an allocation of discretionary spending among the 13 appropriations subcommittees. They did what the budget conferees could not do. They made tough decisions. They are relevant.

MORE ENTITLEMENT SPENDING?

Unfortunately, the discretionary mess is only half the picture. On the mandatory side of the budget, there is another mismatch between wishes and reality.

The Democratic majorities in both Houses have a raft of spending initiatives they want to pursue. They are hinted at in report language in the House bill and through the reserve fund provisions in the Senate bill. They are entitlements, such as children's health and nutrition, unemployment compensation, early childhood development, and so on. Consequently, they fall on the pay-as-you-go scorecard, meaning they must be financed by restraint in other entitlements or tax increases.

There are moments when the House budget report language comes dangerously close to being specific about these plans. It mentions, for example, H.R. 1202, modeled on the Mickey Leland bill, or "legislation similar to the Family Preservation Act introduced in the last Congress." But the report waffles on whether the Budget Committee Democrats are serious about these.

DUCKING THE PAYGO DECISION

Consider this passage from the House report: "This budget Resolution does not assume specific pay-as-you-go legislation. Instead, a number of proposals have been identified by the committee as potential initiatives which address pressing national needs. The committee expects additional pay-as-you-go proposals to be developed by the House during the 102d Congress."[2]

If I read this passage correctly, we expect some paygo bills in this Congress, but we're not planning for them.

Neither of the Democratic budget resolutions tells us how much these paygo initiatives will cost or how they will be paid for—another feature common to good budgeting. There are some numbers floating around concerning some of the House Democrats' proposals—the low bid is about $32 billion over 5 years. Where that money will come from is anyone's guess, but I guarantee you a millionaire's tax will not pay for it.

Indeed, for almost the first time anyone can remember, the House bill doesn't really speak about revenues, except to say that it does not preclude revenue-neutral changes in the Tax Code. Meanwhile, all around us there is very public discussion of tax extenders, another nickel or dime increase in the gasoline tax, a millionaire's tax, a new top tax bracket, increased payroll taxes for unemployment, and so on.

"FLEXIBILITY" MEANS TAXES

Before the conference, the Senate bill was slightly better on this score. It insisted that any additional spending in these reserve fund areas be offset by savings in other areas, unless, of course, the Senate could round up a supermajority to support a tax increase. In other words, the Senate resolution as adopted would not propose that we rush back to the taxpayers to finance new entitlement programs. Instead, it would have had us readjust spending priorities to accommodate the new goals. Such an effort would have been what budgeting means—weighing priorities against available resources, instead of just running out to get more resources.[3]

It has been interesting to observe the Democratic efforts to strip this provision—efforts that finally succeeded.

Two weeks ago on this floor, we Republicans tried to get a vote on the issue. The Democrats went out of their way to avoid that vote, applying their formidable numerical majority to procedural maneuvers to effectively duck the issue.[4] The conference committee was even more clever: The Democrats there settled the issue behind closed doors.

Consequently, there will never be a direct vote on this question.

The Democrats have said they opposed the Senate restriction on higher taxes because they wanted to maintain

[1] As Chairman PANETTA said on the House floor: "Budgets are not just dollar signs—they are not just numbers—they set our priorities for the Nation, a direction for the Nation." See the CONGRESSIONAL RECORD, April 16, 1991, p. 8161.

[2] See the report on House Concurrent Resolution 121 (Report 102-32), the Concurrent Resolution on the Budget—fiscal year 1992, pp. 114-116.

[3] See section 9 of Senate Concurrent Resolution 29.

[4] See the CONGRESSIONAL RECORD, May 9, 1991, pp. 10384-10393.

"flexibility" in dealing with these high priority issues. They apparently need this flexibility because they do not really believe they could find any savings in 700 billion dollars' worth of mandatory spending in the budget. I can only conclude that if you're a Democrat, the way you spell "flexibility" is t-a-x-e-s.

This conference report asks us to endorse a black box of spending proposals. We don't know which proposals; we do not know the numbers; we do not know how these things will be paid for. This is not budgeting. As I said before, it is not on the level. It is meaningless. If you ask whether the Budget Committees are relevant these days, the answer provided by this conference report is a resounding "no".

BACKGROUND

THE DISAPPEARING DEFICIT

(Or the Magical Mystery Minus)

When the Democratic conferees tried to compromise House and Senate versions against the budget agreement cap, they found they had promised too much. So they pretended that funds were available for their attractive new initiatives as well as the necessary but unexciting day-to-day functions of government. Then, to squash the total back down to the cap level, they inserted a huge "mystery minus" of $1.8 billion. This is called a "plug." It has nothing to do with different scoring by OMB and CBO. It simply covers up the fact that there is not enough money under the domestic cap to pay for both exciting new promises and old, boring government without breaking the budget agreement.

Table 1 below shows how the conference numbers developed and why the $1.8 billion plug was necessary.

TABLE 1.—THE $1.8 BILLION MYSTERY MINUS

[Dollars in millions]

Function	House	Senate	Conference
Domestic discretionary totals functions 250–920:			
BA	$200,279	$199,979	$201,779
Outlays	212,207	211,910	212,407
Domestic discretionary cap:			
BA	199,978	199,978	199,978

TABLE 1.—THE $1.8 BILLION MYSTERY MINUS—Continued

[Dollars in millions]

Function	House	Senate	Conference
Outlays	211,909	211,909	211,909
Totals compared to domestic cap:			
BA	+301	+1	+1,801
Outlays	+298	+1	+498
THE MYSTERY PLUG			
Function 950 (undistributed offsetting receipts):			
BA	−300	0	−1,800
Outlays	−300	0	−500
Totals compared to domestic cap (with plug):			
BA	+1	0	+1
Outlays	−2	+1	−2

THE DEMOCRATS' HIDDEN AGENDA

Report language in the House Budget Resolution, as adopted, lists the following as potential pay-as-you-go initiatives that could be considered this year (see page 114–116 of the Report on H. Con. Res. 121, the Concurrent Resolution on the Budget—Fiscal Year 1992, Report 102–32).

1. Expanded nutrition assistance to low-income families.

2. Furnishing dairy surpluses to the WIC program.

3. Expansion of Foster Care, Child Welfare, and Title XX Social Services Block Grant Programs.

4. Extended unemployment insurance benefits. (The report also says: "An improvement in unemployment insurance coverage could be offset by an increase in the tax already dedicated to this program. A delay in the implementation of such a tax increase would be appropriate during a period of economic recession.")

5. Access to health insurance for the uninsured.

6. Long-term care coverage.

7. Liberalized Medicare coverage.

8. A variety of Medicaid expansions, including:

Mandatory coverage of pregnant women and infants up to 185 percent of the poverty level.

Optional coverage of all children up to 185 percent of poverty.

Early intervention for AIDS patients.

Residential treatment for pregnant drug abusers.

Mandatory mammography and pap smears.

Increased matching rates for states with high unemployment rates.

Increased payments to Puerto Rico.

9. Additional funding for infrastructure improvements and energy-related programs such as conservation, the Strategic Petroleum Reserve, and research and development.

10. A proposal to create a mandatory, trust-fund supported transportation infrastructure program.

The Senate Budget Resolution establishes five reserve funds for its initiatives. Under Senate rules, these reserve funds are necessary to avoid a 60-vote requirement for passage of entitlement expansions after adoption of the Budget Resolution. The reserve funds (see in section 9 of S. Con. Res. 29, Report 102–40, pp. 49–55) are the following:

1. To improve health and nutrition of children and to provide for services to protect children and strengthen families.

2. Economic recovery initiatives for unemployment compensation or other related programs.

3. Continuing improvements in ongoing health care programs and phasing in of health insurance coverage for all Americans.

4. Expand access to early childhood development services for low-income preschoolers.

5. Fund surface transportation initiatives.

Neither resolution discusses how much these initiatives would cost. The House bill makes no suggestions about how to finance them. The Senate resolution, as adopted, said these initiatives could be financed when "another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary" for the proposed initiative. This would have meant that 60 votes would have been necessary in the Senate to adopt tax increase, rather than offsetting spending restraint, to finance these initiatives. The Democratic conferees stripped out this limitation.

MANDATORY PRESSURES

The House Budget Committee Democrats have distributed a document called "Major Mandatory Pressures," indicating the costs of some of their proposals (see Table 2 below). This information is not included in the House Budget Resolution.

TABLE 2.—DEMOCRATS' "MAJOR MANDATORY PRESSURES"

[Changes from CBO baseline, in millions of dollars]

	Fiscal year—					5-Yr. Total
	1992	1993	1994	1995	1996	
Education (Downey) direct spending:						
BA	670	923	1,134	1,582	1,642	6,131
Outlays	546	888	1,241	1,523	1,632	5,830
Appropriated:						
BA	(263)	(261)	(262)	(322)	(322)	(1,430)
Outlays	(212)	(261)	(262)	(307)	(322)	(1,365)
Net:						
BA	407	662	1,052	1,260	1,320	4,701
Outlays	333	627	979	1,216	1,310	4,465
Medicaid:						
BA	20	80	125	245	280	750
Outlays	20	80	125	245	280	750
UI extended benefits:						
BA	5,785	4,040	5,195	2,980	2,890	20,890
Outlays	5,785	4,040	5,195	2,980	2,890	20,890
Food stamps:						
BA	289	846	1,127	1,387	1,633	5,282
Outlays	289	846	1,127	1,387	1,633	5,282
Total mandatory:						
BA	6,501	5,628	7,499	5,827	6,123	31,623
Outlays	6,427	5,593	7,426	5,828	6,113	31,387

Source: Democratic Staff, House Budget Committee.

TAXES

In the five-year budget-and-tax adopted last year, $160 billion of the $500 billion in deficit reduction came from higher taxes. That is in addition to the $361 billion in revenue growth—an average of 6.1 percent a year—that would have occurred without last year's tax increases.

These were not entirely taxes on the wealthy. Among them were $27 billion from raising the cap on wages subject to the Medicare payroll tax; $25 billion from an additional gasoline tax; and $41 billion from raising or imposing excise taxes on telephone service, tobacco, alcohol, airline travel, and some luxury goods. Another $40 billion came from bursting the tax bubble that the Democratic majority created in 1986. It is interesting that some tax proposals are flying around now that call for yet another tax bracket.

The table below show how much revenues would have increased without the tax rate changes in last year's agreement, and how much they are expected to increase with those changes.

TABLE 3.—PROJECTED REVENUE GROWTH WITHOUT 1990 AGREEMENT

[Dollars in billions]

	1991	1992	1993	1994	1995
Revenue growth (dollars)	61	60	75	81	84
Precent growth from year before	5.9	5.5	6.5	6.6	6.4

Source: Congressional Budget Office.

TABLE 4.—PROJECTED REVENUE GROWTH WITH 1990 AGREEMENT

[Dollars in billions]

	1991	1992	1993	1994	1995
Revenue growth (dollars)	79	75	73	86	85
Percent growth from year before	7.6	6.8	6.2	6.8	6.3

Source: Congressional Budget Office.

Federal taxes this year are expected to equal 19.4 percent of Gross National Product. Over the next five years, under current law, they are projected to continue rising, reaching a full 20 percent by the middle of the 1990s. This means we will have had a decade of federal taxes at 19 percent of GNP or higher, something our nation has never experienced before.

□ 1640

Mr. PANETTA. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from California [Mr. PANETTA] for yielding me this time. I want to compliment the chairman on bringing back from conference a very fine budget resolution and conference report which does reflect and preserve the priorities that the House undertook in the resolution that this body first adopted and improved upon, in many respects, in the conference. I think that we have something to be very, very proud of, something we can be very proud of and take back to our constituencies and to the Appropriations Committees, with great satisfaction.

□ 1650

In one of those areas that I particularly have a concern about, the transportation function, I want to point out to my colleagues that the conference report not only preserves the House numbers, but in fact improves marginally upon them, which is very difficult to do in this budget resolution. We will have budget authority of $14.5 billion and outlays of $33.4 billion, a slight improvement over the House number, but a welcome improvement because that number translates into a lot of investment in upgrading the Nation's transportation infrastructure.

In the field of aviation, the conference report will allow us to continue the modernization of the air traffic control system upon which we embarked last year with enactment of the aviation safety and capacity enhancement legislation. In the highway section, it will continue the forward movement of our expansion of improvements in the Nation's transportation infrastructure, roads and bridges, and set the stage for the Public Works and Transportation Committee to continue the authorization process already begun for the highway and transit legislation needed to guide our Nation's infrastructure through the balance of this decade. With $2 billion above the 1991 freeze levels for the budget authority portion and a billion dollar increase above freeze in outlays provided in this budget resolution, we are $200 million above the President's numbers and we translate that into significant impact on highways, bridges, and new initiatives on roadways that we need to continue the support system for the national economy.

In mass transit, the budget resolution $3.54 billion for fiscal year 1992. That is an increase of $281 million over the freeze level, not an inconsiderable achievement given the budget restrictions of caps and walls, and the fact we have been doing this whole process taking from Peter to pay Peter, we have a very solid piece of legislation that set the stage for the authorization committee to chart a progressive course for transportation enhancement through the balance of this decade.

Mr. GRADISON. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from North Carolina [Mr. MCMILLAN], a member of the Budget Committee.

Mr. McMILLAN of North Carolina. Mr. Speaker, let us face it, writing and passing budgets is dirty work. We never make everyone happy and usually we do not make anyone happy.

I know what it is like to make the tough decisions and to set forth a budget, since I did it for almost 20 years in the business world before coming to Congress.

The pain and suffering of the budget agreement we passed last year was as close as we as a body have come to acting like a budget decisionmaker in my 6 years in Congress. That is because we were making real enforceable, we thought, spending and revenue decisions. Like in the business world, we did not make everyone happy in the short run and probably the only people we made happy were those who could see 5 years into the future and see a balanced budget. That can happen, assuming Congress has the self-discipline to live within its own terms and to make it happen, like we are trying to do now.

This budget, although I question some of its priorities, does conform by and large to the discretionary spending caps, despite what has been said, except for that $1.8 billion plug in the authorization section, which amounts to about half a billion dollars in outlays. It remains to be seen whether we have the discipline to allocate that plug and live within the spending caps and to honor the PAYGO provisions on entitlement programs.

I respect the distinguished chairman of the committee, the gentleman from California [Mr. PANETTA], and the ranking Republican, the gentleman from Ohio [Mr. GRADISON], as well as what is a very strong Budget Committee; but it this conference report is any indication of where this committee is going in the next 4 years, we have got a lot of work cut out for us.

First, the Budget Committee must be alert to authorization bills, particularly entitlements that would bust the paygo provisions.

Second, we must be alert to every appropriations bill to make sure they stay within the caps.

Third, we must begin to work now on ways to deal with the causes driving up costs of programs like medical care and to take action, recommend action to reserve them, in order to find the funds to meet the unmet needs that exist out there.

The chairman has expressed his strong commitment to that effort and I hope that we are prepared to undertake that work in the very near future.

However, getting back to the conference resolution itself, I do not think I have ever seen a serious budget in the business world that had a $1.8 billion "plug" stuck in it to reconcile the numbers. In the corporate world, a chief executive officer would be fired for submitting a budget with that kind of evasion in it. Somebody is going to have to figure out where those funds are coming from, or cut some other program that is not laid out in these numbers.

For another thing, one of the first steps toward bankruptcy in the corporate world is to propose initiatives for new spending programs without coming up with ways to pay for them; and yet we have this conference report with a long list of highly touted domestic initiatives that "may" be consid-

ered this year under the paygo mechanism without saying exactly where the money is going to come from in advance. Real budgets do a better job of spelling out the pain as well as the pleasure.

Finally, there appears to be significant sentiment on the Democratic side to try to shift some domestic discretionary programs out from under the domestic caps into the entitlement area as "new" entitlements. Under the paygo discipline, that would mean that someone else's entitlements would have to be chopped to make way for the new programs, but we do not lay those out, or maybe someone else's taxes will have to be raised to pay for them. These are not laid out.

Or, wait a minute, maybe a discretionary program will simply be made an entitlement and the deficit will go up, and nobody will pay any attention. Even the Democrats have admitted that mandatory entitlement spending is the major problem in the budget deficit; yet this conference report implies more of the same. That is what has been going on around here for years, and why we have a $300 billion deficit.

What Member in his or her right mind will vote against an "entitlement" program in broad daylight on C-SPAN when they do not have to specify who is going to pay for it?

I think the conference Budget resolution could have been more explicit in its details and more ample in its presentation and more timely.

The truth about this Budget resolution should be written to the people back home as follows:

DEAR AMERICAN PEOPLE: There is no more money to pay for any major new programs for the next five years. We are at the bottom of a financial hole and only last year did we have the courage to start climbing out of it. Please forgive us if we don't sound as noble or as great as we used to, but balancing the budget is crucial to our economic health. If we want to meet new or expanded needs, we are going to have to eliminate the waste and excess in the programs we now have.

When we balance the budget in 1996, we will then have more flexibility; but until then, we are going to fully support what we passed in 1990 with no net new taxes.

Sincerely,

THE UNITED STATES CONGRESS.

Mr. Speaker, I will vote no on the conference report, primarily because of misplaced priorities, unallocated plugs, and unspecified entitlement expectations, and I urge my colleagues to do likewise.

Mr. PANETTA. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. FORD], the distinguished chairman of the Committee on Education and Labor.

Mr. FORD of Michigan. Mr. Speaker, I rise today in support of the conference report on the budget resolution for fiscal year 1992. The totals assumed for function 500 reflect the adoption of the homefront budget initiative that I proposed earlier this year. That initiative assumed a $3.1 billion level as well as an additional $1.3 billion for Head Start, child care, JTPA, and related programs.

The Budget Committees are to be congratulated for achieving a conference agreement that establishes education and related children's programs and clear priorities for this Congress. The issue, however, is whether this expression of support for education programs will be adopted by the Appropriations Committee when it reallocates domestic discretionary spending among the relevant subcommittees. Thus far, it appears that the preliminary allocations of the Appropriations Committee do not track the allocations assumed in the budget conference agreement.

Indeed, it seems that the allocation to Chairman NATCHER's subcommittee on Labor-HHS-Education was $1.2 billion below the House-passed budget resolution and approximately $3 billion below the assumption in the pending conference agreement.

On April 17, 261 Members, including a majority of members on the Appropriations Committee, voted on a bipartisan basis for the Ford amendment that added $400 million for education programs to the budget resolution reported by the House Budget Committee. When they voted, Members presumably thought that their votes would favorably affect the appropriations process. Apparently, that vote has been ignored.

This raises several troublesome questions that Members should consider as we proceed through the budget process. First, if the priorities included in the budget resolution do not guide the Appropriations Committee, what productive purpose does it serve to fight over the budget resolution? Second, what is the remedy available to Members if their priorities are ignored? Third, what is the impact on the public when it learns that policy choices made in the budget resolution do not materialize?

I believe, Mr. Speaker, that it would be enlightening to hear from Members of both the Budget and Appropriations Committees to learn how they view this troubling situation.

□ 1700

Mr. GRADISON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. HOUGHTON], a member of the Committee on the Budget.

Mr. HOUGHTON. I thank the gentleman for yielding.

Mr. Speaker, I am going to vote against this conference report, and I do not want to do it. I want to have a budget, I want to support the chairman, I want to support Mr. GRADISON, I want to support the honorable men and women who have done an enormous amount of work trying to stay within the guidelines that were set last year in the budget summit. But there is something funny, something fishy here, and it bothers me, not necessarily for this year but really our outlook for the future, because the big savings, the big opportunities to bring our deficit down are in the last 2 years of this budget cycle.

Now, for this year we are really on automatic pilot because of the constraints of last year. Now, there are differences between the Republicans and Democrats. They are not very much. I would have preferred going the Republican route because it invested in the future rather than spend this year. But that is not to be.

The entitlement savings, there are about $12 billion, and there is $33 billion in new taxes; I am not wild about that, but that is in place.

I guess the thing that bothers me most is we are up to our old tricks. In other words, we are using words to cover up numbers. We are missing phraseology to cover up the arithmetic. We are using our targets, we are not only not balancing our budget, but we are not doing what we said we would do, and if we do not do that, where do we come out?

We have four areas: Are we going to touch interest? We have got to pay our interest. Are we going to touch our Department of Defense? We just voted on that.

Are we going to cut even more entitlement programs? Certainly not. The only way to do it is to control our discretionary expenses. That is what we are not doing, and it bothers me. I want to record that, and therefore I am going to vote against this conference report.

Mr. PANETTA. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. I thank the gentleman for yielding.

Mr. Speaker, I want to express my appreciation to him and to the ranking minority member, the gentleman from Ohio [Mr. GRADISON], for their cooperation and willingness to work together through this process as we kind of sometimes banged heads on. As the gentleman before us said, quite frankly, there has not been much to bank heads about, sometimes, given the constraints of the budget agreement.

I do think this is a good budget report, though. I think the House position persevered in most situations. I think that to the extent it was possible under the constraints of this budget, it does provide for working families to get some of the assistance they need and, more importantly, not to lose some of the assistance they need. That is, investments in student loan programs, for instance, in infrastructure, in energy programs, in competitive initiatives, in rejecting cuts in Medicare

and in veterans' programs. Once again, student loans, I cannot stress enough the importance of that, since I consider the student loan program and the Pell Grant Program to be the greatest ticket for upward mobility in our society that we have.

That has been proven time and time again since World War II, that education, giving people the opportunity to further their education, provides the opportunities that we need so desperately to build our society.

Infrastructure is a particular interest of mine. I was pleased that the House position basically prevailed in the areas of highways and aviation, roads and bridges, in the area of infrastructure research.

It is important to note that infrastructure spending in the highway area, for instance, the obligational authority over a 3-year period will have been increased about $5 billion from what it was just a year ago. That, I think, is an important statement alone in this budget process.

Productivity, we hear so much about productivity, yet productivity does not increase. The studies are coming in more and more conclusively every day on that. Productivity increases largely is a function of infrastructure. If you are putting your money into public investment, your productivity goes up in a corresponding fashion. If you are not putting your money in, it goes down. Some people wonder why our overall productivity has been running at basically a flat line. That is the reason why. Yet you take Japan, with half the population, half the gross national product, they are investing more in absolute dollars in infrastructure than the United States is, and you see the productivity there is in a definite upward trend. Germany, much the same situation.

So I think that much has been done in the area of energy. I was delighted to see that the Senate receded to the House-passed level. That means that the assumption that the House made hopefully can it be enacted, that is, restoration of phase 5 of the clean coal technology program, increased funding for renewable fuel, solar, photovoltaics, fossil fuel, energy research, all of those areas that go toward creating a national energy policy that we so badly need in this country.

The same is true as to natural resources, another important area.

Community development, very little community development actually is left any more, but that which there is, happily the Senate agreed to the House position.

Finally, in health I was delighted to see not only the Medicare cuts defeated, of course, but as significant, I think, particularly for rural areas, the money, the dollar figure was kept intact, which can lead to increased funding in certain areas of research at the National Institutes of Health, the National Institute of Mental Health, and also an increase that many of us fought for, those particularly from rural areas, for an increase in the National Health Service Corps of Physicians. Hopefully, more of these very valuable personnel will be able to be sent to medically underserved areas in the next year as a result of our budget.

Veterans' programs, I think it is important to note that the House and the Senate are in basic agreement on that issue.

So I would urge adoption of this budget.

The appropriations process is under way, as it should be. The budget gives the final guidelines that are necessary, and it is a budget that meets the budget agreement and at the same time provides for working families what they need.

Mr. GRADISON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SANTORUM], a member of the Committee on the Budget.

Mr. SANTORUM. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this conference report, not because there are not some attractive things in it, as the gentleman from West Virginia [Mr. WISE] just spoke to. There are some very good initiatives in here in the area of education, student loans, certainly what we have done for the veterans, which is something that I supported and am glad to see in here.

But I do rise in opposition, in part, because of the enormous deficit that it causes. With this budget agreement, we cannot run away from the fact that it calls for over $300 billion in more deficits that we are going to be piling onto my children and my children's children.

I rise in opposition, in part, because it is irresponsible, it does not provide for how we are going to pay for some of these things that we would like to do.

I rise in opposition, in part, because of the decisions of where and how this money is being spent. Maybe, just as importantly, is because how we came about the decisions on where the money is spent. That really goes to process. One of the things that I have been speaking out about in the Budget Committee and in the committee report was the budget process.

□ 1710

Mr. Speaker, as a freshman Member, a new member, to the Committee on the Budget, I did something rather unusual. I decided to read the Budget Act that created the Budget Committee in 1974 to see what my job would be on this committee, and I read that we are to set the priorities in the Committee on the Budget. We are to set the priorities on how we are to spend money in the Congress, and, in title VII of that act, that we are actually supposed to do program review and evaluation, to gather information and to make intelligent decisions on the national scene and how we are going to set our priorities for the future.

I think, sadly to say, while it may be our intent to set those priorities, that we are not doing that in the Committee on the Budget, and I am saddened by that fact, and I challenge the members of that committee to join with me.

Mr. Speaker, I asked the members of the Committee on the Budget to join with me in trying to work on that committee to gather the kind of information that is necessary, to do the program evaluation, to set national goals, to determine where we are going to take this country and what this budget really means, not to go about nickle and diming between the President's budget and the budget here, but to sit back and take a look at what is important to the future of this country, to make the tough decisions.

Mr. Speaker, that is what we were constituted to do, that is what we have the authority to do, and that is what I would like to see done, and I certainly appreciate the time that I am given here and certainly would hope that the members of the Committee on the Budget would join with me in my efforts to do so.

I came to Congress to focus on the future. When I joined the House Budget Committee, I expected to debate priorities, evaluate programs, and review scenarios. These procedures are required to make the budget process more efficient and to reduce wasteful Government spending. We are just finishing our consideration of the budget resolution. During this review we did not take the time to review and analyze most Government programs or set goals and priorities. Nor did we have the program, tax, or tax expenditure information and evaluation to formulate a precise budget.

The budget committees are little more than gatekeepers legitimizing the short term view. By my estimate we are losing $100 to $300 million per day because we did not perform a business-like review of the budget. See attached, "Costs of Not Raising Level of Budget Debate." Congress needs a system that will facilitate review of how policies affect the future.

Five major initiatives are needed to make the budget process more effective and save the taxpayers billions of dollars. This pentad will help us to raise our level of debate. A summary of the legs of the pentad follow:

ACCOUNTING SYSTEM

We need an online computerized budget accounting system. The system would include the budgets of the Office of Management and Budget, Congressional Budget Office, and committee budgets, as projected for 5 years. The information is currently only available in printed form from a number of sources. The online accounting system would provide comprehensive budget information in electronic form. With personal computers available in every congressional office, we have the technological capacity to review the budget in electronic form but presently do not have infor-

mation available in this way. The online budget accounting system would help raise the level of debate by allowing each committee and congressional office to have immediate access to budget data and develop their own scenarios across budget categories.

REVENUE, PROGRAM, AND TAX EXPENDITURE ESTIMATES

Nothing is more frustrating than to have a new program presented to you and not know what it will cost. It is widely recognized that Congress has a need for program, revenue and tax expenditure estimation assistance. It is not uncommon for Members of Congress to wait for weeks, even months for cost estimates of new programs. A quick response, perhaps no longer than 2 working days, of tax, tax expenditures, and program impact estimates is one of the obvious budgetary needs of Congress.

EVALUATION "GREEN BOOK"

We need to collect program, tax, and tax expenditure reviews and evaluations, including Government-sponsored evaluations as well as private studies of program and regulatory costs. The Evaluation Green Book would be modeled on a similar green book produced by the Ways and Means Committee that focuses on entitlement programs. The Evaluation Green Book would provide for the first time in one place the evaluations of all Government programs, taxes, and tax expenditures. The Evaluation Green Book should be nonpartisan and include evaluations done by the premier evaluators in the United States.

SETTING PRIORITIES

One of the most important functions of the Budget Committee is to set priorities. To do a better job of setting priorities, we need help in identifying goals for Government spending, taxes, and tax expenditures. For example, Oregon has identified 160 benchmarks in three categories—people, quality of life, and economy. The Oregon benchmarks spell out in measurable terms what needs to be accomplished by the years 1995, 2000, and 2010. For instance one benchmark is to reduce the pregnancy rate per 1,000 females ages 10 to 17 from 19.5 in 1990 to 9.8 by 1995. Congressional goals/benchmarks should serve as the basis for determining priorities during our consideration of the fiscal year 1993 budget.

THE SCHWARZKOPF SOLUTION

During the Persian Gulf war, General Schwarzkopf made us aware of the importance of looking at major military options before engaging in battle. Domestic budget battles deserve no less. We need support for modeling and scenario development. This would include data gathering, model installation, modeling, and scenario simulation.

Before arriving in Washington, I expected that the House and Senate Budget Committees would have access to the products mentioned above. Unfortunately, no one seems to be performing the tasks necessary to manufacture these products.

We must make the budget process work better. The basics of what we have to do include:

First our mission should be to collect program performance, regulatory, and evaluation studies of Federal Government programs, taxes, and tax expenditures; to provide Federal budget data, program review, evaluation, regulatory studies to House and Senate Budget Committees; to collect goals and objectives for major subject areas for use in setting priorities during the budget process; to develop and use models—economic, social, and psychological—to describe budgetary consequences of major program proposals and to formulate scenarios; and to provide timely estimates of program and tax costs/revenues.

The products, as noted below, would include information in easily usable form. The products should be provided in both printed and electronic spreadsheet and data base formats. Sample products would be:

National budget data handbook.—The handbook would be a compilation of budget data from OMB, CBO, GAO, congressional committees, and other Federal and private sources. Included in the handbook would be 5-year projections for outlays, receipts, debt, taxes, and tax expenditures.

Budget crosswalks: Program, function, agency, and account.—The crosswalks would allow comparisons by congressional authorization committee, by Appropriation Subcommittee, by Government department or agency, and by subject.

Cost estimates: Current and alternative programs, tax and tax expenditures.—A hotline would provide immediate cost estimates for legislative initiatives and other programs and revenue proposals.

Scenarios: Presentation of major budgetary options.—The scenarios would include comparisons of the various options such as tax alternatives, education options, housing proposals, and energy solutions.

A program evaluation green book.—A nonpartisan "Green Book," based on the best professional analysis, which lists evaluations for all Government programs will be produced. This book should be patterned after the Committee on Ways and Means, "Overview of Entitlement Programs," Green Book.

Four options are available for realizing my proposals. They include implementation either by the House and Senate Budget Committees and related agencies—including the Congressional Budget Office, Congressional Research Service, General Accounting Office; by a private/congressional/executive partnership; or by an institute on the budget; or by a combination of the above.

Progress is beginning on at least one of the Pentad. I am pleased to announce that the National Taxpayers Union has made available their "Balanced Budget Tracking System" to help with tallying spending and tax estimates. This state of the art computerized information system is designed to provide for each Member of Congress a running tally of the cost of every major spending initiative the member has sponsored, cosponsored, or voted for. A description of this system follows my statement. See, "The Balanced Budget Tracking System Leveling the Political Playing Field for the Fiscally Responsible."

Hopefully, by this time next year we will have available the budget making tools that are mentioned above. Much of the information is currently available, but is not readily accessible. Each authorization and Appropriations Subcommittee will continue to substantiate Woodrow Wilson's observation over 100 years ago that "Congress in committees is Congress at work." The budget committees' role should be provided a framework for debate. The framework proposed above utilizes the latest in technological advances as well as encouraging a high level of debate.

We will not need thousands of staff persons to put into operation my proposals. We need the will to seek: the Jeffersonian grand vision; to work with others in the private and governmental sectors to make available budgetary tools; and to raise the level of congressional debate by adopting the initiatives noted above.

Costs of not raising level of budget debate

[In billions of dollars]

	Yearly estimates costs/savings
Program proposal:	
Means testing Government programs	70
Tax expenditures	500
Risk reduction, public sector debt	1
Potential loss (1929 Depression)	300
User fees	5
Tax simplification	2
Pork barrel	50

Mr. PANETTA. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Speaker, I am pleased to stand in support of the conference report on this fiscal year 1992 budget resolution. I think though that the relative smoothness of this year's budget process; that is, the lack of major conflict and controversy, really belies the significance of this resolution. It is true that in the defense of international affairs categories the differences are largely undisturbed, but there are some very significant differences in the domestic categories to promote the needs which I believe have been drastically neglected in the recent past. Strong steps were taken in this year's budget process to increase spending priorities such as education, job training, health care, nutritional assistance, veterans benefits, the administration of justice, and energy security. Increases of over $4 billion are recommended for education and training programs; nearly $3 billion of increases are suggested for programs to assure the income security of our citizens; about $1.4 billion increases are recommended for health programs; and more than $1 billion of increases are set aside for the veterans.

In providing for these categories of these priorities, Mr. Speaker, budget discipline was maintained. Offsetting reductions are proposed in areas with lesser needs and lower priorities. So, deficit reduction is still in focus and can be achieved within the funding limits set.

So, Mr. Speaker, I urge passage of the conference report, but, more importantly, I urge the authorizing and appropriations committees of the Congress to follow the plan and the scene set forth in this conference report. This is a very difficult period, but it is a very good budget, so I ask the Members to support it.

Mr. GRADISON. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, last month I voted for the budget alternative proposed by the gentleman from California [Mr. DANNEMEYER], the gentleman from Ohio [Mr. KASICH], and the gentleman from Ohio [Mr. GRADISON] because they complied with the Budget Enforcement Act and spent less than the proposal of the Committee on the Budget. I ultimately voted for the committee bill as well, even though the spending levels were still a little too high, because it, too, complied with the budget agreement, and it also shifted some dollars from the space program toward domestic needs.

However, Mr. Speaker, the conference committee has returned a budget that I cannot support. This budget surreptitiously violates the budget process amendment using smoke and mirrors that I have long fought against. It does not identify how we will fund a host of entitlement increases, and it hides the fact that it exceeds the domestic discretionary cap by $1.8 billion. How? By assuming that the Government will mystically receive the same amount in undistributed offsetting receipts.

Mr. Speaker, undistributed offsetting receipts. We have replaced priorities and responsible choices with arcane budget terms and wizardry, and I cannot support this budget chicanery and must vote "no".

Mr. GRADISON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I thank the gentleman from Ohio [Mr. GRADISON], who has done an incredible job under very difficult circumstances, and I just say, Mr. Speaker, that this once and for all is the Democrats' budget. We have nothing to do with it. We were not included in it. We did not even get to read it.

This is the Democrats' budget. They put it together, and they are responsible for it. Those that claim that we were responsible a little bit for the budget agreement of last year, they may have claims to that, but as of today, when this conference report passes, and I think it will pass, the American people can understand that this is the Democrats' budget. This is the way the Democrats want to run our Government.

Mr. Speaker, I opposed that budget agreement last October which increased taxes and increased spending and increased the deficit, plunging our economy into a recession. In April, I opposed the budget resolution for fiscal year 1992 because it ratified the budget agreement in October and continued the tax-and-spend binge of this House. Now I take the well to let my colleagues know that I continue to reject the belief of the Democrats that the American people need to send more money to Washington to waste on a fat and bloated government.

Mr. Speaker, the American people must understand that this year, in 1991, for the first time since 1946, we will be spending 25 percent of GNP by the Federal Government, and for the first time in the history of this country by this agreement we will be projecting by 1994 to be raising taxes to the tune of 20 percent of GNP for consecutive years. Every time we have hit 20 percent of GNP, and only twice in recent history, we have plunged deeply into deep, deep recessions, yet the Democrats continue on their road of these kinds of policies. In fact, they have totally busted the agreement by switching scoring by OMB to CBO. They have dropped the Senate language requiring that specified pay-go bills be spending neutral rather than deficit neutral. Who knows how they busted the agreement because they bring it out of the closed room, and bring it down to this floor and waive all points of order. We do not know what points of order could have been brought by this bill.

Mr. Speaker, this is the Democrats' budget, and the Democrats should be responsible for this budget.

Mr. GRADISON. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. NUSSLE].

Mr. NUSSLE. Mr. Speaker, I have had an opportunity for the past few minutes to listen to some of the debate here today, and I have heard a lot of back-slapping and a lot of praising going on for the people that have done such hard work on this budget.

Mr. Speaker, I would like to report through you to the American people what they have done. Last year's budget, which affects this year, was $299.9 billion in deficits. What we are about to vote on is $351.2 billion of deficit. That is an increase to the deficit of $51.2 billion.

I ask myself, "Is that a good job of budgeting?"

I am a new Member of this body, and last year I had an opportunity to listen to the debate on the floor during a budget crisis. That is what I heard: a budget crisis, and yet from last year to this year they have increased the deficit.

My wife and I were blessed 12 weeks ago with the birth of my new son, Mark. Mr. Speaker, I did some easy addition, and some subtraction and some division to find out what Mark Nussle owed the Federal Government with all of this debt.

□ 1720

I took the national debt, which is $3.9 trillion. I took the deficit on budget, which is going to be now $351 billion, the off-budget that you hear about, which is the savings and loan, the war, the foreign aid, about $100 billion, $100 billion of deficit. Take the new census figures, which is 248,709,873, plus one for Mark Nussle, and divide it all out. Do you know what my son owes the Federal Government today? $17,760. That is every man, woman and child in America, because of the debt and deficit that we continue to add in this country.

I ask my colleagues, do they think we are doing a good job?

I had the opportunity to address some high school students and I asked them, I said, "Do you have a checkbook?" One of them said, "Yes."

I said, "How much money do you have?" He said, "Thirty bucks." I said, "Can you spend $35?" He said, "No." I said, "Can you spend $40?" He said, "No." I said, "How much can you spend?" He said, "$30." I said, "Please, run for Congress. We need you here."

Mr. GRADISON. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, in my opening statement I stressed the irrelevance of this budget. I made the point that it is a wish list and that as a practical matter it is not being implemented by the Democrats working through their own Appropriations Committee. I could have saved my words because this was said much better by the gentleman from Michigan [Mr. FORD].

He pointed out that the tentative allocation by the House Appropriations Committee does not track the allocations made by the House Budget Committee or by the House. He pointed out that the favorable vote by the House on his own amendment, the Ford amendment, has been ignored up to this time.

Mr. Speaker, what we have before us is a gigantic shell game. Now you see it; now you don't. Somewhere there is a cut of $1.8 billion in budget authority. And I dare say, when all the smoke clears, this is a mixed metaphor, we are going to find out that what we are seeing paraded before us today is a great statement of initiatives and priorities but it is nothing more than empty promises.

Mr. PANETTA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the budget conference that is before the House is important because it is when we fail to pass a budget resolution that the budget process becomes irrelevant. It is when we fail to pass a budget conference that we become irrelevant. It is when we fail to identify priorities that we think are important that we become irrelevant.

It is when we fail to enforce the budget agreement that was agreed to between the President and the Congress that we become irrelevant.

The fact is that this budget conference is the only way we enforce the budget agreement that was agreed to. For those who say we need to stick to the budget agreement, you cannot say that and then vote against the conference report that does exactly that, because this budget conference sticks

to the caps established by the budget agreement on defense, on international spending, on discretionary spending. It sticks to those caps and requires that the Appropriations Committee stand by those limits.

It also requires pay-as-you-go. If we want an initiative, if we want to spend more, if we want to cut taxes and it involves the loss of revenue, we have to pay for it. That is exactly what we include in this budget conference.

We set priorities in this budget conference. They are always advisory. They have always been advisory when it comes to a budget resolution. But the reality is that the Appropriations Committee largely follows the outlines that we provide. In every instance, no. They have their own discretion. Nobody said that a budget resolution mandates what the Appropriations Committee in fact will do. We provide guidance. We provide advice to them. And in most instances, including this year, they have abided by those levels in each area.

The important thing is that we set an overall cap in terms of spending. That is our endorsement tool and that is what the budget process is here to do.

What is irrelevant is not the budget resolution or the budget process. What is irrelevant are those who disagree with the priorities in this budget resolution and who use the term irrelevance to cover that opposition. If a Member is for working people, if a Member is for investing in education, in infrastructure, in health care, if a Member is for trying to provide help to children in this country, if a Member is for those issues, then that Member is for this budget resolution.

If a Member is not for those issues, then, yes, it is irrelevant to your priorities. What is irrelevant is not the budget resolution but those who like to vote no on everything, who like to vote no on the budget agreement because it does not fit all of their outlines, it is not enough on taxes or its is too much on taxes. It is not enough on spending or it is too much on spending. So I am going to vote no. I am going to vote the easy way out.

What is irrelevant are those who vote no on every budget resolution because that is the easy way out, too. What is irrelevant are those who vote no on every budget conference because that is the easy way out as well.

Our responsibility here is not to the nay-sayers and those who like to duck every tough vote. That is how we got in the trouble we are in today. Our responsibility is to the American people. The only discipline we have today is the budget agreement. There is nothing else. There is nothing else but the agreement that was confirmed by both the President of the United States and the leadership of the Congress.

The only way to enforce that agreement is not to reject this conference report but to support it. If we fail to do that, ask yourselves what the consequences will be if we fail? If we fail to do that, what kind of signal do we send to an already weak economy? What kind of signal do we send to the world about the United States and our willingness to stand by the only discipline that we have put in place?

If we vote for this budget resolution and for this conference, then we will send a clear signal, not only to this country but the rest of the world, that what we agree to we will stick by, and that means enforcing this budget agreement.

I urge support for this budget conference.

The SPEAKER pro tempore. (Mr. THORNTON) All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GRADISON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant-at-Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 239, nays 181, not voting 11, as follows:

[Roll No. 112]

YEAS—239

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Bruce
Bustamante
Byron
Cardin
Carper
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Huckaby
Hutto
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Savage
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slaughter (NY)
Smith (FL)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Volkmer
Washington
Waxman
Weiss
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yatron

NAYS—181

Allard
Andrews (NJ)
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Brown
Bryant
Bunning
Burton
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carr
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Houghton
Hubbard
Hughes
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morrison
Myers
Nichols
Nussle
Orton
Owens (UT)
Oxley
Packard
Pallone
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Sanders
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Slattery
Slaughter (VA)
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Stearns
Stump

Sundquist	Visclosky	Wylie
Swett	Vucanovich	Yates
Taylor (MS)	Walker	Young (AK)
Taylor (NC)	Walsh	Young (FL)
Thomas (CA)	Weber	Zeliff
Thomas (WY)	Weldon	Zimmer
Upton	Williams	
Vander Jagt	Wolf	

NOT VOTING—11

Alexander	Lehman (FL)	Skelton
Collins (MI)	Markey	Smith (TX)
Gray	Owens (NY)	Waters
Hopkins	Sawyer	

□ 1747

The Clerk announced the following pair:

On this vote:

Mr. Owens of New York for, with Mr. Smith of Texas against.

Mr. CLINGER, Mr. SMITH of Oregon, and Mrs. MEYERS of Kansas changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ALEXANDER. Mr. Speaker, the CONGRESSIONAL RECORD erroneously records me as not having voted on rollcall No. 112 on House Concurrent Resolution 121. In fact, I did vote on rollcall 112, House Concurrent Resolution 121, and my vote was yes.

I ask unanimous consent that my statement appear in the permanent RECORD immediately following the vote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERSONAL EXPLANATION

Mrs. COLLINS of Michigan. Mr. Speaker, during rollcall vote No. 112 on House Concurrent Resolution 121 I was unavoidably detained. Had I been present I would have voted "yes."

GENERAL LEAVE

Mr. PANETTA. 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 conference report on House Concurrent Resolution 121, the conference report just agreed to.

The SPEAKER pro tempore. (Mr. VOLKMER). Is there objection to the request of the gentleman from California?

There was no objection.

□ 1750

CONFERENCE REPORT ON H.R. 2251, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FROM CONTRIBUTIONS OF FOREIGN GOVERNMENTS AND/OR INTEREST FOR HUMANITARIAN ASSISTANCE TO REFUGEES AND DISPLACED PERSONS IN AND AROUND IRAQ AS A RESULT OF THE RECENT INVASION OF KUWAIT AND FOR PEACEKEEPING ACTIVITIES AND OTHER URGENT NEEDS ACT OF 1991

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House, I call up the conference report on the bill (H.R. 2251) making dire emergency supplemental appropriations from contributions of foreign governments and/or interest for humanitarian assistance to refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait and for peacekeeping activities, and for other urgent needs for the fiscal year ending September 30, 1991, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. (Mr. VOLKMER). Pursuant to the order of the House of today, the conference report is considered as read.

The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany the bill (H.R. 2251) making dire emergency supplemental appropriations from contributions of foreign governments and/or interest for humanitarian assistance to refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait and for peacekeeping activities, and for other urgent needs for the fiscal year ending September 30, 1991, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

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

Mr. Speaker, today we present to our colleagues the conference agreement on H.R. 2251, which provides aid to people who have become refugees or displaced persons, in and around Iraq. The need for this comes about because of the invasion of Kuwait and resulting war. In this agreement, as in the House bill, we provide for this assistance to come from contributions, and/or interest on those contributions, made by foreign governments to support the effort to free Kuwait.

Mr. Speaker, these funds were requested by the President on April 25. The House passed the bill on May 9, the Senate requested a conference on May 15 and conference was concluded yesterday. Once again, we are providing timely help to those affected by a disaster. And, as I said before, it is from contributions to the defense cooperation fund and/or interest on those contributions.

It is important to meet humanitarian needs in other countries resulting from the war, but we must not forget the needs of disaster victims in the United States who deserve equal treatment.

Mr. Speaker, since October 1990, over 26 disasters in the United States have been declared by the President for which funds are not available or requested. The bill before us requires the Director of the Office of Management and Budget to prepare a report on the unfunded costs of dire emergencies in the United States because of natural disasters, including crop losses, floods, droughts, tornadoes, unemployment, and other disasters, such as freezes. He is to submit that report within 10 days of enactment of this bill, pending our receipt of a budget request.

The bill also directs OMB to prepare reports on the unfunded costs of international disaster emergencies due to national disasters including floods and cyclones and on the threats to oil supply, human health, and the environment that the Kuwait oil fires might pose, and to submit those reports within 10 days, pending receipt of a budget estimate.

Mr. Speaker, H.R. 2251 includes:

The sum of $235,500,000 derived by transfer from defense cooperation contributions and/or interest for emergency international disaster assistance, emergency refugee assistance, and emergency peacekeeping activities in and around the Persian Gulf needed as a result of Operation Desert Storm and for other international disaster assistance and refugee assistance outside the Persian Gulf.

The sum of $320,500,000 for DOD humanitarian refugee relief efforts in and around the Persian Gulf needed as a result of Operation Desert Storm derived by transfer from the Persian Gulf Regional Defense Fund.

The sum of $16,000,000 for military relief societies derived by transfer from the Defense Cooperation Account.

FUNDING WITHIN BUDGET ALLOCATIONS

All funds appropriated in the bill are either incremental costs of Operation Desert Storm, dire emergencies, or are offset and therefore would not result in any sequestration.

Mr. Speaker, I urge adoption of the report.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I am pleased to rise in support of this conference report. We ought to be able to approve this conference report quickly, because it resolves fairly minor differences between the Houses. Unlike other appropriations bills, which can entail hundreds of amendments, there were only seven points of difference between the House and the Senate, none of them major.

The conference report comes back to the House looking remarkably similar to the bill passed by the House on May 9 by a vote of 384 to 25. It deals almost exclusively with the costs of the relief effort underway for the Kurds and other refugees expelled from their homes through the atrocities of Saddam Hussein, as well as other recent disasters around the world.

As in the House passed bill, none of the funding in the bill entails new money—instead the money comes out of interest on the Defense cooperation account, the Persian Gulf regional defense fund, and prior appropriations.

The major conference issue was whether to fund the $85 million increase over the request for refugee assistance from interest on the Defense cooperation account or from rescissions of fiscal year 1991 foreign aid appropriations. The administration preferred that it all come from interest, and that is what is in the conference report, although I still have some reservations on that one.

The actual language states that the funds can come from contributions from foreign allies and/or interest, but it allows complete flexibility to the administration to take it all out of interest, which is what they are expected to do.

The conference report restores the $16 million for defense service organizations.

It reinserts burden-sharing language, which was deleted here on the House floor due to a misunderstanding of the Senate's intentions.

It includes the Senate amendment to assure that all of the money appropriated for the International Trade Administration can be spent.

It does not include the Senate language allowing transfers of Public Law 480 money for humanitarian relief, but my understanding is that such language was included in the Kurdish relief authorization bill that has cleared the Congress.

Finally, it contains the instruction to OMB to come up with a list of unfunded domestic and international disaster relief needs within 10 days, and in statements on the floor, much has been made of that provision.

There's a certain amount of expectation building up for another supplemental that will include both disaster relief and crop disaster assistance.

Let me simply say that if people are serious about trying to push for crop disaster assistance, which will be a billion dollar enterprise, let them not forget about the plight of the dairy farmer, who is experiencing an economic disaster as serious as any other farmer in the country.

But all in all, Mr. Speaker, this is a good conference report, it takes care of the immediate needs for refugee assistance, and I urge its adoption.

Mr. SYNAR. Mr. Speaker, I appreciate this time to urge passage of H.R. 2251 which relieves the suffering and deplorable conditions forced upon tired and helpless Iraqi refugees.

This action by Congress is in the best spirit of America, but not out of sight of our needs here at home. Mr. Chairman, in a floor statement yesterday, the gentlewoman from California, Mrs. BOXER, noted our remiss in failing immunizing America's babies. Currently, 15 Mississippi counties have been declared disaster areas by the President with 2 million acres under water, and no money in the disaster assistance accounts.

I am proud that we have the fortitude and compassion to help others around the world, but in order to continue our assistance abroad, we must keep-up our strength at home.

I urge passage of H.R. 2251.

Mr. MURTHA. Mr. Speaker, the Defense chapter of the refugee assistance supplemental conference agreement provides for the transfer of $320,500,000 from the Persian Gulf Regional Defense Fund to the military personnel and operation and maintenance accounts of the Defense Department in order to finance the defense costs of Operation Provide Comfort. These funds will cover the military personnel costs, supplies, transportation and other support costs associated with the relief effort for refugees and displaced persons in and around Iraq.

Also $16 million is appropriated from the interest earned on balances in the Defense Cooperation Account—gift fund—to the military relief societies. These funds will provide additional aid to members of our Armed Forces which have incurred added hardships based on the deployment relating to Operation Desert Shield/Desert Storm. These societies provide interest free loans or grants to military personnel and their dependents to help finance food, rent or utility expenses, emergency transportation expenses, vehicle repairs, funeral expenses, medical and dental expenses and other emergency assistance.

The supplemental conference agreement also includes a general provision which allows the Department of Defense to accept burdensharing contributions from Korea to pick up the costs of local Korean national employees of the Department of Defense.

Mr. McDADE. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 387, nays 33, not voting 11, as follows:

[Roll No. 113]

YEAS—387

Abercrombie	Davis	Hefner
Ackerman	de la Garza	Henry
Alexander	DeFazio	Herger
Allard	DeLauro	Hertel
Anderson	DeLay	Hoagland
Andrews (ME)	Dellums	Hobson
Andrews (NJ)	Derrick	Hochbrueckner
Andrews (TX)	Dickinson	Holloway
Annunzio	Dicks	Horn
Anthony	Dingell	Horton
Applegate	Dixon	Houghton
Archer	Dooley	Hoyer
Armey	Doolittle	Hubbard
Aspin	Dorgan (ND)	Huckaby
Atkins	Dornan (CA)	Hughes
AuCoin	Downey	Hunter
Bacchus	Dreier	Hutto
Baker	Durbin	Hyde
Barnard	Dwyer	Inhofe
Barrett	Dymally	Ireland
Bateman	Eckart	James
Beilenson	Edwards (CA)	Jefferson
Bennett	Edwards (OK)	Jenkins
Bentley	Edwards (TX)	Johnson (CT)
Bereuter	Emerson	Johnson (SD)
Berman	Engel	Johnson (TX)
Bevill	English	Johnston
Bilbray	Erdreich	Jones (GA)
Bliley	Espy	Jones (NC)
Boehlert	Evans	Jontz
Boehner	Fascell	Kanjorski
Bonior	Fawell	Kaptur
Borski	Fazio	Kasich
Boucher	Feighan	Kennedy
Boxer	Fields	Kennelly
Brewster	Fish	Kildee
Brooks	Flake	Kleczka
Broomfield	Foglietta	Klug
Browder	Ford (MI)	Kolbe
Brown	Ford (TN)	Kopetski
Bruce	Frank (MA)	Kostmayer
Bryant	Franks (CT)	Kyl
Bunning	Frost	LaFalce
Burton	Gallegly	Lagomarsino
Bustamante	Gallo	Lancaster
Byron	Gaydos	Lantos
Callahan	Gejdenson	LaRocco
Camp	Gephardt	Laughlin
Campbell (CA)	Gibbons	Leach
Campbell (CO)	Gilchrest	Lehman (CA)
Cardin	Gillmor	Lent
Carper	Gilman	Levin (MI)
Carr	Gingrich	Levine (CA)
Chandler	Glickman	Lewis (CA)
Chapman	Gonzalez	Lewis (FL)
Clay	Goodling	Lewis (GA)
Clement	Gordon	Lightfoot
Clinger	Goss	Lipinski
Coleman (MO)	Gradison	Livingston
Coleman (TX)	Grandy	Lloyd
Collins (IL)	Gray	Long
Collins (MI)	Green	Lowery (CA)
Condit	Guarini	Luken
Conyers	Gunderson	Machtley
Cooper	Hall (OH)	Manton
Costello	Hamilton	Marlenee
Coughlin	Hammerschmidt	Martin
Cox (CA)	Hansen	Martinez
Cox (IL)	Harris	Matsui
Coyne	Hastert	Mavroules
Cramer	Hatcher	Mazzoli
Cunningham	Hayes (LA)	McCandless
Darden	Hefley	McCloskey

McCrery	Peterson (MN)	Smith (NJ)
McCurdy	Petri	Smith (OR)
McDade	Pickle	Smith (TX)
McDermott	Porter	Snowe
McEwen	Poshard	Solarz
McGrath	Price	Solomon
McHugh	Pursell	Spence
McMillan (NC)	Quillen	Spratt
McMillen (MD)	Rahall	Staggers
McNulty	Ramstad	Stallings
Meyers	Rangel	Stark
Mfume	Ravenel	Stokes
Michel	Reed	Studds
Miller (CA)	Regula	Sundquist
Miller (OH)	Rhodes	Swett
Miller (WA)	Richardson	Swift
Mineta	Ridge	Synar
Mink	Riggs	Tallon
Moakley	Rinaldo	Tanner
Molinari	Ritter	Tauzin
Mollohan	Roberts	Taylor (MS)
Montgomery	Roe	Taylor (NC)
Moody	Roemer	Thomas (CA)
Moran	Rogers	Thomas (GA)
Morrison	Ros-Lehtinen	Thornton
Mrazek	Rostenkowski	Torres
Murphy	Roukema	Torricelli
Murtha	Rowland	Towns
Myers	Roybal	Traxler
Nagle	Russo	Unsoeld
Natcher	Sabo	Upton
Neal (MA)	Sanders	Vander Jagt
Neal (NC)	Sangmeister	Vento
Nichols	Santorum	Volkmer
Nowak	Sarpalius	Vucanovich
Oakar	Saxton	Walsh
Oberstar	Schaefer	Washington
Obey	Scheuer	Waters
Olin	Schiff	Waxman
Ortiz	Schroeder	Weber
Orton	Schulze	Weiss
Owens (NY)	Schumer	Weldon
Owens (UT)	Serrano	Wheat
Oxley	Sharp	Whitten
Packard	Shaw	Wilson
Pallone	Shays	Wise
Panetta	Shuster	Wolf
Parker	Sikorski	Wolpe
Patterson	Sisisky	Wyden
Paxon	Skaggs	Wylie
Payne (NJ)	Skeen	Yates
Payne (VA)	Slattery	Yatron
Pease	Slaughter (NY)	Young (AK)
Pelosi	Slaughter (VA)	Young (FL)
Perkins	Smith (FL)	Zeliff
Peterson (FL)	Smith (IA)	Zimmer

NAYS—33

Barton	Hall (TX)	Savage
Billirakis	Hancock	Sensenbrenner
Coble	Hayes (IL)	Stearns
Combest	Jacobs	Stenholm
Crane	Kolter	Stump
Dannemeyer	Moorhead	Thomas (WY)
Donnelly	Nussle	Traficant
Duncan	Penny	Valentine
Early	Ray	Visclosky
Gekas	Rohrabacher	Walker
Geren	Roth	Williams

NOT VOTING—11

Ballenger	Markey	Rose
Hopkins	McCollum	Sawyer
Lehman (FL)	Morella	Skelton
Lowey (NY)	Pickett	

□ 1818

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. VOLKMER). Pursuant to the order of the House of today, the amendments in disagreement are considered as having been read.

The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 2: Page 5, strike out all after line 14 over to and including line 16 on page 9, and insert:

CHAPTER II

DEPARTMENT OF STATE

DEFENSE COOPERATION ACCOUNT

For a portion of the expenses associated with the provision of emergency assistance, pursuant to section 251(b)(2)(D)(i) of Public Law 99-177, as amended, for refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait, and for peacekeeping activities and for international disaster assistance in the region, there is appropriated from the Defense Cooperation Account, $235,500,000, to be derived only from the interest payments deposited to the credit of such account, which shall be available only for transfer by the Secretary of Defense to "International Disaster Assistance", "Migration and Refugee Assistance", "United States Emergency Refugee and Migration Assistance", and "Contributions to International Peacekeeping Activities", as follows:

FUNDS APPROPRIATED TO THE PRESIDENT

BILATERAL ECONOMIC ASSISTANCE

INTERNATIONAL DISASTER ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "International Disaster Assistance", $67,000,000, to remain available until expended.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "Migration and Refugee Assistance", $75,000,000: Provided, That in addition to amounts otherwise available for such purposes, up to $250,000 of the funds appropriated under this heading may be made available for the administrative expenses of the Office of Refugee Programs of the Department of State: Provided further, That funds made available under this heading shall remain available until September 30, 1992.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

(TRANSFER OF FUNDS)

For an additional amount for the "United States Emergency Refugee and Migration Assistance Fund", $68,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 that would limit the amount of funds that could be appropriated for this purpose.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES

(TRANSFER OF FUNDS)

For an additional amount for "Contributions to international peacekeeping activities", $25,500,000, to remain available until September 30, 1992.

GENERAL PROVISIONS—CHAPTER II

SEC. 201. The authority provided in this chapter to transfer funds from the Defense Cooperation Account is in addition to any other transfer authority contained in any other Act making appropriations for fiscal year 1991.

SEC. 202. Funds transferred or otherwise made available pursuant to this Act may be made available notwithstanding any provision of law that restricts assistance to particular countries.

SEC. 203. Funds transferred pursuant to this chapter for International Disaster Assistance and the United States Emergency Refugee and Migration Assistance Fund may also be used to replenish appropriations accounts from which assistance was provided prior to the enactment of this Act.

SEC. 204. Amounts obligated for fiscal year 1991 under the authority of section 492(b) of the Foreign Assistance Act of 1961 to provide international disaster assistance in connection with the Persian Gulf crisis shall not be counted against the ceiling limitation of such section.

SEC. 205. The value of any defense articles, defense services, and military education and training authorized as of April 20, 1991, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961 shall not be counted against the ceiling limitation of such section.

SEC. 206. Funds made available under this chapter may be made available notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 2, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

CHAPTER II

DEPARTMENT OF STATE

DEFENSE COOPERATION ACCOUNT

For a portion of the expenses associated with Operation Desert Storm and the provision of emergency assistance, pursuant to section 251(b)(2)(D)(i) of Public Law 99-177, as amended, for refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait, and for peacekeeping activities and for international disaster assistance in the region, there is appropriated from the Defense Cooperation Account, $235,500,000, to be derived from any contributions of foreign governments and/or interest payments deposited to the credit of such account, which shall be available only for transfer by the Secretary of Defense to "International Disaster Assistance", "Migration and Refugee Assistance", "United States Emergency Refugee and Migration Assistance", and "Contributions to International Peacekeeping Activities", as follows:

FUNDS APPROPRIATED TO THE PRESIDENT

BILATERAL ECONOMIC ASSISTANCE

INTERNATIONAL DISASTER ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "International Disaster Assistance", $67,000,000, to remain available until expended: Provided, That in addition to amounts otherwise available for such purposes, up to $200,000 of the funds appropriated under this heading may be made available for the purpose of paying administrative expenses of the Agency for International Development in connection with carrying out its functions under this heading.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "Migration and Refugee Assistance", $75,000,000: Provided, That in addition to amounts otherwise available for such purposes, up to $250,000 of the funds appropriated under this heading may be made available for the administrative expenses of the Office of Refugee Programs of the Department of State: Provided further, That funds made available under this heading shall remain available until September 30, 1992.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

(TRANSFER OF FUNDS)

For an additional amount for the "United States Emergency Refugee and Migration Assistance Fund", $68,000,000, to remain available until expended: Provided, That funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 that would limit the amount of funds that could be appropriated for this purpose.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES

(TRANSFER OF FUNDS)

For an additional amount for "Contributions to international peacekeeping activities", $25,000,000, to remain available until September 30, 1992.

GENERAL PROVISIONS—CHAPTER II

SEC. 201. The authority provided in this chapter to transfer funds from the Defense Cooperation Account is in addition to any other transfer authority contained in any other Act making appropriations for fiscal year 1991.

SEC. 202. Funds transferred or otherwise made available pursuant to this Act may be made available notwithstanding any provision of law that restricts assistance to particular countries.

SEC. 203. Funds transferred pursuant to this chapter for International Disaster Assistance and the United States Emergency Refugee and Migration Assistance Fund may be used for any of the purposes for which funds are authorized under those accounts and may also be used to replenish appropriations accounts from which assistance was provided prior to the enactment of this Act, notwithstanding any other provision of this or any other Act.

SEC. 204. Amounts obligated for fiscal year 1991 under the authority of section 492(b) of the Foreign Assistance Act of 1961 to provide international disaster assistance in connection with the Persian Gulf crisis shall not be counted against the ceiling limitation of such section.

SEC. 205. The value of any defense articles, defense services, and military education and training authorized as of April 20, 1991, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961 shall not be counted against the ceiling limitation of such section.

SEC. 206. Funds made available under this chapter may be made available notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

SEC. 207. None of the funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513), under the heading "Economic Support Fund", that were allocated for Pakistan may be made available for assistance for another country or purpose unless notification is provided in accordance with the regular notification procedures of the Committees on Appropriations.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 3: Page 10, after line 15, insert:

CHAPTER IV

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Of the funds appropriated under this heading in Public Law 101-515 and Public Law 102-27, $159,325,000 shall be available to carry out export promotion programs notwithstanding the provisions of section 201 of Public Law 99-64.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds appropriated under this heading in Public Law 101-515, $8,262,000 is hereby rescinded.

DEFENDER SERVICES

For an additional amount for "Defender Services", $8,000,000, to remain available until expended.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 3, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The motion was agreed to.

□ 1820

The SPEAKER pro tempore (Mr. VOLKMER). The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 7: Page 11, line 2, strike out [are off budget.] and insert: are within the limits of the Budget Enforcement Act of 1990.

SEC. 503. Notwithstanding any other provision of law, not to exceed 15 per centum of the funds made available for any title of the Agricultural Trade Development and Assistance Act of 1954 by the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1991, may be used for purposes of title II of the Agricultural Trade Development and Assistance Act of 1954.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 7, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 503. During the current fiscal year, the Secretary of Defense may accept burdensharing contributions in the form of money from the Republic of Korea for the costs of local national employees of the Department of Defense to be credited to Department of Defense operation and maintenance appropriations available for the salaries and benefits of such Korean national employees to be merged with and to be available for the same purposes and time period as those appropriations to which credited: *Provided*, That not later than October 31, 1991, the Secretary of Defense shall submit a report on the contributions accepted by the Secretary under this provision.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Speaker, I rise because by just moments I missed the last vote which was cast in this House on the conference report on H.R. 2251, the dire emergency supplemental appropriation.

I missed it, Mr. Speaker, because I was over on the Senate side testifying before the Base Closing and Consolidation Commission on behalf of White Oak Naval Warfare Center. If I had been here, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, I missed the rollcall vote on the conference report to H.R. 2251, making supplemental appropriations for Kurdish refugees. I would like the RECORD to show that had I been present, I would have voted "aye" on rollcall No. 113.

AMENDMENTS WITH RESPECT TO VETERANS PROGRAMS FOR HOUSING AND MEMORIAL AFFAIRS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from

the Speaker's table the bill (H.R. 232) to amend title 38, United States Code, with respect to veterans programs for housing and memorial affairs, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Senate amendments:

Page 2, line 1, strike out [fiscal year] and insert: *September 30,*

Page 2, lines 4 and 5, strike out [in fiscal year 1991 and continuing thereafter,] and insert: *on October 1, 1990,*

Page 2, line 8, strike out [recourse] and insert: *recourse,*

Page 2, line 21, strike out [1991] and insert: *1992*

Page 2, line 24, strike out [1991] and insert: *1992*

Page 2, after line 24, insert:

(c) REPORT RELATING TO APPRAISAL REVIEW.—Section 1831(f) of such title is further amended by adding at the end the following new paragraphs:

"(4) Not later than April 30 of each year following a year in which the Secretary authorizes lenders to determine reasonable value of property under this subsection, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report relating to the exercise of that authority during the year in which the authority was exercised.

"(5) A report submitted pursuant to paragraph (4) of this subsection shall include, for the period covered by each report—

"(A) the number and value of loans made by lenders exercising the authority of this subsection;

"(B) the number and value of such loans reviewed by the appraisal-review monitors referred to in paragraph (2) of this subsection;

"(C) the number and value of loans made under this subsection of which the Secretary received notification of default;

"(D) the amount of guaranty paid by the Secretary to such lenders by reason of defaults on loans as to which reasonable value was determined under this subsection; and

"(E) such recommendations as the Secretary considers appropriate to improve the exercise of the authority provided for in this subsection and to protect the interests of the United States.".

Page 3, lines 13 and 14, strike out [for or receipts of Federal] and insert: *for, or receipts of, Federal*

Page 5, line 5, strike out [1991] and insert: *1992*

Page 7, line 17, strike out [paragraph] and insert: *subsection*

Page 13, line 5, strike out [when] and insert: *on the date*

Page 13, line 16, strike out [revolving fund] and insert: *special account referred to in subsection (c)*

Page 13, lines 21 and 22, strike out [and veterans in compensated work-therapy programs]

Page 13, line 24, strike out [acquire] and insert: *in acquiring*

Page 16, after line 20, insert:

SEC. 12. AUTHORITY OF THE SECRETARY OF VETERANS AFFAIRS TO CARRY OUT SPECIFIED ADMINISTRATIVE REORGANIZATION.

(a) AUTHORITY FOR ADMINISTRATIVE REORGANIZATION.—The Secretary of Veterans Affairs may carry out the administrative reorganization described in subsection (b) without regard to section 210(b)(2) of title 38, United States Code.

(b) SPECIFIED REORGANIZATION.—Subsection (a) applies to the organizational realignment of management responsibility for the Department of Veterans Affairs Data Processing Centers, together with the corresponding organizational realignment of associated Information Resources Management operational components and functions within the Department of Veterans Affairs central office, as such realignment was described in the detailed plan and justification submitted by the Secretary of Veterans Affairs in January 4, 1991, letters to the Chairmen of the Committees on Veterans' Affairs of the Senate and the House of Representatives.

SEC. 13. AMENDMENTS TO LAWS TO REFLECT THE CONVERSION OF THE VETERANS' ADMINISTRATION TO THE DEPARTMENT OF VETERANS AFFAIRS.

(a) LAWS CODIFIED IN TITLE 2, U.S.C.—Section 255 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905) is amended by striking out the last two items in subsection (g)(2) and inserting in lieu thereof the following:

"Department of Veterans Affairs, Loan guaranty revolving fund (36–4025–0–3–704); and

"Department of Veterans Affairs, Servicemen's group life insurance fund (36–4009–0–3–701).".

(b) TITLE 5, U.S.C.—

(1) The following sections of title 5, United States Code, are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs": sections 2108(2), 5102(c)(14), 5342(a)(2)(C), 7103(a)(3), 8101(20), 8116(a)(3), 8311(2)(A), and 8311(3)(A).

(2) The following sections of such title are amended by striking out "Department of Medicine and Surgery, Veterans' Administration" and inserting in lieu thereof "Veterans Health Administration of the Department of Veterans Affairs": sections 4301(2)(C), 5102(c)(3), and 6301(2)(B)(v).

(3) Section 5355 of such title is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(4) Section 8339(g) of such title is amended by striking out "Veterans' Administration pension or compensation" in the second and third sentences and inserting in lieu thereof "pension or compensation from the Department of Veterans Affairs".

(5) Section 8347(m)(2) of such title is amended by striking out "Administrator" and inserting in lieu thereof "Secretary".

(6) Section 503 of the Supplemental Appropriations Act, 1987 (5 U.S.C. 7301 note), is amended by striking out "Veterans' Administration" in subsection (a)(2)(I) and inserting in lieu thereof "Department of Veterans Affairs".

(c) LAWS CODIFIED IN TITLE 7, U.S.C.—Section 202 of the Agricultural Act of 1949 (7 U.S.C. 1446a) is amended by striking out "Administrator of Veterans' Affairs" in the matter preceding subsection (a), in subsection (a), and in subsection (c) and inserting in lieu thereof "Secretary of Veterans Affairs".

(d) LAWS CODIFIED IN TITLE 12, U.S.C.—

(1) Section 912 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1709–2) is amended by striking out "Veterans' Administration" both places it appears in paragraph (1) and inserting in lieu thereof "Department of Veterans Affairs".

(2) The National Housing Act (12 U.S.C. 1701 et seq.) is amended—

(A) by striking out "Veterans' Administration" in subsection (c)(2)(D) of section 302 (12 U.S.C. 1717) and inserting in lieu thereof "Department of Veterans Affairs"; and

(B) by striking out "Administrator of Veterans' Affairs" in section 512 (12 U.S.C. 1731a) and inserting in lieu thereof "Secretary of Veterans Affairs".

(3) Section 107 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1735g) is amended—

(A) by striking out "Administrator of Veterans' Affairs" in subsection (a)(2)(B) and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) by striking out "Administrator of Veterans' Affairs" both places it appears in subsection (e) and inserting in lieu thereof "Secretary of Veterans Affairs".

(4) Section 8 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2607) is amended by striking out "Administrator of Veterans' Affairs" in subsection (c)(5) and inserting in lieu thereof "Secretary of Veterans Affairs".

(e) LAWS CODIFIED IN TITLE 15, U.S.C.—Section 718 of the Business Opportunity Development Reform Act of 1988 (Public Law 100–656; 15 U.S.C. 644 note) is amended by striking out "Veterans Administration" in subsection (b)(10) and inserting in lieu thereof "Department of Veterans Affairs".

(f) TITLE 18, U.S.C.—

(1) Section 289 of title 18, United States Code, is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(2) Section 1114 of such title is amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(g) LAWS CODIFIED IN TITLE 20, U.S.C.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended as follows:

(1) The following provisions are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs":

(A) Subsection (a)(1)(E) of section 131 (20 U.S.C. 1017).

(B) Subsection (d)(1)(C) of section 411B (20 U.S.C. 1070a–2).

(C) Subsection (c)(1)(C) of section 411C (20 U.S.C. 1070a–3).

(D) Subsection (c)(1)(C) of section 411D (20 U.S.C. 1070a–4).

(2) Section 420A (20 U.S.C. 1070e–1) is amended—

(A) in subsection (b)(2)(B), by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) in subsection (c)(2)—

(i) by striking out "Administrator of Veterans' Affairs (hereinafter referred to as the 'Administrator')" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(ii) by striking out "Administrator" each of the three succeeding places in which it appears and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(C) in subsection (d), by striking out "Veterans' Administration" and "the Administrator" and inserting in lieu thereof "Secretary of Veterans Affairs" in both instances.

(h) REFERENCES IN TITLE 22, U.S.C.—

(1) LAWS CODIFIED IN TITLE 22.—Section 106 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456) is amended by striking out "Veterans' Administration" in subsection (a)(1) and inserting in lieu thereof "Department of Veterans Affairs".

(2) REFERENCE PURSUANT TO LAW CODIFIED IN TITLE 22.—Any reference to the Veterans' Administration in any regulation prescribed or Executive order issued pursuant to section 827(a) of the Foreign Service Act of 1980 (22 U.S.C. 4067(a)) shall be deemed to be a reference to the Department of Veterans Affairs.

(i) LAWS CODIFIED IN TITLE 24, U.S.C.—

(1) The Naval Appropriation Act, 1946 (59 Stat. 201 et seq.), is amended in the first proviso in the fourth paragraph under the heading

"BUREAU OF SUPPLIES AND ACCOUNTS" (24 U.S.C. 16a; 59 Stat. 208) by striking out "United States Veterans Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(2) Section 2 of the Act of March 22, 1906 (24 U.S.C. 152), is amended—

(A) by striking out "Board of Managers of the National Home for Disabled Volunteer Soldiers" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) by striking out "as they may deem necessary" and inserting in lieu thereof "as the Secretary may consider necessary".

(j) LAWS CODIFIED IN TITLE 25, U.S.C.—

(1) The Act of February 25, 1933 (25 U.S.C. 14), is amended—

(A) by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs"; and

(B) by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(2) Section 716 of the Indian Health Care Improvement Act (25 U.S.C. 1680f) is amended—

(A) by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs" in each of the following subsections: subsections (a), (b)(3), (b)(4), (b)(6), (c)(1)(A), and (c)(1)(B);

(B) in subsection (c)(1), by striking out "Within 30 days" and all that follows through "directed to" and inserting in lieu thereof "Not later than December 23, 1988, the Director of the Indian Health Service and the Secretary of Veterans Affairs shall"; and

(C) in subsection (c)(2), by striking out "Not later than" and all that follows through "shall" and inserting in lieu thereof "Not later than November 23, 1990, the Secretary and the Secretary of Veterans Affairs shall".

(k) LAWS CODIFIED IN TITLE 29, U.S.C.—

(1) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended—

(A) by striking out "Veterans' Administration" in the following provisions and inserting in lieu thereof "Department of Veterans Affairs": subsection (a)(11) of section 101 (29 U.S.C. 721), subsection (i)(2) of section 202 (29 U.S.C. 761a), and subsection (a)(1)(B)(ix) of section 502 (29 U.S.C. 792); and

(B) by striking out "Administrator of Veterans' Affairs" in the following provisions and inserting in lieu thereof "Secretary of Veterans Affairs": subsection (a)(1) of section 203 (29 U.S.C. 761b) and subsection (a) of section 501 (29 U.S.C. 791).

(2) The Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended—

(A) by striking out "Veterans' Administration" in paragraph (27)(B) of section 4 (29 U.S.C. 1503) and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Veterans' Administration programs" in subsection (c)(10) of section 121 (29 U.S.C. 1531) and inserting in lieu thereof "programs of the Department of Veterans Affairs"; and

(C) by striking out "Administrator of Veterans' Affairs" in subsection (b)(2)(B) of section 441 (29 U.S.C. 1721) and inserting in lieu thereof "Secretary of Veterans Affairs".

(l) TITLE 31, U.S.C.—Title 31, United States Code, is amended as follows:

(1) Paragraphs (45), (74), (82), and (83) of section 1321(a) are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(2) Section 3329(c)(1) is amended—

(A) by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) by striking out "laws carried out by the Administrator" and inserting in lieu thereof "laws administered by the Secretary of Veterans Affairs".

(3) Section 3330 is amended—

(A) by striking out "Administrator of Veterans' Affairs" in subsection (a)(1)(B) and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Administrator" in subsections (a)(2), (a)(3), and (d)(1)(A) and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(C) by striking out "laws carried out by the Administrator" in subsections (b) and (c) and inserting in lieu thereof "laws administered by the Secretary of Veterans Affairs".

(4)(A) The heading of section 3330 is amended to read as follows:

"§ 3330. Payment of Department of Veterans Affairs checks for the benefit of individuals in foreign countries".

(B) The item relating to section 3330 in the table of sections at the beginning of chapter 33 is amended to read as follows:

"3330. Payment of Department of Veterans Affairs checks for the benefit of individuals in foreign countries.".

(m) LAWS CODIFIED IN TITLE 33, U.S.C.—

(1) Section 9 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853h) is amended by striking out "Veterans' Administration" in subsection (e)(2) and inserting in lieu thereof "Secretary of Veterans Affairs".

(2) The second sentence of the second paragraph of section 16 of the Act of May 22, 1917 (33 U.S.C. 857) is amended by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs".

(3) Section 3 of Public Law 91-621 (33 U.S.C. 857-3) is amended by striking out "Veterans' Administration" in subsection (a)(1) and inserting in lieu thereof "Secretary of Veterans Affairs".

(n) LAWS CODIFIED IN TITLE 36, U.S.C.—

(1) The Act of July 23, 1947 (36 U.S.C. 67 et seq.) is amended by striking out "Veterans' Administration" in section 3(2) (36 U.S.C. 67b(2)) and in section 9 (36 U.S.C. 67h) and inserting in lieu thereof "Department of Veterans Affairs".

(2) Section 3 of the Act of June 17, 1932 (36 U.S.C. 90c) is amended by striking out "United States Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(3) Section 3 of Public Law 85-761 (36 U.S.C. 823) is amended by striking out "Veterans' Administration" in subsection (b)(5) and inserting in lieu thereof "Department of Veterans Affairs".

(4) Section 15 of Public Law 85-769 (36 U.S.C. 865) is amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(5) Section 9 of Public Law 92-93 (36 U.S.C. 1159) is amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(6) Section 3(d) of Public Law 98-314 (36 U.S.C. 2403(d)) is amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(7) Section 3 of Public Law 98-584 (36 U.S.C. 3103) is amended by striking out "Veterans' Administration Hospitals" in paragraph (3) and inserting in lieu thereof "medical facilities of the Department of Veterans Affairs".

(8) Section 3 of Public Law 99-172 (36 U.S.C. 3703) is amended by striking out "Veterans' Administration" in paragraph (5) and inserting in lieu thereof "Department of Veterans Affairs".

(o) LAWS CODIFIED IN TITLE 40, U.S.C.—Section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612) is amended by striking out "Veterans' Administration installations" in paragraph (1)(H) and inserting in lieu thereof "installations of the Department of Veterans Affairs".

(p) LAWS CODIFIED IN TITLE 41, U.S.C.—The first section of the Act of June 25, 1938 (41 U.S.C. 46), commonly referred to as the "Wagner-O'Day Act", is amended by striking out "Veterans' Administration" in subsection (a)(1) and inserting in lieu thereof "Department of Veterans Affairs".

(q) LAWS CODIFIED IN TITLE 42, U.S.C.—

(1) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended as follows:

(A) The following provisions are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs":

(i) Subsection (k)(4)(C) of section 306 (42 U.S.C. 242k).

(ii) Subsection (e)(1) of section 544 (42 U.S.C. 290dd-3).

(iii) Subsection (e)(1) of section 548 (42 U.S.C. 290ee-3).

(B) The following provisions are amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs":

(i) Subsection (c) of section 341 (42 U.S.C. 257).

(ii) Subsection (g) of section 548 (42 U.S.C. 290ee-3).

(C) Section 212 (42 U.S.C. 213) is amended by striking out "Veterans' Administration" in subsection (d) and inserting in lieu thereof "Secretary of Veterans Affairs".

(D) Subsection (a)(2)(B) of section 314 (42 U.S.C. 246) is amended—

(i) by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs";

(ii) by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(iii) by striking out "such Administration" and inserting in lieu thereof "such Department".

(E) Section 485 (42 U.S.C. 287c-2) is amended by striking out "Chief Nursing Officer of the Veterans' Administration" in subsection (b)(2)(A) and inserting in lieu thereof "chief nursing officer of the Department of Veterans Affairs".

(2) SAFE DRINKING WATER ACT AMENDMENTS OF 1986.—Section 109(c) of the Safe Drinking Water Act Amendments of 1986 (42 U.S.C. 300g-6 note) is amended by striking out "the Administrator of the Veterans' Administration" and inserting in lieu thereof "the Secretary of Veterans Affairs".

(3) SOCIAL SECURITY ACT.—The Social Security Act (42 U.S.C. 301 et seq.) is amended as follows:

(A) The following provisions are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs":

(i) Subsections (a)(1)(B) and (e)(1)(B) of section 217 (42 U.S.C. 417).

(ii) Subsection (b)(5)(A) of section 1128 (42 U.S.C. 1320a-7).

(iii) Subsection (h)(1) of section 1814 (42 U.S.C. 1395f).

(iv) The heading of subsection (h) of section 1814.

(v) Subsection (a)(5)(F) of section 1928 (42 U.S.C. 1396s).

(B) The following provisions are amended by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Secretary of Veterans Affairs":

(i) Subsection (h)(2) of section 228 (42 U.S.C. 428).

(ii) Subsection (f)(2) of section 462 (42 U.S.C. 662).

(iii) Subsection (a)(1) of section 1133 (42 U.S.C. 1320b-3).

(iv) Subsection (h)(2) of section 1814 (42 U.S.C. 1395f).

(C) Subparagraph (D) of section 202(t)(4) (42 U.S.C. 402(t)(4)) is amended—

(i) by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(ii) by striking out "if the Administrator" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs".

(D) Subsection (b)(1) of section 217 (42 U.S.C. 417) is amended by striking out "Veterans' Administration to be payable by it" and inserting in lieu thereof "Secretary of Veterans Affairs to be payable by him".

(E) Subsection (b)(2) of section 217 (42 U.S.C. 417) is amended—

(i) in the first sentence—

(I) by striking out "Veterans' Administration" the first place it appears and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(II) by striking out "the Veterans' Administration" the second place it appears and inserting in lieu thereof "that Secretary";

(ii) in the second sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs";

(iii) in the third sentence—

(I) by striking out "If the Veterans' Administration" and inserting in lieu thereof "If the Secretary of Veterans Affairs"; and

(II) by striking out "it shall" and inserting in lieu thereof "the Secretary of Veterans Affairs shall";

(iv) in the fourth sentence—

(I) by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(II) by striking out "such Administration" and inserting in lieu thereof "that Secretary"; and

(v) in the fifth sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs".

(F) Subsection (a)(1)(L) of section 1866 (42 U.S.C. 1395cc) is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(4) OMNIBUS RECONCILIATION ACT OF 1980.—Section 966 of the Omnibus Reconciliation Act of 1980 (42 U.S.C. 632a) is amended—

(A) in subsection (c)(6)—

(i) by striking out "Veterans' Administration" both places it appears and inserting in lieu thereof "Department of Veterans Affairs"; and

(ii) by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in subsection (e)(1), by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs".

(5) HOUSING ACT OF 1949.—Section 535 of the Housing Act of 1949 (42 U.S.C. 1490o) is amended—

(A) in subsections (a) and (b), by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in subsection (c), by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(6) LANHAM PUBLIC WAR HOUSING ACT.—The Act of October 14, 1940 (42 U.S.C. 1501 et seq.), popularly known as the "Lanham Public War Housing Act", is amended as follows:

(A) Section 601 (42 U.S.C. 1581) is amended by striking out "Veterans' Administration" each place it appears in subsection (d)(1) and inserting in lieu thereof "Secretary of Veterans Affairs".

(B) Section 607 (42 U.S.C. 1587) is amended by striking out "Veterans' Administration" in subsection (b) and inserting in lieu thereof "Secretary of Veterans Affairs".

(7) DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951.—The Defense Housing and Community Facilities and Services Act of 1951 is amended as follows:

(A) Section 302 (42 U.S.C. 1592a) is amended by striking out "Veterans' Administration" in subsections (a) and (c) and inserting in lieu thereof "Secretary of Veterans Affairs".

(B) Section 315(h) (42 U.S.C. 1592n(h)) is amended by striking out "Veterans' Administration" in the last sentence and inserting in lieu thereof "Secretary of Veterans Affairs".

(8) PUBLIC LAW 87-693.—The first section of Public Law 87-693 (42 U.S.C. 2651) is amended by striking out "Veterans' Administration" in subsection (c) and inserting in lieu thereof "Department of Veterans Affairs".

(9) OLDER AMERICANS ACT OF 1965.—The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended as follows:

(A) Section 207 (42 U.S.C. 3018) is amended by striking out "Administrator of the Veterans' Administration" in subsection (b)(3)(D) and inserting in lieu thereof "Secretary of Veterans Affairs".

(B) Section 301 (42 U.S.C. 3021) is amended by striking out "Veterans' Administration" in subsection (b)(2) and inserting in lieu thereof "Department of Veterans Affairs".

(C) Section 402 (42 U.S.C. 3030bb) is amended by striking out "Veterans' Administration" in subsection (b) and inserting in lieu thereof "Department of Veterans Affairs".

(10) HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS OF 1978.—Section 905 of the Housing and Community Development Amendments of 1978 (42 U.S.C. 3541) is amended by striking out "Administrator of Veterans' Affairs" each place it appears in subsection (b) and inserting in lieu thereof "Secretary of Veterans Affairs".

(11) NATIONAL SCIENCE AND TECHNOLOGY POLICY, ORGANIZATION, AND PRIORITIES ACT OF 1976.—Section 401 of National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651) is amended by striking out "Veterans' Administration" in subsection (b) and inserting in lieu thereof "Department of Veterans Affairs".

(12) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 253 of the National Energy Conservation Policy Act (42 U.S.C. 8232) is amended by striking out "Administrator of Veterans' Affairs" in subsection (a) and inserting in lieu thereof "Secretary of Veterans Affairs".

(13) CONSUMER-PATIENT RADIATION HEALTH AND SAFETY ACT OF 1981.—The Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10001 et seq.) is amended as follows:

(A) Section 979 (42 U.S.C. 10004) is amended by striking out "Administrator of Veterans' Affairs" in subsections (a) and (b) and inserting in lieu thereof "Secretary of Veterans Affairs".

(B) Section 982 (42 U.S.C. 10007) is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(C) Section 983(b) (42 U.S.C. 10008(b))—

(i) by striking out "(1) The Administrator of Veterans' Affairs" and all that follows through "subtitle 38" and inserting in lieu thereof "The Secretary of Veterans Affairs, through the Chief Medical Director of the Department of Veterans Affairs, shall, to the maximum extent feasible consistent with the responsibilities of such Secretary and Chief Medical Director under title 38";

(ii) by striking out "over which the Administrator" and inserting in lieu thereof "over which that Secretary";

(iii) by striking out "Administrator" both places it appears in the second sentence and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(iv) by striking out paragraphs (2) and (3).

(14) ALZHEIMERS'S DISEASE AND RELATED DEMENTIAS SERVICES RESEARCH ACT OF 1986.—The Alzheimers's Disease and Related Dementias Services Research Act of 1986 (42 U.S.C. 11201 et seq.) is amended as follows:

(A) Section 911 (42 U.S.C. 11211) is amended by striking out "Administrator of Veterans' Affairs (or the designee of such Administrator)" in subsection (a)(11) and inserting in lieu thereof "Secretary of Veterans Affairs (or the designee of such Secretary)".

(B) Section 934 (42 U.S.C. 11261) is amended by striking out "Veterans' Administration" in subsection (b)(1)(A) and inserting in lieu thereof "Department of Veterans Affairs".

(r) TITLE 44, U.S.C.—The text of section 503 of title 44, United States Code, is amended to read as follows:

"(a) Notwithstanding section 501 of this title, the Secretary of Veterans Affairs may use the equipment described in subsection (b) for printing and binding that the Secretary finds advisable for the use of the Department of Veterans Affairs.

"(b) The equipment referred to in subsection (a) is the printing and binding equipment that the various hospitals and homes of the Department of Veterans Affairs use for occupational therapy.".

(s) TITLE 49, U.S.C.—Section 10723 of title 49, United States Code, is amended by striking out "Veterans' Administration facility" in subsection (a)(1)(B)(i) and inserting in lieu thereof "facility of the Department of Veterans Affairs".

(t) LAWS CODIFIED IN TITLE 50, U.S.C. APPENDIX.—Section 11 of the Military Selective Service Act (50 U.S.C. App. 461) is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

SEC. 14. TECHNICAL AMENDMENTS TO TITLE 38, UNITED STATES CODE.

(a) CHAPTERS 1 AND 3 OF TITLE 38.—Part I of title 38, United States Code, is amended as follows:

(1) Section 101(21)(C) is amended by redesignating subclauses (a), (b), and (c) of clause (ii) as subclauses (I), (II), and (III), respectively.

(2) Section 102 is amended by striking out "(C)" before "For the purposes of" and inserting in lieu thereof "(c)".

(b) CHAPTERS 11 THROUGH 24 OF TITLE 38.—Part II of such title is amended as follows:

(1) Section 354 is amended—

(A) by inserting a comma in the section heading after "place"; and

(B) by inserting "(Public Law 98-542; 98 Stat. 2727)" in subsection (a) before the period at the end.

(2) Section 402(d) is amended by striking out "Secretary of the Department" and inserting in lieu thereof "Secretary of the department".

(3) Section 412(a) is amended by striking out "201" and inserting in lieu thereof "401".

(4) Section 423 is amended—

(A) by striking out "or section 321(b) of title 32," in the first sentence; and

(B) by striking out "1476(a) or 321(b)" in the second sentence.

(5) Section 503(a) is amended—

(A) in paragraph (8), by striking out "per centum" and inserting in lieu thereof "percent"; and

(B) in paragraph (10)(A)—

(i) by striking out "Internal Revenue Code of 1954 (26 U.S.C. 6012(a))" and inserting in lieu thereof "Internal Revenue Code of 1986"; and

(ii) by striking out "section 143" and inserting in lieu thereof "section 7703".

(6) Section 508(b) is amended by striking out "per centum" and inserting in lieu thereof "percent".

(7) Sections 532(a) and 534(a) are amended—

(A) by striking out the semicolon at the end of paragraph (2) and inserting in lieu thereof a period; and

(B) by striking out the matter following paragraph (2).

(8) Section 601 is amended—

(A) in paragraph (2), by striking out "any veteran of the Indian Wars, or";

(B) by striking out paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3);

(D) in paragraph (6)—

(i) by striking out "section 612(f)(1)(A)(i)" in subparagraph (A)(i) and inserting in lieu thereof "section 612(a)(5)(A)"; and

(ii) by striking out "section 612(f)(1)(A)(ii)" in subparagraph (B)(i)(II) and inserting in lieu thereof "section 612(a)(5)(B)"; and

(E) by transferring paragraph (9) within such section so as to appear before paragraph (5) and redesignating such paragraph as paragraph (4).

(9) Section 603 is amended—

(A) by striking out "section" before "paragraph" in subsection (a)(2)(B);

(B) by striking out "section 612(b)(1)(G)" in subsection (a)(7) and inserting in lieu thereof "section 612(b)(1)(F)"; and

(C) by inserting "(Public Law 100–322; 102 Stat. 501)" in subsection (c) before the period at the end.

(10) Section 610(a)(1)(H) is amended by striking out "the Spanish-American War, the Mexican border period," and inserting in lieu thereof "the Mexican border period".

(11) Section 612A(b)(1) is amended by striking out "paragraph (1)(A)(ii) of section 612(f)" and inserting in lieu thereof "section 612(a)(5)(B)".

(12) Section 618(c)(3) is amended by inserting "and" after "productivity".

(13) Section 620A(f)(1) is amended by striking out "during the period" before "beginning on".

(14) Section 628(a)(2)(D) is amended by striking out "is (i)" and inserting in lieu thereof "(i) is".

(15) Section 630(a) is amended—

(A) by striking out "(1)" after "(a)"; and

(B) by redesignating subparagraph (A), clause (i), clause (ii), and subparagraph (B) as paragraph (1), subparagraph (A), subparagraph (B), and paragraph (2), respectively.

(16) Section 765 is amended—

(A) in paragraph (4), by redesignating clauses (i) and (ii) as clauses (A) and (B), respectively; and

(B) in each of paragraphs (8) and (9), by redesignating clauses (a), (b), (c), (d), and (e) as clauses (A), (B), (C), (D), and (E), respectively.

(17) Section 770(g) is amended by striking out "the Internal Revenue Code of 1954" in clause (2) of the second sentence and inserting in lieu thereof "the Internal Revenue Code of 1986".

(18) The text of section 774 is amended to read as follows:

"(a) There is an Advisory Council on Servicemen's Group Life Insurance. The council consists of—

"(1) the Secretary of the Treasury, who is the chairman of the council;

"(2) the Secretary of Defense;

"(3) the Secretary of Commerce;

"(4) the Secretary of Health and Human Services;

"(5) the Secretary of Transportation; and

"(6) the Director of the Office of Management and Budget.

Members of the council shall serve without additional compensation.

"(b) The council shall meet at least once a year, or more often at the call of the Secretary of Veterans Affairs. The council shall review the operations of the Department under this subchapter and shall advise the Secretary on matters of policy relating to the Secretary's activities under this subchapter.".

(19) Section 783 is amended by striking out "section 14 of title 25," and inserting in lieu thereof "the Act of February 25, 1933 (25 U.S.C. 14),".

(20) Section 901(d) is amended—

(A) by striking out "deems" and inserting in lieu thereof "considers";

(B) by striking out the comma after "this section"; and

(C) by striking out ", United States Code".

(21) Section 1004(c)(2)(B) is amended by striking out "the date of the enactment of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986" and inserting in lieu thereof "October 28, 1986".

(22) Section 1010(b) is amended by striking out "the military departments" and inserting in lieu thereof "each military department".

(c) CHAPTERS 30 THROUGH 43 OF TITLE 38.—Part III of such title is amended as follows:

(1) Section 1415(c) is amended by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991," and inserting in lieu thereof "November 29, 1989,".

(2) The item relating to section 1423 in the table of sections at the beginning of chapter 30 is amended by striking out "chapter" and inserting in lieu thereof "subchapter".

(3) Section 1504(b) is amended by striking out "(29 U.S.C. 796)" and inserting in lieu thereof "(29 U.S.C. 796a)".

(4) Section 1517(a) is amended—

(A) by inserting "(29 U.S.C. 701 et seq.)" in paragraph (1) after "the Rehabilitation Act of 1973"; and

(B) by striking out the second period at the end of paragraph (2)(C).

(5) Section 1521(a)(3) is amended by inserting "and Training" after "Veterans' Employment".

(6) Section 1602(1)(A) is amended by inserting a comma after "January 1, 1977" the last place it appears.

(7) Section 1792(a) is amended by inserting "and Training" after "Veterans' Employment".

(8) Section 1812 is amended—

(A) in subsection (c)(5), by striking out "under this section" and inserting in lieu thereof "for purposes specified in this section"; and

(B) in subsection (l), by striking out ", beginning 12 months following October 23, 1970,".

(9) Section 2011(2)(B) is amended by inserting a comma before "except for".

(10) Section 2013 is amended by striking out "the Comprehensive Employment and Training Act" and inserting in lieu thereof "the Job Training Partnership Act (29 U.S.C. 1501 et seq.)".

(d) CHAPTERS 51 THROUGH 61 OF TITLE 38.—Part IV of such title (as in effect immediately before the enactment of the Department of Veterans Affairs Health-Care Personnel Act of 1991) is amended as follows:

(1) Section 3004 is amended—

(A) by striking out "(1)" after "(a)";

(B) by striking out "(2)" and inserting in lieu thereof "(b)";

(C) by striking out "paragraph (1) of this subsection" and inserting in lieu thereof "subsection (a)"; and

(D) by striking out "(A)" and "(B)" and inserting in lieu thereof "(1)" and "(2)", respectively.

(2) Section 3101(d) is amended by striking out "the Internal Revenue Code of 1954" and inserting in lieu thereof "the Internal Revenue Code of 1986".

(3) Section 3116 is amended—

(A) by striking out "Within ninety days after the date of the enactment of this section, the" in subsection (a)(1) and inserting in lieu thereof "The";

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(4) Section 3305 is amended—

(A) in subsection (c), by striking out "the date of the enactment of this section," in paragraphs (1) and (2) and inserting in lieu thereof "October 7, 1980,"; and

(B) in subsection (d)—

(i) in the first sentence of paragraph (1), by striking out "Not later than 180 days after the date of the enactment of this section, the" and inserting in lieu thereof "The";

(ii) in the second sentence of paragraph (1), by striking out "such enactment date" and inserting in lieu thereof "October 7, 1980,";

(iii) in the third sentence of paragraph (1)—

(I) by striking out "existing"; and

(II) by inserting "in existence on October 7, 1980" after "such programs"; and

(iv) in paragraph (2), by striking out "After the date on which such regulations are first prescribed, no activity shall be considered" and inserting in lieu thereof "An activity may not be considered".

(5)(A) Section 3311 is amended to read as follows:

"§ 3311. Authority to issue subpoenas

"(a) For the purposes of the laws administered by the Secretary, the Secretary, and those employees to whom the Secretary may delegate such authority, to the extent of the authority so delegated, shall have the power to—

"(1) issue subpoenas for and compel the attendance of witnesses within a radius of 100 miles from the place of hearing;

"(2) require the production of books, papers, documents, and other evidence;

"(3) take affidavits and administer oaths and affirmations;

"(4) aid claimants in the preparation and presentation of claims; and

"(5) make investigations and examine witnesses upon any matter within the jurisdiction of the Department.

"(b) Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.".

(B) The item relating to such section in the table of sections at the beginning of chapter 57 is amended to read as follows:

"3311. Authority to issue subpoenas.".

(6)(A) Section 3313 is amended by striking out "subpena" both places it appears in the text and inserting in lieu "subpoena".

(B) The heading of such section is amended to read as follows:

"§ 3313. Disobedience to subpoena".

(C) The item relating to such section in the table of sections at the beginning of chapter 57 is amended to read as follows:

"3313. Disobedience to subpoena.".

(7) Sections 3501(a), 3502(a), and 3502(b) are amended by striking out "not more than $2,000" and inserting in lieu thereof "in accordance with title 18".

(8) Section 3503 is amended—

(A) by adding at the end of subsection (b) the following: "An apportionment award under this subsection may not be made in any case after September 1, 1959."; and

(B) by striking out subsection (e).

(9) Section 3505(c) is amended—

(A) by striking out "clauses (1)," and inserting in lieu thereof "clauses (2),";

(B) by striking out "Secretary of the Treasury, as may be" and inserting in lieu thereof "Secretary of Transportation, as"; and

(C) by striking out "clause (2) of subsection (b) of this section" and inserting in lieu thereof "clause (1) of that subsection".

(e) CHAPTERS 71 THROUGH 76 OF TITLE 38.—Part V of such title (as in effect immediately before the enactment of the Department of Veter-

ans Affairs Health-Care Personnel Act of 1991) is amended as follows:

(1) The tables of chapters before part I and at the beginning of part V are each amended by inserting "United States" before "Court of Veterans Appeals".

(2) Section 4001(a) is amended—

(A) by striking out "There shall be" and inserting in lieu thereof "There is";

(B) by inserting a period after "Board')"; and

(C) by striking out "under the" and inserting in lieu thereof "The Board is under the".

(3) Section 4052(a) and 4061(c) are amended by striking out "court" and inserting in lieu thereof "Court".

(4) Section 4054 is amended by redesignating the second subsection (d) as subsection (e).

(5) Section 4092(c) is amended by striking out "United States Courts" and inserting in lieu thereof "United States Court".

(6) Section 4097(h)(1)(A)(i) is amended by striking out "subsection (1)" and inserting in lieu thereof "subsection (l)".

(7) Section 4202 is amended by striking out "section 5 of title 41" in paragraph (6) and inserting in lieu thereof "section 3709 of the Revised Statutes (41 U.S.C. 5)".

(8) Section 4209 is amended by striking out "child care" each place it appears and inserting in lieu thereof "child-care".

(9) Section 4322(d) is amended by inserting an open parenthesis before "adjusted in".

(10) Section 4331(b)(4) is amended by striking out "chapter 51" and inserting in lieu thereof "chapter 53".

(f) CHAPTERS 81 THROUGH 85 OF TITLE 38.—Part VI of such title (as in effect immediately before the enactment of the Department of Veterans Affairs Health-Care Personnel Act of 1991) is amended as follows:

(1) The table of sections at the beginning of chapter 81 is amended—

(A) by transferring the item relating to section 5016 (as added by section 205(b) of Public Law 100-322) so as to appear immediately after the item relating to section 5015; and

(B) by revising the item relating to section 5035 so that the initial letter of the last word is lower case.

(2) Section 5002(d) is amended by striking out "section 5001" and inserting in lieu thereof "section 5011".

(3) Section 5007(a)(2)(B) is amended by striking out the second comma before "are most in need of".

(4) Section 5011A is amended—

(A) by striking out "or (g)" in subsection (b)(2)(A); and

(B) by striking out subsection (d) and inserting in lieu thereof the following:

"(d)(1) The Secretary of Veterans Affairs and the Secretary of Defense shall jointly review plans for the implementation of this section not less often than annually.

"(2) Whenever a modification to such plans is agreed to, the Secretaries shall jointly submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on such modification. Any such report shall be submitted within 30 days after the modification is agreed to.".

(5) Section 5022(a)(3)(A) is amended—

(A) by striking out "State home" and inserting in lieu thereof "State"; and

(B) by striking out "the paragraph" and inserting in lieu thereof "this paragraph".

(6) Section 5034 is amended—

(A) by inserting "(a)" before "Within six months";

(B) by striking out "this section or any amendment to it" and inserting in lieu thereof "any amendment to this section"; and

(C) by designating the sentence at the end of paragraph (3) as subsection (b), realigning such sentence so as to appear full measure and indented, and striking out "such standards" at the end of such sentence and inserting in lieu thereof "the standards prescribed under subsection (a)(3)".

(7) Section 5035(a) is amended by striking out "After regulations" and all that follows through "any State" in the first sentence and inserting in lieu thereof "Any State".

(8) Section 5052 is amended—

(A) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively; and

(B) by realigning those paragraphs to be indented two ems.

(9) Section 5053 is amended by striking out "hereunder" at the end of subsection (c) and inserting in lieu thereof "under this section".

(10) Section 5070(e) is amended by striking out "section 5012(a)" and inserting in lieu thereof "section 5022(a)".

(11) Section 5202(b) is amended by inserting a comma in the second sentence before "namely,".

(g) TECHNICAL AMENDMENTS TO OTHER VETERANS STATUTES.—

(1) Effective as of May 20, 1988, section 415(b)(5)(C) of Public Law 100-322 (102 Stat. 551) is amended by striking out "paragraph (4)" and inserting in lieu thereof "paragraph (1)(D)".

(2) Effective as of November 18, 1988, the first quoted matter in section 101(b) of Public Law 100-687 (102 Stat. 4106) is amended by inserting "the" after "benefits under".

(3) Section 502 of Public Law 96-128 (93 Stat. 987) is amended by striking out "Internal Revenue Code of 1954" in the first sentence and the last sentence and inserting in lieu thereof "Internal Revenue Code of 1986".

Page 16, line 21, strike out [12. TECHNICAL CORRECTIONS.] and insert: *15. OTHER TECHNICAL CORRECTIONS TO TITLE 38, UNITED STATES CODE.*

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Mississippi?

Mr. STUMP. Mr. Speaker, reserving the right to object, I will not object, but I do so in order to yield to the chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY] to explain the amendments as they came over from the other body.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Speaker, as the gentleman will recall, on February 6 the House passed H.R. 232, that would, if enacted, expand VA's ability to provide housing and health care for homeless veterans.

The Senate has proposed some minor changes to the House-passed bill which do not alter the substance of the bill that passed the House.

The Senate has also incorporated a significant number of technical and conforming changes to title 38 proposed last year in H.R. 5093 and reported by our committee.

Mr. Speaker, I want to thank Mr. Robert Cover of the House Legislative Counsel's Office and the staff of that office for the countless hours they spent putting together the necessary amendments contained in the bill. We are very greatful for the timely assistance we always get from the legislative Counsel's Office, and I want to take the time to personally thank all of the people who work there for their service to our committee and the House.

I urge my colleagues to support the Senate amendments.

Mr. STUMP. Mr. Speaker, further reserving the right to object, I rise in support of H.R. 232, as amended, a bill to amend certain housing, homeless, and memorial affairs provisions. This bill unanimously passed the House on February 6, and passed by the other body on May 16.

Mr. Speaker, the amendment agreed to by the other body is largely technical in nature and updates the underlying legislation to reflect current events. The amendment extends provisions relating to default procedures and appraisals to December 31, 1992 and adds a report provision. It authorizes the Department of Veterans Affairs to reorganize administrative responsibility as described in a plan submitted by the Secretary on January 4, 1991. Further, it contains technical language to reflect the conversion of the Veterans' Administration to the Department of Veterans Affairs.

With H.R. 232, we hope to help some homeless veterans develop the skills necessary to live independently. It builds on existing DVA programs by providing therapy and work programs in a transitional housing environment. To help defray costs, residents would be required to pay rent monthly.

H.R. 232 also contains provisions to give the Secretary more flexibility in the disposition of properties acquired through the Loan Guaranty Program.

Mr. Speaker, this is a compromise measure that is the result of many hours of hard work. The chairman of the Committee on Veterans' Affairs should be commended for this leadership in moving this legislation promptly. I also want to complement the chairman of the Subcommittee on Housing and Memorial Affairs, Mr. STAGGERS, and the ranking member of the subcommittee, Mr. BURTON for their contributions.

I urge my colleagues to support H.R. 232, as amended, the Veterans Housing and Homeless Amendments of 1991.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Mississippi [Mr. MONTGOMERY]?

There was no objection.

A motion to reconsider was laid on the table.

AMERICA 2000 EXCELLENCE IN EDUCATION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-91)

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 and ordered to be printed.

(For message, see proceedings of the Senate of today, Wednesday, May 22, 1991.)

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, May 21, 1991.

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

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, I am transmitting herewith the resolutions (originals plus one copy) approved today by the Committee on Public Works and Transportation, as per the attached listing.

With all good wishes.

Sincerely,

ROBERT A. ROE,
Chairman.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read, and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, May 21, 1991.

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

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, I am transmitting herewith the resolutions (originals plus one copy) approved today by the Committee on Public Works and Transportation, as per the attached listing.

With all good wishes.

Sincerely,

ROBERT A. ROE,
Chairman.

There was no objection.

OUR ECONOMY SUFFERS FROM TOO MUCH REGULATION

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

Mr. DUNCAN. Mr. Speaker, last year I took the floor to say that the best thing we could do for the millions of cable TV consumers around the Nation would be to allow the free market to operate and to allow more competition in this field. This past Sunday in its Outlook section the Washington Post said the same thing. In a lengthy article by John Merline, editor of Consumers' Research magazine, it says:

It is clear that cable TV suffers, not from too much deregulation, but from too little.

Mr. Merline quoted a recent statement by the FCC:

Robust competition will more effectively provide both a better safeguard against undue rate increases or service failings and a greater diversity and choice than any web of rules or regulations.

Mr. Speaker, Mr. Merline gave several examples of cable TV companies which charge higher prices where they have a monopoly, but much lower where they have competition.

Mr. Speaker, in many areas today we talk as if there has been some sort of deregulation, when in fact there has not been. Our overall economy suffers from far too much regulation. If we could get the government out of the way and let the free market work, this country could not only recover from the recession, but it could boom economically.

As the Washington Post said about cable TV, but which it could have said about most things, "When cable does manage to compete, the lesson is clear. The free market exerts downward pressure on prices and upward pressure on quality."

TUNING OUT CABLE TV MONOPOLIES—WITH COMPETITION, COSTS GET LOWER AND SERVICE GETS BETTER

(By John Merline)

Like most Americans who have cable television, residents of Alabama's state capital had grown accustomed to frequent, steep price increases. Storer Communications had raised its rates in Montgomery four times in as many years, with no expansion in service. By January 1990, subscribers were paying $18.25 for 29 channels of basic service.

Suddenly, last October, Storer slashed its monthly cable rate by almost two dollars while upgrading its basic system to provide 61 channels.

What caused this sudden drop in prices? Two weeks prior to Storer's price cut, a competing cable system—Montgomery Cablevision—began laying wires in the city. Until October, Storer had been the sole provider of cable in Montgomery.

As this and other examples suggest, simple competition, rather than a complex set of regulatory rules, can quickly and effectively answer consumer complaints about the high cost of cable television.

If Congress really wants to help cable consumers, it should encourage competition by forcing city governments to lower barriers to entry into local cable markets. Merely restoring cities' power to regulate rates, as the National League of Cities prefers, will not likely help consumers any time soon.

In 99.5 percent of U.S. cities that have cable, the service is provided on a monopoly basis. And since 1986—when Congress deregulated cable rates—these monopoly providers have been raising prices with zeal. According to the General Accounting Office, cable rates soared a total of 29 percent from 1987 to 1988, and in 1989 they climbed another 10 percent—all at a time when nationwide inflation was increasing at an average 5 percent a year.

Not surprisingly, consumers in cities with competitive cable have largely been spared these high prices. According to a survey of 52 markets by Consumers' Research magazine, prices for basic cable in competitive markets were about 18 percent lower than those in comparably-sized, noncompetitive markets ($14.23 per month in competitive markets vs. $17.32 in monopoly markets). Further, competitive markets offered more channels, lowering the per-channel price by about 30 percent.

In Alexandria, for example, Jones Intercable has a monopoly and charges $21.20 for 43 channels of basic cable. But in Anne Arundel County, where Jones competes with North Arundel Cable, Jones charges only $16.95 for 47 channels.

In many areas—including Vidalia, Ga.; Henderson, Tenn., and Troy and Montgomery, Ala.—the monopoly provider actually lowered its rates after a competitor entered the city. Henderson Mayor Eddy Patterson said that until 1988 its original provider, Multivision, charged $14.95 for a 17-channel basic service and ignored the city government's repeated pleas for lower rates or improved quality. But when CableAmerica began competing for Henderson customers, Multivision quickly lowered its rate to $9 and increased its channel capacity to 30. "All of a sudden," said Patterson. "Henderson is enjoying the cheapest rates probably in America."

But if cable companies can compete, why does so little competition exist? The most important factor is that city governments—with the encouragement of cable operators and cable programmers—have thrown up nearly insurmountable barriers to entry of more than one firm into each cable marketplace.

City administrators and many cable industry officials insist that cable TV is a "natural monopoly." The laws of economics, one is led to believe, forbid two or more cable companies from making a profit in a competitive environment.

But in truth, cable monopolies are created monopolies—resulting not from natural economic forces but from burdensome regulations imposed by city governments themselves. A little history will help.

The original rationale behind awarding a franchise to a single company may have made sense, since cable television requires the laying or stringing of many miles of wire. According to Sol Schildhause, president of the Competitive Cable Association, franchising was seen as "a permissible exercise of local power to protect its citizens—to keep the street from being impeded during rush traffic, to avoid unnecessary digging up of roads and walks, etc."

However, cities soon realized that franchises could be turned into moneymaking machines for the cities themselves—what

former New York City mayor John Lindsay described as "urban oil wells under our city streets." In exchange for what amounted to a local monopoly, cities began asking for and getting 5 percent of gross cable revenues as "franchise fees." Many franchise agreements also included requirements to build elaborate public-access facilities, provide free telecommunications for local government, meet requirements for minority ownership and so on. And the franchise winner usually had to agree to wire the entire city.

Simply bidding for the franchise could cost millions of dollars. In Denver, for example, three companies spent more than $1 million each in an attempt to win the coveted franchise.

Promises made in early bids were often unrealistic and had to be renegotiated once the franchise was awarded. In Washington, District Cablevision, the eventual franchise winner, promised a 78-channel system, a 226-mile, two-way communications network, eight studios for free public use and the capability to add 80 channels at a later date—all for the low, low price of $1.95 a month. Washington subscribers currently get 47 channels of basic cable at the not-so-low price of $20.95 a month.

That process in itself does not prevent competition. But since potential competitors would obviously have to match the winning franchise commitment in order to be considered seriously, few bother even trying. As James Mooney, president of the National Cable Television Association, points out competition almost never occurs because cities "require so many commitments that only one franchise could survive economically."

In addition, money generated by the franchise fees gives city governments a strong incentive to keep competitors out of the market. Mark Tauber, a lawyer who represents private cable companies, notes that cities "have attempted to curtail development of [competitive cable services] in order to ensure that the traditional franchised system, from which they receive a percentage of gross revenues in the form of franchise fees, controls the lion's share of the local market." When companies have tried to compete, city governments—including those in Dallas, Indianapolis, New York, Chicago, Los Angeles and Washington—have taken action against them.

The cities, to be sure, insist there is plenty of competition. A survey for the National League of Cities found that some 90 percent of cities with cable have open franchises, concluding that "needed competition . . . is not being stymied at the local level." But at the same time, according to economist Thomas Hazlett, the National League of Cities has "provided legal talent, conducted seminars, engaged in lobbying efforts [etc.], to squelch the asserted rights of unfranchised cable firms that have sought to compete in the marketplace."

Incumbent cable monopolies are only too happy to see their city fathers move against any potential competitive threat and, in fact, often lend a hand in the form of lawsuits and advertising campaigns. As one large cable operator put it: "When the city has held our feet to the fire and is taking 5 percent [in franchise fees] off the top, it infuriates you to see them not take action against someone who comes in [and] cuts into your business." In Cape Coral, Fla., Cablevision ran a series of advertisements in local newspapers claiming that competition from Telesat cable would mean that "600 to 700 trees would be damaged," that cable rates would be higher and that "competition rarely endures."

If this weren't bad enough, potential competitors face a final obstacle: getting quality programming. According to Gene Kimmelman, executive director of the Consumer Federation of America: "Virtually all of the major programmers deny access to or discriminate against [competitive] operators in provision of programming." A survey by Information Age Economics Inc. of 32 wireless cable companies in the United States bears this out: 25 of them were denied access to HBO, 14 were denied access to ESPN, 26 were denied the Sports Channel and 31 were denied TNT.

According to some industry analysts, programmers are reluctant to sell to competitive cable operators because they are owned outright by large "multiple system operators" (or MSOs, cable companies with franchises in several cities) or because the MSOs use their market power to convince programmers not to sell to smaller competitors. However, breaking down the other barriers to competition would likely resolve the programming problem.

From what has been shown, it is clear that cable TV suffers not from too much deregulation, but from too little. This is a lesson recognized by the Federal Communications Commission, which recently stated that: ". . . robust competition will more effectively provide both a better safeguard against undue rate increases or service failings and a greater diversity and choice than any web of rules or regulations designed to mimic competition or otherwise compensate for its absence."

What is needed, then, is a reversal of local government policies that prevent competitors from entering the marketplace. Rather than grant cities more control over cable, Congress should strip power away—especially the power to mandate the size and nature of cable franchises.

When cable does manage to compete, the lesson is clear: The free market exerts downward pressure on prices and upward pressure on quality.

RESTORE ABORTION RIGHTS TO TROOPS OVERSEAS

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

Mr. REED. Mr. Speaker, later today the House will consider an amendment offered by Representatives AUCOIN, MACHTLEY and FAZIO.

I would like to call the following editorial to the attention of my colleagues—an editorial in Saturday's Washington Post, titled "A Penalty for Serving Abroad," which points out that this amendment would simply give military families having abroad the same access to health care as private citizens.

In 1982 the Department of Defense prohibited the use of Federal funds to pay for abortions.

However, military woman serving in the United States—at private facilities—can use their own money to pay for this legal medical procedure.

This is not a discussion of whether or not abortion should be legal. It is a question of whether women in the military serving abroad will have access to the full range of health care services as their comrades in the United States do. This issue is critical because for women serving abroad military health care is their only realistic option.

I understand that the decision to have an abortion is not made lightly. I believe we must continue to work toward policies that offer women and families more options. But that is not the focus on today's debate.

We have heard a lot of debate in this body over who supports our American troops. The time has come to demonstrate that we do not consider American troops second class citizens.

They are entitled to the same rights, the same privileges as their comrades here at home.

The AuCoin amendment restores rights to troops who continue to serve us overseas every day.

I urge my colleagues to vote yes on the AuCoin amendment and I ask that this editorial be entered into the RECORD.

A PENALTY FOR SERVING ABROAD

In 1982 the Department of Defense prohibited the use of federal funds to pay for abortions. This policy is in conformity with the government's refusal to finance abortions for the poor through the Medicaid program, for government workers whose health insurance policies specifically exclude abortion and for those in desperate poverty in places overseas where the use of U.S. foreign assistance money is restricted. Americans living and working in this country, however, at least have access to safe abortions as long as they use their own funds to pay for them.

Not so for Americans serving their country in the armed forces abroad. Since 1988, members of the armed forces and their dependents have been barred from using military hospitals abroad for abortions even if they pay for the abortions privately. Many of them are stationed in countries where abortions are illegal. Others are in places where any kind of medical care in a local hospital is risky.

Congress did not require this wrongheaded regulation, and legislators can overturn it. An attempt will be made on Monday, when the House takes up the Defense Appropriations Bill. Last year, Senators Tim Wirth and John Glenn tried; they had 58 votes but not enough to stop a filibuster. In the House, the Les AuCoin-Ronald Machtley effort failed by only 16 votes. This year, the numbers look better. Servicewomen and military dependents abroad are not asking for special treatment, only the right to receive the kind of treatment—at their own expense—that is available in this country.

PHILADELPHIA NAVAL SHIPYARD: FURTHER INQUIRY ORDERED BY BASE CLOSURE COMMISSION

The SPEAKER pro tempore (Mr. RAY). Under a previous order of the House the gentleman from New Jersey [Mr. ANDREWS] is recognized for 5 minutes.

Mr. ANDREWS of New Jersey. Mr. Speaker, last year this body invested enormous authority in the Base Clo-

sure Commission to make decisions that affect the economy and the military structure of this country and that will affect that structure and this economy for many years to come.

I am pleased to report to you that this morning we have new evidence that the Base Closure Commission is taking its role very seriously and taking its legal responsibilities to heart. This morning, Mr. Speaker, here in Washington, there was a hearing pertaining to the Philadelphia Naval Shipyard, conducted by Chairman COURTER of the Base Closure Commission and Members of this body and the other body had the opportunity to present their case as to why they felt the Navy's analysis which would close the Philadelphia Naval Shipyard was wrong.

Mr. Speaker, I had the opportunity during that time to present some evidence that I feel shows that there are substantial reasons to believe that the Navy has backed into its recommendation to close the Philadelphia Naval Shipyard.

I am pleased to report that at the initiation of the commissioners of that commission, the commission has agreed to conduct a further inquiry into how the decision to close the Philadelphia Naval Shipyard was reached.

This morning, Mr. Speaker, we had an opportunity to present evidence which suggests that instead of fairly applying the legal criteria and reaching a fair decision, that what the Navy did was to reach their conclusion and then back into a rationalization for that decision.

I am very pleased, Mr. Speaker, that the commission has acted responsibly and has agreed to bring representatives of the Navy back under oath so questions can be asked about how that decision was reached.

Mr. Speaker, the way this decision was reached should be troubling to every Member of this body. The Navy decided, in its internal review process, that it would summarily exempt from closure analysis any shipyard in this country that was nuclear equipped.

Now, given the fact that 70 percent of our fleet in the year 2000 will be conventionally powered and given the fact that over 90 percent of our surface fleet in the year 2000 will be conventionally powered, that is a dubious assumption.

Beyond that, though, the way the Navy conducted its analysis was wrong. After they exempted 6 of the 8 public shipyards, there were two shipyards left: The Philadelphia Naval Shipyard and the Long Beach, California Naval Shipyard.

Mr. Speaker, let me preface my statements by saying I mean nothing to impugn Long Beach. It is not my position or my argument that it should close or that it does inferior work. I am not suggesting that at all. My criticism is of the process that reached this decision.

How did the process work? After exempting the six public nuclear shipyards, the Navy said, "We will have to take a look at the other two that are left." But miraculously, miraculously, during the period of the review, the Long Beach Naval Shipyard became nuclear-certified.

□ 1830

How could that happen?

On February 4, 1991, there was a request received by the comptroller of the Navy to appropriate a million dollars in capital upgrade for drydock No. 1 at the Long Beach Shipyard. Miraculously 19 days later the Chief of Naval Operations approved that request, 19 days later in violation of an internal Navy guideline that said no capital improvements will be done to any facility that is under consideration for base closure in the 1991 process.

What was the role played by the CNO, the Chief of Naval Operations, in that decision? Why was that decision made? Why was it made in the middle of the process, and why did it result in the situation that the only shipyard in the country that would be reviewed under the criteria was the Philadelphia Shipyard?

Long Beach can stand on its own merits. I am sure it is a fine shipyard. But there ought to be a fair process, there ought to be a fair process that follows the law, and I am pleased, Mr. Speaker, that the chairman of the Base Closure Commission and the commissioners of the Base Closure Commission have heard our case and agreed to have a separate hearing so we can bring the Navy forward and hear the facts.

Mr. Speaker, this morning thousands of people got up and went to work at the Philadelphia Naval Shipyard and worked hard and did their jobs today. I hope that the Base Closure Commission continues to do its job and gives us a process that is fair and not fixed.

COMMENTS ON THE 30TH ANNIVERSARY OF PRESIDENT KENNEDY'S MOON MISSION SPEECH AND THE DEMOCRATS' NEW CIVIL RIGHTS BILL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, I have a couple of topics I would like to cover in my brief special order this evening. The first regards the 25th of May, a date which marks the 30th anniversary of President Kennedy's historical speech before a joint session of Congress in which he challenged the Nation to send a man to the Moon by the end of the decade.

Mr. Speaker, President Kennedy acknowledged that this task would be a demanding one, both in terms of financial commitment and national will. But, in one of the most important lines in that speech, he said, "If we are to go only half way, or reduce our sights in the face of difficulty, in my judgment it would be better not to go at all."

Mr. Speaker, as this anniversary draws near, I cannot help but reflect on the difference of attitude between then and now. Thirty years ago, we had social problems, 30 years ago, we had a budget deficit; 30 years ago, our national defense needs were a high priority. Yet, the Congress recognized the imperative of building a strong, manned space program. Today, in contrast, we find ourselves caught in a morass of our own making, unable and unwilling to do what is necessary to provide for our Nation's economic future. Instead of showing leadership and commitment to the next generation of Americans, by working toward the establishment of a permanent, American presence in space, the Congress has chosen to retreat to the safe confines of the past.

I urge my colleagues to rediscover the sense of excitment and anticipation we faced in 1961 at the prospect of tackling the unknown, if not for their own sakes, but for their children's.

Mr. Speaker, on the new civil rights bill that the Democrats have brought forward yesterday, a very interesting document if my colleagues look at it at all closely, some of the Democrats have claimed that this takes them out of the quota area and assures that their bill would be antiquota. Well, let me make three comments about that.

First is the fact that the new Democrat bill admits past transgressions. So much for the Democrats' claims that their previous bills contain no quotas. Now they admit quotas were there, and they have now corrected the problem.

Second, the new bill is a phony. The corrections are not real. All of the provisions of the previous legislation which require quotas are evidently still in place and are still backed by penalties. They now have this new so-called antiquota language, but that contains no penalties. Therefore, guess what happens. The businessman faced with tens of thousands of dollars in penalties for not having quotas or no penalty for having them chooses quotas.

Third, the question for the American people has to be: "Who do you trust?" The same folks who have been pushing the Nation steadily toward quotas now have a phony plan for stopping them. Americans need to ask the question of whether or not they are willing to bet their jobs and their future on that kind of program.

PRIVACY ACT AMENDMENTS OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I am today introducing the Privacy Act Amendments of 1991, a bill to amend the Privacy Act of 1974.

The Privacy Act of 1974 was a landmark. It was one of the first general purpose privacy laws passed anywhere in the world. Prof. David Flaherty, in his book "Protecting Privacy in Surveillance Societies," called it "innovative and influential in its time." The act, which applies principally to Federal agencies, establishes rules for the collection, maintenance, use, and disclosure of information about individuals.

But it became apparent quickly that the act fell short of its objectives. By 1977, the Privacy Protection Study Commission reached the following general conclusions:

First, the Privacy Act represents a large step forward, but it has not resulted in the general benefits to the public that either its legislative history or the prevailing opinion as to its accomplishments would lead one to expect;

Second, agency compliance with the act is difficult to assess because of the ambiguity of some of the act's requirements, but, on balance, it appears to be neither deplorable nor exemplary;

Third, the act ignores or only marginally addresses some personal data recordkeeping policy issues of major importance now and for the future.

The Commission recommended a major revision of the law, noting that agencies have taken advantage of the law's flexibility to contravene its spirit. Professor Flaherty suggests that the Privacy Act has failed in its primary goal, and he too calls for a rewrite.

Legislation to implement the recommendations of the Privacy Protection Study Commission was introduced during the 95th Congress and in several subsequent Congresses, but no action was ever taken. Since its passage, the Privacy Act has been amended a few times, but most of the amendments were minor. Only the Computer Matching and Privacy Protection Act of 1988 (Public Law 100–503) made significant substantive changes. But while the computer matching amendments provided some additional procedural protections for records used in computer matching, they did nothing to address the basic shortcomings of the Privacy Act itself.

I believe that the problems with the act have grown steadily worse. Changes in information technology have made the act's defects more critical. It is time for Congress to begin the amendment process. We need to modernize the Privacy Act and to make it effective.

The bill I am introducing today does not propose a comprehensive revision. Instead, I am offering a series of specific changes designed to address specific problems. A complete rewrite would take a long time to prepare. My immediate goal is to rekindle legislative discussions of the Privacy Act. I believe that a serious consideration of the act's shortcomings will ultimately lead to broader revision of the act and to improved privacy protections for all.

One important issue not addressed in my bill is administrative oversight. This responsibility now falls to the Office of Management and Budget. The weaknesses of OMB's Privacy Act oversight are well documented. A 1983 report from the Committee on Government Operations found that interest in the Privacy Act at OMB had diminished steadily. The report is "Who Cares About Privacy? Oversight of the Privacy Act of 1974 by the Office of Management and Budget and by the Congress" (House Report No. 98–455). Things have not improved since that report was issued.

I have already introduced separate legislation, H.R. 685, that would reassign Privacy Act responsibilities to a newly established Data Protection Board. While I am not repeating that proposal in the Privacy Act Amendments of 1991, I consider it to be an integral part of Privacy Act reform.

A second current problem for which I do not now propose a solution involves the act's exemptions. A principal effect of the misuse of the exemptions is to deny individuals the ability to see and correct agency records. The most abused exemption is the general exemption for law enforcement records, and offices of inspector general appear to be the most frequent violators. Better administrative oversight may be the best solution to this continuing problem.

The major changes proposed by my bill include the following:

First, the act currently gives rights only to citizens and resident aliens. Nonresident aliens cannot use the act's procedures to seek access to records or to amend records. While the Freedom of Information Act provides foreigners with the ability to seek access to records, it is an incomplete substitute. Access rights under the FOIA can be significantly narrower than the rights under the Privacy Act, and the FOIA lacks provisions permitting correction of erroneous records. There is simply no reason foreigners should continue to be denied basic privacy rights.

My amendment changes the definition of "individual" so that living individuals of all nationalities will have the same rights under the Privacy Act. Now that privacy has become a major international concern, the current restrictions on the rights of foreigners are an embarrassment. Our failure to provide basic rights to foreigners threatens the rights of Americans in other countries as well as the ability of American companies to do business in today's international business environment.

Second, I propose to amend the definition of "record" so that personal information will be subject to the act independent of the medium on which the information is maintained and regardless of physical form or characteristics. The purpose is to make it clear that computerized information is fully subject to the Privacy Act. While I think that this is the current intent of the law, questions have been raised about how records laws apply to computerized information. We need to modernize our laws so that fair information practices apply independently of the technology used to create and store information.

Third, I propose to tighten the definition of "routine use." A routine use is a permissible disclosure of personal information that an agency defines by regulation. The law currently provides that a routine use must be compatible with the purpose for which a record was collected. I want to require that a routine use be necessary for the purpose for which a record was collected.

This change is a response to persistent abuse of the routine use provision by Federal agencies. Agencies have used the routine use provision to authorize almost any kind of disclosure. In one recent instance, an agency proposed a routine use that would have effectively authorized the agency to disclose personal information to anyone at any time. Another agency implemented a routine use that permitted the agency to disclose personal information to the public while the agency retained the right to deny to the subject of the record access to that same information.

Broad routine uses that allow an agency wide discretion to make disclosures are inconsistent with the words and the policy of the Privacy Act. Nevertheless, agencies seem to believe that they can make any kind of disclosure that they want as long as the proper notice has been published in the Federal Register. The Privacy Act is principally viewed as a procedural and not a substantive barrier to disclosure. This belief has grown in the absence of firm central administrative oversight of the law.

The problem is compounded by the ability of agencies to create new routine uses at any time after the establishment of a system of records. Individuals receive no actual notice of new routine uses. The notice that is published in the Federal Register is hardly meaningful.

The inconsistency of agency policies is even more apparent by the way in which the Freedom of Information Act is applied to personal information. Agencies typically refuse to disclose personal information about third parties under the FOIA. But the same agencies reserve to themselves broad rights to disclose that same information through Privacy Act routine uses. Both judgments cannot be correct. It may be necessary at some point to tie together more expressly privacy decisions under the FOIA and the Privacy Act. Agencies that contend that personal information is exempt from disclosure under the FOIA should be judged in part by the breadth of the routine uses they have defined for that same information.

While I believe that some of today's routine uses are based on a misreading of current law, agencies persist in offering overly broad routine uses. As a result, a change in the law may be essential. My proposal would expressly eliminate these abuses by placing stricter substantive limits on the ability of agencies to define permissible disclosures.

Fourth, I propose to broaden the defintion of "system of records." This is a key concept under the Privacy Act because the act's requirements apply to all systems of records. A system of records is a group of records under the control of a Federal agency that is retrieved by individual identifier. The test is factual. If an agency determines that sensitive personal information is not actually retrieved

by individual identifier, then the principal protections of the Privacy Act do not apply.

This is a major loophole. There are vast repositories of personal information in the Federal Government that are not covered by the Privacy Act because they are not in systems of records. The Privacy Protection Study Commission strongly criticized reliance on the system of records definition as the sole basis for activating the Act's requirements.

Recently, the National Science Foundation was found to have improperly avoided the Privacy Act by relying on the fiction that some records were not retrieved by individual identifier because they were not filed by the name of the individual. After a 13-year period of noncompliance with the law, the agency finally applied the Privacy Act to this system of records.

A recent report by the General Accounting Office also documented similar problems at the National Oceanic and Atmospheric Administration and the Department of Energy. See "Peer Review: Compliance With the Privacy Act and Federal Advisory Committee Act" (GAO/GGD-91-48) (April 1991).

Another recent GAO report found evidence of significant noncompliance with Privacy Act requirements. See "Computers and Privacy: How this Government Obtains, Verifies, Uses, and Protects Personal Data" (GAP/IMTEC-90-70BR) (August 1990). A clearer and less discretionary definition of "system of records" might enhance agency compliance by removing any existing confusion.

Some have proposed dropping the system of records concept altogether. I suggest a different approach. Because of the ease with which computers can manipulate information, the factual retrievability test is no longer meaningful for computerized data. Instead, we should assume that any computerized information can be retrieved by identifier, whether or not the agency intends to do so.

My amendment would drop the factual test for all personal information maintained in a computer and make all computerized information subject to the Privacy Act. The current factual test would continue to apply to manual records. As more records become computerized, the importance of manual records will diminish.

Fifth, subsection (b) of the current act sets out 12 specific conditions under which agencies may disclose personal information. Eleven of these conditions authorize specific disclosures under specific terms. Under the 12th condition, agencies may define routine uses to authorize other disclosures. Occasionally, agencies have used the routine use authority to avoid some of the statutorily defined terms for other disclosures.

For example, the act authorizes the disclosure of personal information pursuant to a showing of compelling circumstances affecting health or safety. If a disclosure is made under this provision, an agency is required to notify the individual of the disclosure. Some agencies have proposed routine uses that lower the standard for emergency disclosure and that fail to include the notice requirement. This is an abuse of current law. I propose an amendment that would expressly prohibit agencies from modifying the conditions of disclosures set out in the law.

Sixth, if an agency denies an individual's Privacy Act request for access to records, the individual's only recourse is to sue in Federal court. There is no administrative appeal as is provided when a request for correction is denied or when a request for access is denied under the FOIA. I propose to provide for an administrative appeal of a denial of access. I also propose to establish clear statutes of limitation for administrative appeals.

Seventh, the Privacy Act requires that each agency publish in the Federal Register a notice describing each system of records. The specific contents of the notice are set out in the law. I propose to add a requirement that Privacy Act notices include a description of the purpose for which the records are maintained. This will help the public in understanding how records are used. Some agencies include a statement of purpose in their notices already.

Eighth, the Freedom of Information Act and the Privacy Act of 1974 provide independent access procedures. Information is sometimes available under one law when it is not available under the other. Not all requesters seeking access to records about themselves are knowledgeable enough to cite both laws when making a request. I propose to amend the Privacy Act to require that agencies provide to Privacy Act requesters any information to which they are entitled under the FOIA as well. This will ensure that requesters receive all available information.

Ninth, I propose to give the courts the authority to grant injunctive relief in all cases arising under the Privacy Act. This is necessary because some courts have held that their ability to enjoin agencies from violating the act is limited to cases involving access and correction. Under current law, it is possible that an individual would be unable to convince a court to prevent an agency from making disclosure of a record that the court has found to be illegal.

Giving the courts broader authority to enjoin violations may be just a first step in improving the act's remedies. It may also be necessary to change the standard for measuring agency conduct and to provide more effective relief to individuals whose rights have been violated. We may need to explore alternatives to lawsuits. For many people, a remedy that must be pursued through litigation in Federal court is no remedy at all. Litigation is too expensive and too complicated.

Tenth, under current law, a system of records maintained by a Federal contractor on behalf of an agency must be made subject to the Privacy Act under agency contract. Tens of millions of sensitive records are now maintained by agency contractors. We have no idea of whether these contractors are complying with the Privacy Act. We do not know if these records receive adequate protection from misuse or improper disclosure. I propose to require that agencies provide for regular Privacy Act compliance audits for systems of records maintained by contractors.

NEW SONG COMMEMORATES VETERANS' WELCOME HOME CEREMONIES

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 want to share with my colleagues the lyrics to a song written in honor of the men and women who served in Operation Desert Shield/Desert Storm. It is called "Welcome Home." The words are by Richard Peet and the music was written by Charles Cassey.

Mr. Cassey is a former creative director of Chappell Music in New York. More recently, he was head of VIACOM's music department in Hollywood. He is a long-time member of ASCAP and has written more than 1,000 songs. He lives in Valencia, CA.

Richard Peet authored the musical, "The Nam That We Remember". An earlier work, "Stand Up For America", was the title and feature of an LP record album in 1971 and it won a George Washington Freedom Award. Mr. Peet is also a member of ASCAP and lives in McLean, VA.

A copy of the new song's lyrics is attached:

WELCOME HOME

(Words: Richard Peet)

(Music: Charles Cassey)

In the dangers of the desert sand;
In the wild blue and the sea,
You risked all for your country—
In the cause of liberty.

You have served and you have suffered;
Been away for overlong,
But now you're back among us,
Having fought to right a wrong.

Chorus

Welcome home—
Welcome home—
Our brave warriors,
Welcome home,
With open arms we greet you,
For a loving welcome home.

We welcome you with honor;
Brothers, sisters—heroes all.
We stand proud within your shadow,
You who answered to the call.

We share a dream together,
But it can only be,
If we pull, as one, together,
To build a world that's free.

Chorus

Welcome home—
Welcome home—
All you heroes,
Welcome home,
We are proud and we'll remember—
Welcome home—
Welcome home.

NEW ARMS CONTROL PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FASCELL] is recognized for 5 minutes.

Mr. FASCELL. Mr. Speaker, under the able leadership of our colleague, Representative JOHN SPRATT, the Department of Energy and Defense Nuclear Facilities Panel of the House Armed Services Committee, commonly referred to as the Spratt Panel, took some very responsible action on the $1.737 billion request by the executive branch for nuclear weapons research, development, and testing earlier this month.

As reflected in the committee report (Report 102-60, National Defense Authorization Act,

title 31, Department of Energy National Security Programs, page 386) accompanying H.R. 2100, the Department of Defense Authorization Act for Fiscal Years 1992–93, the Spratt Panel recommended "denying $151.5 million budgeted for weapons research, development, and testing [WRD&T] activities associated with the B–90 nuclear depth/strike bomb [ND/SB] and the W–91 short range attack missile-tactical [SRAM–T], and adding $159 million for WRD&T to improve the safety of the nuclear arsenal and to prepare for future restrictions on nuclear weapons testing."

Earlier this year, I made a similar proposal to the Spratt Panel. My position was based on the premise that, in the new post-cold war world setting, our Nation's security is better served by spending on effective means of assuring Soviet adherence to existing and future arms control agreements rather than spending limited dollars on exotic new generations of nuclear weapons. The resources saved by making these reductions in new nuclear weapons systems could then be used to enhance funding for higher security interests as comprehensive test ban readiness, nuclear weapons safety, and nuclear weapons production facility cleanup.

In my view, this is an important reordering of priorities—for more nuclear arms control and away from nuclear weapons development. I strongly support the process of reordering these priorities that many of us in the House have encouraged the Spratt Panel to begin last year and assume will continue into the future.

The House of Representatives has expressed itself on several occasions over the past few years on the importance to U.S. national security of achieving a comprehensive ban on nuclear explosive testing. In fact, for 3 years in a row, the House voted decisively to ban funding for U.S. nuclear tests with yields over 1 kiloton, provided that the Soviets limited their tests similarly with in-country verification. In the past the House has also increased funding for test ban verification research and established a test ban readiness program.

It is important that our Nation's security needs are reflected in new arms control priorities which stress skillful negotiations, sound agreements, thorough implementation, and careful verification of new arms agreements. And, in the nuclear testing area, the priorities should stress test ban readiness, safety, and cleanup rather than development of exotic new nuclear weapons.

REDUCTION OF TIME FOR SPECIAL ORDER

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent to withdraw my 60-minute special order and to speak for 5 minutes at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

THE MEANING OF FAST TRACK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, we are in the process of debating the Mexican Free-Trade Agreement and what it will mean to the United States. Actually what we should be debating is the merits of fast track, and exactly what it means to us under the Uruguay round and the General Agreement on Tariffs and Trade [GATT].

Our negotiators can negotiate with Mexico and as they did with Canada, but many people will not understand the full meaning of the agreements until later.

An example of what the Canadian Trade Agreement means is a letter which was written to the members of the Energy Committee of the other body by the Canadian Ambassador. In the letter, the Ambassador stated, "I am writing to convey my government's view that two provisions of S. 141, the National Security Act of 1991 and one provision of the gas policy reform bill would violate the obligation of the United States under our Free-Trade Agreement not to discriminate against Canadian products." Although, this is a friendly letter, it acts almost like a line item veto of American legislative actions.

Using the terms of the agreement, Canada protested that the United States Department of Agriculture meat inspections were too rigid. They were able to downgrade the required inspections of trucks to 1 in 15. The rest of the trucks are not inspected though a sample of meat may be contaminated.

Canada also had protested American products under GATT rules which I will discuss later.

Like many other people, I thought I understood GATT until the Baltimore Sun ran an editorial on "Trade Wars In Congress." In that editorial, one paragraph stood out about the Super 301 which was in the 1988 Trade Act.

It said, "We would add it has hurt the U.S. negotiating position in GATT because Washington is seen as unilaterally imposing conditions that are supposed to be set by universal GATT rules. This is counterproductive. An expanded GATT that would make agriculture, service industries, and patents subject to international rules is very much in the U.S. public interest."

The translation of that paragraph means that American actions in those areas will be under the review of the other members of GATT. It is important that we understand just what GATT means. Under the agreements of the Uruguay round, the members committed themselves to a standstill of new trade measures inconsistent with GATT obligations and to a rollback to phase out inconsistent trade agreements.

That means we should fully understand GATT in this Mexican Trade Agreement because the regulations—the standards of GATT will stand. Remember that GATT is both a code or rules and a forum where representatives can discuss world trading problems. Under the GATT code, Canada has demanded in an American Federal court that the United States accept Canada's asbestos claiming our safety standards are too high.

Right now, the United States is requiring owners at great expense to remove asbestos from buildings. Now the Canadians are telling us we must let it in the country. If our law is struck down, then we are back to square one with asbestos. Why should we have to lower our safety standards for this agreement?

Under GATT, Canada also is challenging the American beer distribution system and labeling system—and the administration of United States excise taxes.

Canada dumped subsidized pork in the United States, but we lost the appeal before a binational committee which ruled in favor of Canada. They claimed the Canadian pork subsidy was welfare and, thanks to the ruling of the panel, kept right on dumping in the States.

Today a letter was faxed to me from Dynasty Gas Marketing, Inc. in Houston, TX, explaining that these trade agreements are not what they seem. Although United States gas is cheaper delivered in Canada, Dynasty is stopped from selling it to the Canadian end/users. Mr. Siegel, the vice president and general manager of Dynasty explained that Canada gas has a limited pipeline system and the gas producers receive a lower price for their gas. The end/users pay a higher price than that on U.S. imported gas.

I have gone into some specifics of the Canadian agreement to explain that GATT or simply the negotiated treaty can be used to work against American business. We need to know what the Mexican Trade Agreement will mean under GATT.

One group of people who will suffer under this treaty are the people making brooms, which is a very old industry in the United States. In many States the blind make brooms for sale. Under current trade laws the broom industry is in a protected status.

Today, Mr. William Libman of Arcola, IL, wrote me giving some background of the broom industry. Benjamin Franklin initially brought broomcorn to the United States. It is a labor intensive industry which requires skilled labor to make those highly prized natural brooms for homes and offices.

This industry, which also serves the blind, will suffer a disadvantage in a treaty where the labor costs are pennies a day.

Another industry which will suffer under the Mexican Trade Agreement

and GATT is the Imperial Irrigation District in Imperial, CA.

The district's president, Donald Cox reported that the Imperial Irrigation District voted unanimously to oppose the Bush administration's policy to put a proposed United States-Mexico Free-Trade Agreement on a fast track.

Under the GATT agreements the California water districts are regarded as subsidy on water and will be eliminated. Under GATT the United States has agreed to knock out the "Buy America" provisions which affects $200 billion in Government contract work.

The following States have "Buy America" provisions:

Alabama, California, Colorado, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, New Hampshire, New Jersey, New York and New York City, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Virginia, West Virginia, Wisconsin, and District of Columbia.

The States with a 5-percent preference for in-State suppliers will also lose this benefit. They are:

Alaska, Arizona, Arkansas, New Mexico, Wyoming, Nebraska, and Kansas.

The United States has been an agricultural nation, but under GATT we will have many provisions on credit guarantee and food aid programs eliminated as well as deficiency payments, marketing loans, and export enhancement programs.

Our aerospace industry where we are a leader and where the U.S. industry is in stiff competition with European industry will pay a price. Molybdenum is a superalloy used in aeroengine gas turbines. The turbines contain a significant amount of molybdenum. The United States bar is cheaper and thereby creates a competitive disadvantage for the European aeroengine manufacturers. That advantage for Americans also will be eliminated. Without an advantage there is no profitable trade, so why eliminate it?

The small business people also are paying a price with small business set-asides. Small business accounts for 25 to 30 percent of all the Government contracting work. By eliminating the set-aside the foreign firms can compete for the Government work.

There is just a small sampling of what GATT means and what the vote on fast track means to Americans. We have heard the argument of cheaper prices, but remember we have the largest market in the world. We also have the highest standard of living but to retain it, they must have jobs.

If this is so great then why does Prof. Robert Reich of Harvard claim that in the current trade climate only 20 percent of the Americans will do well. The other 80 percent will have to compete with workers in Third World and developing countries.

It is time for an open and protracted debate on this issue and not a fast shuffle to a fast track where we give away the store. I vote "no" on fast track.

□ 1840

FAIRNESS FOR ALL AMERICANS: PROTECTING THE RIGHTS OF OVERSEAS AMERICANS

The SPEAKER pro tempore (Mr. RAY). Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, this week we will debate extension of fast-track negotiating authority. Like several other trade issues, this question has assumed a great deal of importance in our work here in Congress to improve America's balance of trade.

But during my years in Congress, I have learned that there is a piece to this puzzle we have sorely overlooked. In the battle to preserve American competitiveness, we have forgotten about Americans living overseas. I see these men and women as our Nation's footsoldiers, right out there on the front lines in the battle to preserve America's competitiveness abroad.

Years ago, our economy stretched from one coast to another. But in this day and age, we operate in a global business environment where communications and transportation link Tokyo and Toronto in the same way that New York and San Francisco were once joined. To keep ahead in the world of today and tomorrow, we must learn to win at the global business game.

Americans living overseas can help us make the transition to being full participants in the new global economy. They have the insight that comes from first-hand experience in another culture—insight which is critical to succeeding in the international business world.

If we are to broaden our share of the global market in agricultural commodities, textiles, high-tech products, or information services, we must reach out to those Americans working on the frontiers of the world economy.

Unfortunately, our current laws place many obstacles in the way of Americans who want to live, work, and raise families overseas. Unless we turn this situation around, our nation will never fulfill its potential as a formidable exporting power.

To that end, I rise today to introduce three bills designed to make it easier to be an "American abroad."

The first bill is entitled "The Overseas American Children's Human Rights Act of 1991." This legislation would change current immigration and naturalization law to ensure that Americans living overseas have the same rights to transmit citizenship to their children that are enjoyed by each and every one of us living here on American soil.

Under current law, if an American citizen marries a foreign national and lives outside the United States, that citizen must have physically resided in the United States for five years, at least two of which were after the age of 14, for his or her child to be an American citizen at birth.

However, children born out of wedlock to an American abroad become citizens at birth if the U.S. parent has resided in the United States for only one year in the aggregate.

This law is antifamily and anticompetitive. It discriminates in favor of those Americans who enter into parenthood outside of marriage and imposes stringent residence requirements on married Americans who want their children to share their nationality.

My bill rectifies this situation by applying the one-year residency requirement to all U.S. citizens abroad who become parents, regardless of the circumstances of the child's birth. It also ensures that children born to Americans abroad will automatically become American citizens at birth if they would otherwise be born Stateless.

By making it easier for Americans abroad to transmit citizenship to their children, my legislation will ease their concerns about passing on the rights and privileges that come with American citizenship to the next generation.

It will also make good on our promises as a signatory of the Universal Declaration of Human Rights and the more recent Declaration of the Rights of the Child. When the United States joined other countries in approving these documents, we agreed that "all children at birth have the right to a name and a nationality." My bill will fulfill this pledge.

The second bill I am introducing is the Overseas U.S. Citizens' Representation in the Congress Act of 1991. It would establish a nonvoting delegate seat to represent the concerns of Americans abroad.

Too often, the unique problems of Americans living overseas have been ignored by the Congress. None of us represents enough Americans abroad to be able to devote adequate attention to their needs. As a result, many overseas Americans feel cut off and adrift from the political process.

Establishing a seat for a nonvoting delegate will rectify this situation by institutionalizing access to Congress for the nearly three million Americans living abroad.

Under the bill, registered voters living in foreign countries would be permitted to select a nonvoting delegate to represent their unique concerns similar to those now representing the District of Columbia, the Virgin Is-

lands, American Samoa, and Guam in addition to the Member from their home district. With such an addition, overseas Americans will truly have fair representation.

The final bill I am submitting today, the Overseas Americans Economic Competition Enhancement Act, would amend section 911 of the 1986 Internal Revenue Code to return America to the residency-based tax system that was in place prior to 1962.

Right now, Americans living overseas face excessive double taxation—they must pay taxes to the United States and also to the nation in which they reside.

America is the only nation on earth that taxes citizens based on their citizenship, not on their place of residence. All of our competitors tax individuals living within their borders, not those living overseas.

This form of taxation discourages American companies from sending their workers abroad, and it penalizes Americans who want to set up businesses in other countries.

If we are ever to let American companies compete on a level playing field with our trading competitors, we have to remove these roadblocks to successful international commerce.

Mr. Speaker, these bills are low-cost items with high-cost returns. To get ahead in today's economy, we have to encourage our teachers, military and government personnel, and businesspeople to promote American ideals and products abroad and to bring back the best of what they can learn to our shores. With this goal in mind, I urge my colleagues to support these three pieces of legislation.

ORDER OF BUSINESS

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that I be permitted to go ahead of the gentleman from Illinois [Mr. HASTERT] and then he follows me immediately in the order of this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CZECHOSLOVAK RESTITUTION LAW

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

Mr. LIPINSKI. Mr. Speaker, almost 2 years have passed since the democratic revolutions of central Europe ended more than 40 years of Communist rule. As we look at these nations today, we see that the euphoria spurred by the revolutions has subsided and the new governments have turned their attention to reviving their beleaguered economies. Events of the past year and a half have shown us the revival will be much more difficult and much more costly than first imagined, and the standard of living for the citizens will continue to get worse before it gets better.

Despite the difficulties, many of these nations have tightened their belts and taken the tough first steps toward creating a market-based economy. Czechoslovakia for one is taking drastic action to undo its economic malaise. The Havel government has launched an ambitious privatization scheme to put back into the hands of individuals and businesses the properties nationalized by the Communists. It is a logical step dictated by the laws of economics—competition, supply and demand, incentives to efficiency. It is also difficult to carry out.

After 41 years of Communist rule in Czechoslovakia, virtually everything is owned and run by the Government. Privatizing the land, the businesses, the farms, the factories, the apartment buildings, and the homes is not an easy task, and the process unleashes a Pandora's box of questions and problems. How privatization should be carried out, how quickly, and with what attention to the former owners are all pieces of this complex puzzle.

This last question—what to do about the former owners—is widely disputed all over central Europe. Former owners and their heirs—both large owners and small, rich and poor—are emerging to claim the property that was confiscated from them. Satisfying their demand that their properties be returned is complicated by the fact that these properties are in use and millions of current tenants could be displaced. Each nation is dealing differently with these demands, and Czechoslovakia has found a solution that is central Europe's most generous.

To be fair to the former owners, the Havel government has passed legislation to return property to its original owners if ownership can be proved. All property confiscated after the 1948 takeover up until the "Velvet Revolution" would be covered. Because it is not always possible or practical to return property—such as when a home has been converted into a school—the legislation provides for monetary compensation in those cases. Considering the havoc wreaked by 40 years of Communist rule and the difficulty in determining rightful ownership, this policy is on its face an equitable solution to a very difficult situation.

However, Czechoslovak-Americans are deeply disturbed by a serious oversight in the legislation. The law limits restitution to current Czechoslovak citizens living in Czechoslovakia and therefore excludes citizens of other nations.

To become eligible for restitution, U.S. citizens or their heirs must regain Czechoslovak citizenship and return permanently to the country within the 6 month timeframe designated by the law. The deadline will expire on September 30 of this year. Many of the people affected are naturalized American citizens—or their American-born children—who fled the tyranny of Communist rule and were subsequently convicted for leaving the country illegally. They feel it is unfair to require them to regain the citizenship of a country from which they fled persecution in order to regain their property. It is not true, as many claim, that none of these people are interested in returning to Czechoslovakia. But many are nervous about returning to a potentially unstable nation, both economically and politically.

I met last week with Czechoslovak Ambassador Rita Klimova to raise these issues. She presented a persuasive defense of the law, noting first that the final outcome was democratically achieved as a compromise between those who would do nothing for the former owners and those who would do more than the law provides. She pointed to the beleaguered economy of Czechoslovakia and the limited financial resources of the Government, and said that there was little money to pay in compensation. She explained the exclusion of noncitizens as an incentive for international Czechoslovaks to return to the nation to help in its rebuilding. The concern is that Czechoslovaks living abroad would, if not required to return, would quickly liquidate their new-found assets or simply demand financial compensation. Either would drain the economy.

I listened to Ambassador Klimova's explanation with some sympathy. Clearly the Czechoslovak economy is weak and Government budgets are tight. However, the international Czechoslovak community, and specifically the Czechoslovak-Americans in this country, have legitimate complaints. They were not consulted by the Czechoslovak Government in adopting this provision and they were given no explanation until after the restrictions were in effect.

The Czechoslovak-American community feels insulted. For many years they have kept their culture alive and have maintained a keen interest in the events of Czechoslovakia. As people who fled the country only to escape tyranny, they deserve recognition from the new Government. Instead, they have been ignored. From a struggling nation that depends greatly on the friendship and support of the international community, the lack of consultation was a mistake.

We in Congress, Representatives of 3 million Czechoslovak-Americans, have maintained a friendly relationship with the Havel government during these transitionary years. We welcomed President Havel to America with open arms, and we are aiding

Czechoslovakia in its attempt to pull out of its economic quagmire. With the President, we have granted Czechoslovakia most-favored-nation trading status and contributed to the European Bank for Reconstruction and Development. We are also in the process of extending money to Czechoslovakia as part of the Support for the Eastern Europe Democracy Act, known as the SEED Program.

So we are doing our share and they are doing theirs. But we cannot forget the interests of Czechs and Slovaks in America. As we look to broaden our ties with Czechoslovakia, President Havel must recognize our commitment to Czechoslovak-Americans, as well as his own commitment to them. He must see that ownership rights cross international boundaries and that, at a time when Czechoslovakia is pursuing liberal economic reforms, a policy that says otherwise is questionable. In a letter many of my colleagues are joining me in sending to President Havel, we ask him to reconsider the restrictions on this restitution law. Then and only then will all victims of the Communist regime be justly and properly compensated.

□ 1850

SOCIAL SECURITY EARNINGS TEST

The SPEAKER pro tempore (Mr. RAY). Under a previous order of the House, the gentleman from Illinois [Mr. HASTERT] is recognized for 60 minutes.

Mr. HASTERT. Mr. Speaker, tonight we are going to have a number of speakers here talking about the earnings test on Social Security.

The first gentleman I would like to yield to is the gentleman from Oklahoma [Mr. INHOFE], who has been a leader on this for a number of years.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from Illinois for yielding. Unfortunately, because of a previous commitment, I will not be able to stay for this special order. But it is something, judging from the reaction I get from the multitude of town hall meetings that I have had, that it is in the minds of many people in Oklahoma, many older Oklahomans, and is the No. 1 concern they have, of all the concerns.

Mr. Speaker, how many people have you met that look forward to the day of retiring, and then they retire, and then a few weeks later they die. This has happened over and over and over again. Because we are telling these people they can no longer be productive.

Mr. Speaker, I have often wondered, and would hope that the gentleman from Illinois [Mr. HASTERT] can address this, of what has happened to the ideals with which we were raised? I can remember, in fact a lot of this was in the State of Illinois, out in that little country school area outside of Springfield, IL, I had always been told in growing up that this is a productive Nation, that we want to encourage Americans to be productive.

Now what are we doing to encourage productivity? We pass a law that is on the books that says to people after they reach a certain age, you may no longer be productive in our society.

Of all the discussion we have on the imbalance of trade, you do not have to be a Ph.D. in economics to come up with the answer as to why we do have this imbalance. I believe it was George Will who put it in very simple terms. He said it very simply. We in America are consuming more than we are producing. So it would only seem natural we as Government would try to put as many incentives into productivity as possible.

Yet we have just the reverse incentive. We are saying to people, no, you cannot be productive any longer.

If I could single out one thing that bothers me, and I hope that other Members will address this, because I do not think it is just an isolated case, in town hall meeting after town hall meeting I have had older people come up to me, ashamed, in their upper sixties and seventies, and say, "For the first time in my life I have done something dishonest. Government has forced me to lie."

Mr. Speaker, we talk quite a bit about what is the cost of the elimination of the earnings test. We hear these inflated figures. I would suggest there are so many people out there, there is no way in the world of putting a price on this, who are lying and not reporting income, just so that they can be productive.

Mr. Speaker, these people come up and say, "Government has forced me to lie and to be dishonest for the first time in my life."

So I suggest to the gentleman from Illinois [Mr. HASTERT], as well as the gentleman from Arizona [Mr. RHODES], who were good enough to bring this special order and call to the attention of the Speaker and the public, that there are many issues to be discussed here, and these issues go beyond economic issues and become moral issues.

Mr. Speaker, I appreciate very much the opportunity to share these thoughts.

Mr. HASTERT. Mr. Speaker, I appreciate the gentleman from Oklahoma bringing out these issues and really some real stories from the heartland of this country. It is a tax policy that we have in this country that forces people not to be productive, not to work, and forces people to sometimes go into the underground market. The gentleman is absolutely right. I appreciate the gentleman from Oklahoma [Mr. INHOFE] relaying his experience.

Mr. Speaker, at this time I yield to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I rise in support of H.R. 967, the Older Americans Freedom to Work Act to repeal the Social Security earnings limit and urge my colleagues to do the right thing and back this bill. As you know, complete repeal of the earnings test would allow senior citizens to take back control of their lives from the Federal Government and keep many seniors safe from Government-imposed destitution.

Every day I receive letters from seniors who can't afford to save for future medicines and basic health care. They want to work to supplement their income, but the earnings limit makes it difficult for them to do so. The federally imposed earnings limit ensures that in the future more and more senior citizens will be left without savings and wholly dependent on Government benefits for their survival. We need to protect seniors from Government programs which push seniors out of the work force and into the rocking chair. With the shrinking labor pool, this will become all the more pressing a problem in the coming decade. Let's work together to repeal the unfair Social Security earnings limit.

□ 1900

Mr. HASTERT. I thank the gentleman from Ohio for bringing forward his concerns on this.

It is interesting when we look at who is affected by this. As the gentleman from Ohio brought out, it is just not seniors who have a great deal of earnings coming in. It is the people who have worked for a living that get penalized on the earnings test. It is only people who earn income.

Mr. Speaker, at this time I would like to yield to the gentleman from Georgia [Mr. DARDEN], from the other side of the aisle. He has been a leader in this area and has authored legislation and worked with us. We would like to have him really kind of enlighten us on this a little bit further.

Mr. DARDEN. Mr. Speaker, I appeciate my friend yielding to me.

Mr. Speaker, I believe all Americans today owe a very special debt of gratitude to our good friend from Illinois [Mr. HASTERT], because he has brought to the forefront I think one of the most important issues in America today. He is the author and now has obtained 242 cosponsors to his legislation, H.R. 967. I am a cosponsor of that legislation, and I have also introduced a similar bill, H.R. 1368, which eliminates the earnings test for all Social Security recipients beginning at the age of 62 on up.

But regardless of which approach we take, I think the gentleman from Illinois has been a real leader in this area, and I think he has touched a nerve

there that needs very strong consideration by Members of Congress.

After hearing my good friend, Congressman MILLER, speak just a few moments ago, it reminds me, Mr. Speaker, that we have a lot of Members of Congress who have attained the age of 62 or 65, and I think the examples we see them setting here in Congress today should indicate to us that they are certainly some of the most productive Members of this body. I think as we stand here in Congress, and as we debate, and as we talk, we have before us some very fine examples of men and women who not only are in their sixties, seventies, but even in their eighties doing some of the most productive work.

By forcing older individuals to choose between working and receiving full Social Security benefits, the earnings test sends an unmistakable message to working older Americans that we do not want them in our work force. It tells them that if they choose to work, they will be penalized by losing the hard-earned Social Security benefits that they have counted on to help them in their old age. By way of a severe financial penalty, we are unfairly forcing senior citizens who are eager to work out of the workplace.

It is my belief that our Nation's laws should not discourage those who want to work from doing so. It is unfair to deny our seniors the well-documented psychological and physical benefits of work, not to mention the extra income that many families desperately need to supplement an often meager Social Security check. Any argument to the contrary would merely reinforce the unfounded notion that older Americans do not need or do not want to work.

The Social Security earnings test is unfair to older workers who choose to work. However, it is devastating to those workers who must work. This reality is ignored by those who claim that repeal of the earnings test would merely benefit the wealthy. On the contrary, the earnings test would reduce the Social Security benefits of a full-time worker making the minimum wage, while a truly wealthy senior who receives passive income from interest and dividends can still receive 100 percent of his or her benefits. Should the United States reward those who have inherited stock, while at the same time penalize those who have never been in a position to receive income for anything other than an honest day's work? I do not think so.

Finally, I would like to bring attention to the fact that the unfairness of the Social Security earnings test extends far beyond the millions of older workers directly affected by it. The earnings test unfairly deprives the United States of the talent and expertise of a class of workers that has made our Nation great. By forcing seniors out of the workplace, we resign ourselves to relearning what our elders already know, to making the same mistakes over and over again. Why not encourage older workers to share their tremendous wealth of experience? Millions of older Americans stand ready to reenter the job market. To discourage them from doing so robs them of the many rewards of work, and robs us of the fruits of their labor.

In closing, Mr. Speaker, I would like to inform the House and my good friend from Illinois of a study done recently which was in an article in the New York Times, I believe, just yesterday. These studies, carried out by several corporations around the United States of America, actually showed that workers over 55 are more dependable, they are more reliable, and in many instances more capable and more competent and more conscientious than their younger counterparts.

I think we owe a special thanks to the Days Inn Corp., based in Atlanta, GA, which has found out that the rate of turnover among workers over 55 is much less, that the degree of absenteeism is much less, and that the overall capability and lack of mistakes is far superior to that of younger workers.

So I think, Mr. Speaker, we need now to say that we have an idea whose time has come, and I am just glad to be a small part of this bipartisan effort to make this become possible.

Mr. HASTERT. I thank the gentleman from Georgia. I think he would probably have to agree that probably in his district like in my district those folks who have earned a lot of money all of their life, and have accumulated pensions and investments and rent and interest are really exempt, but it is the people who have worked by the sweat of their brow, week in and week out, and punched the time clock, or tended the fields, or done those tough types of labor jobs that never had the chance to accumulate wealth, and never really had the chance to put that money aside for a pension, these are the people, the very people who are being penalized. So it is the blue collar, working-class American that we are saying listen, you cannot work anymore. We are going to tie you down to at most a $10,000 Social Security stipend base, and then maybe you can earn $9,000. But after that you are penalized as being a low-income earner not only in your whole lifetime but also in your senior years. The gentleman from Georgia is right, it just is not fair, and I thank the gentleman from Georgia.

Mr. DARDEN. I thank the gentleman from Illinois for allowing me to participate with him tonight.

Mr. HASTERT. Mr. Speaker, I yield to our colleague from California [Mr. MCCANDLESS].

Mr. MCCANDLESS. Mr. Speaker, first I want to thank my colleague from Illinois [Mr. HASTERT] for taking out this special order to focus attention on a problem which needs to be solved, a serious social problem.

The earning limit tax is blatantly unfair and discriminatory against older workers, as it penalizes those who choose to work beyond retirement age. This is an undue hardship on seniors who are able to work, and it must be repealed.

The Social Security earnings limit is a relic of the Depression. It was designed to keep older people out of the workplace and to allow more existing jobs to go to young people. In the static economy of the time, when jobs were few and far between, and when no new jobs were being created, it seemed an economic necessity.

Now, however, there are more opportunities, and employers are willing to hire older workers, who have the experience, and the patience that comes from experience, to do a good job.

That is why I first introduced legislation in 1985 to repeal the Social Security earnings limit, and have reintroduced that bill in every Congress since. This legislation would allow America to use the experience and expertise of older workers without subjecting them to penalties.

Let's not keep our seniors sitting on the sidelines. Many older workers would like to continue to work in some capacity in order to supplement their Social Security benefits, and to maintain a feeling of being useful. The Social Security earnings limit keeps seniors out of the work force.

This year the earnings limit is $7,080 for those who have signed up for Social Security and are under the age of 65. Those between the ages of 65 and 70 can earn $9,720 before their Social Security benefits are reduced. Once the earnings limit is reached by a beneficiary under age 65, benefits are reduced $1 for every $2 earned over the limit. For the beneficiary between 65 and 70 years old, benefits are reduced $1 for every $3 earned over the limit. So we have our older workers, after they have reached the earnings limit, essentially having to work for half pay or two-thirds pay for the remainder of the year. It's a steep tax on older workers at a time when they can least afford it.

Mr. Speaker, this is unfair discrimination on the basis of age. That is why I am supporting the Older Workers Freedom to Work Act, to repeal the Social Security earnings limitation, and I urge all my colleagues to join in this fight for fairness.

□ 1910

Again, I want to thank my colleague for taking out this special order. It is time that we move and have some action on this subject.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from California. He points out that really the Social Security earnings test is age discrimination. I guess it is as pure and simple as

that. That is why leading corporations and businesses around the United States today such as Sears Roebuck and Days Inn are looking for seniors to be people who can be productive in their work force and not just productive individuals but people who can lead and train other employees.

I really appreciate the gentleman from California enlightening us on the issues from his perspective in his district.

Mr. Speaker, I yield to the gentleman from Florida [Mr. GOSS], who has quite a number of seniors in his district.

Mr. GOSS. Mr. Speaker, I thank my colleague, the gentleman from Illinois, for yielding.

Mr. Speaker, I must begin by commending my colleague, the gentleman from Illinois [Mr. HASTERT] and the gentleman from Arizona [Mr. RHODES] for doing an absolutely outstanding job of bringing together the forces that realize just how unfair the earnings test is and focusing on it and getting some action going.

This has been going on for a number of years to try and get to the moment when we move legislation. With 242 cosponsors now, you deserve a lot of credit.

I want to talk a little bit more about the championing of the repeal of the earnings test and why it is necessary. I think our colleagues who have gone before have said it quite well and hit a number of points.

There are several things yet that have not been covered. H.R. 967, which is the repeal vehicle, would boost the effectiveness of the Social Security Act by freeing older workers from penalties levied on their earnings. I think that is a critical point in a tough budget year.

I think truthfully the repeal bill is a bill which is good for older workers. It is good for business. It is good for government. And it is good for America. And to use an old line, it is probably good for General Motors, too.

I would challenge almost anybody to walk down the street anywhere in America today and ask somebody if they think the U.S. Congress is logical. The chances are, I think, that you would get an answer that there is a great deal of illogic in what goes in Congress, and perhaps this earnings limitation test is as good an example as any.

We are telling retirees collecting Social Security benefits that if they seek to gain, they lose. Not only did we place our senior citizens in an extreme disadvantage, but we are constraining their earning potential at a time when they really are most dependent on their income as has been noted by almost everybody who has addressed this subject.

We are not talking about people who are trying to go out there and buy boats or add on to their house. We are talking about people who are trying to put groceries on their table, pay the rent, get their prescription drugs. These are the things, the stuff that my mail is made up of when I hear from senior citizens on this subject.

The truth is that an awful large percentage of retirees in my district are, in fact, affected by this, and they are very, very frustrated. We have been getting mail all along, and we are now getting a good deal of applause, because there is hope for the first time.

Again, I think the gentleman from Arizona [Mr. RHODES] and the gentleman from Illinois [Mr. HASTERT] and the others who have carried the water thus far deserve credit, and I hope that people understand that.

Folks in my district are watching inflation as we all are and escalating health-care costs which are particularly pertinent to some of our senior citizens, eating away at the retirement benefits that they planned for and they have husbanded and they have been good savers, and yet they see that they are getting further and further behind the fiscal curve.

What do they do? They say, "Well, I am a good American. I am going to go out and work." What do we do as Congress? We say, "If you do, we are going to penalize you." That just does not make any sense.

There is this misconception that has been addressed that it is the wealthy that benefit, will only be the beneficiaries of the repeal of this tax. Well, that is ridiculous.

I think, as my colleague from Illinois has pointed out, the earnings test applies only to earned income, so we are really talking about the people who need the money being able to earn the money without being penalized.

Florida 13, which is my district, which is the southwest coast of Florida, running from Sarasota down into Naples, has got one of the largest numbers of senior citizens who are affected by the earnings test. So when I speak to this subject, I speak with some feeling about it, because I talk to these people and hear their stories, and I am sure we all have stories.

I have many constituents who have confided to me, as the gentleman from Oklahoma said earlier, that they are forced to falsify information in order to be able to go out and work to get the money they need to get on with their lives, and this does not make them happy. It is not their way.

Anything that we do that forces them to do that is clearly intolerable on its face. Even if there were not a lot of other good reasons why we should get rid of this test, that is one of them. I have got a situation, a gentleman from Tice, FL, a Mr. Milton Ludlow, who called us recently, in fact, while I was sitting here earlier this evening, Mr. Speaker, a note was delivered to me from my office.

The situation with Mr. Ludlow is that he comes from Tice, FL. That is not an affluent place at all. It is a place of workers, a nice community spirit, people who go out and understand what it is to get up in the morning, to go to work, put in a hard day's work and get a good day's pay for it. Mr. Ludlow inadvertently exceeded the earnings cap. He did not understand all the fine print, had not read all the letters. I understand he is a printshop operator in the high school system earning some extra dollars.

It turned out that what happened is that he got penalized $5,579 in taxes reclaimed by the earnings test over a period of a couple of years. This has been going on. On top of that, he was penalized an additional $4,237 for a grand total of $9,816 to come out of this gentleman's pocket. Now, what that means is he is giving up $10,000 which he would have had to reinvest in the economy one way or another. He no longer has that money, and I have just been informed that he is in danger of losing his house because he now cannot keep up his mortgage payments because he no longer has the income plus he has had this $10,000 whack taken out of his life, and a big problem in their lives, apparently, is paying the premiums for his wife's health insurance, which we all know is another subject, the high cost of health insurance.

We have done a series of things ganging up on our senior citizens here, and we need to do something about it. This is an easy way to do something about it.

I think most of the other points that I wanted to refer to tonight, speaking to this repealing this test, have been covered by the others, and I know there are others who have words and thoughts that they want to convey.

But my colleague from Illinois needs to know that what the gentleman referred to previously, the gentleman from Georgia it was, referred to previously about the work ethic of the older people is true. We have studies for that. We all read it in the New York Times yesterday, but we knew it anyway, those of us who deal with senior workers in our communities.

The fact, now, that somebody has come out and says that our senior citizens have a better work ethic, a lower rate of absenteeism, and more dedication to the job, that is nice to hear it, but we knew it anyway, and it is true. Consequently, why then are we penalizing these people when there are all of these benefits?

The only reason I keep hearing is that because we cannot balance the budget.

Now, I do not know who is cranking the numbers these days, but I did a little home arithmetic.

If we are dealing with 6 million unemployed Americans over age 55 ready and able to work and you go through

some basic elementary multiplication on the earnings-test limitation and what the likely product of their work would be of putting them in the workplace and putting the dollars that they earn back into the workplace and without even including all the extra problems we are making for ourselves in the Social Security area by creating problems like having people not be able to pay their rents, then it seems to me that the numbers that I come up with are right, that this is a revenue-positive repeal, and I think that is a very important point.

Mr. HASTERT. On that point, studies that we have right here show that if we, say, take a modest proposal of the earnings test, and say there is an earnings test of $40,000 instead of the earnings test that we have today, that those numbers would allow 700,000 people to go back to work. It would create an increase in the gross national product and economic activity in this country of $15.4 billion and bring a net return to the Federal Government of $3.2 billion.

□ 1920

So those people that say this will cost America, it will cost taxpayers, are just flat wrong. We need to look at the dynamics of this, instead of looking at the straight figures that CBO gives from time to time.

Mr. GOSS. Mr. Speaker, I thank the gentleman for letting me have this much time to share thoughts. They are very personal to me and a matter of great interest in our district. The earnings test has outlived its usefulness, but our workers have not. I think we need to get on with that.

Mr. HASTERT. Mr. Speaker, I yield to my colleague from the Florida Sunshine State.

Mr. BILIRAKIS. Mr. Speaker, I too take the liberty to thank the gentleman from Illinois [Mr. HASTERT] and of course the gentleman from Arizona [Mr. RHODES] and others who have worked with him over the years on this issue.

It is an issue that affects, as has been said so well by many before me, most Social Security recipients of all ages, but particularly older Americans. However, we have to emphasize "all" ages. There are plenty of illustrations. Eliminating the earnings test for all Social Security beneficiaries is a concept which is as American as apple pie and which I have supported since I became a Member of Congress in 1983. However, it was not until the gentleman from Illinois [Mr. HASTERT] came aboard with the gentleman from Arizona [Mr. RHODES] that the proper leadership came into the Congress to lead Members in this regard.

I have cosponsored legislation this year, as well as I did in my prior Congresses, introduced by the gentleman from Illinois [Mr. HASTERT], to remove the earnings test completely for those persons age 65 to 69. I have also cosponsored the bill of the gentleman from Texas [Mr. ARCHER] to remove Social Security earnings test for persons receiving survivor benefits, or persons who retire early, and persons age 65 to 69 years of age as well. I think it is very important that we consider those people who are not in that age bracket, but who are also drawing Social Security for one reason or another, such as disability, or the loss of the earner in the family.

I support both the approaches because I believe this will encourage more Americans to either seek employment or to continue working, depending on their situation. My congressional district, and we all tend to talk about our congressional districts because after all this is a republic and we represent those good people back there, but my district includes in addition to Hillsborough County, FL, that surrounds the city of Tampa, Pasco and Pinellas counties, which similarly have one of the highest concentrations of senior citizens in the country.

Since I was elected, as others have said earlier, I have heard many negative comments about the current earnings limitations from those constituents. Most complaints are from retired persons wishing to return to the work force, and I dare say, we never had, and I probably speak for other Members of the House, we have never had a town meeting when someone, at least one person, raised the point. I recently heard from a younger mother who has been receiving Social Security survivor benefits since losing her husband in a drunk driving accident, which was not his fault. After her husband's death, this woman put herself through college so she could have a career to support a small family. In her letter to me she expressed her dissatisfaction with the current law, saying it has been very difficult to raise her son without the Social Security benefits. She tells me she feels she would not survive, a young woman who suffered tremendous tragedy, tremendous adversity, and had the guts and stick-to-itiveness to put herself through college to learn a career, to be able to take care of her young son and herself. Yet they penalize her by virtue of saying that any amount that she might earn over and above that certain figure will be offset.

The message, regardless of whether it is a senior citizen or a young widow is still the same, my constituents believe that the earnings limitation is unfair. Our constituents, all over this country of ours, believe that the earnings limitation is unfair. After all, who do we work for? We work for those constituents. I have given them my word that I will work with my colleagues to repeal the earnings test as swiftly as possible.

As has been explained earlier, for the beneficiary 65 years of age to 69 years of age, the current loss of $1 for every $3 earned above $9,720 is bad policy. For persons who receive Social Security survivor benefits, the young lady I spoke about earlier, or who might retire by age 62, the loss is $1 for every $2 earned above $9,720. Congress, as has been said so well better than me by others, should be encouraging, Congress should be encouraging. After all, that is what America is all about. We should be encouraging these people to continue to be productive, contributing members of our society. However, instead of encouraging them, we are discouraging them by limiting their Social Security benefits, benefits that many have earned by working most of their lives.

Realistically speaking, Mr. Speaker, older Americans are living longer, as we know. I believe the fastest growing age bracket are those over age 85. They are living longer and healthier lives. As a result, they will be able to continue to work and offer many attributes to our society through wisdom, expertise, through practical everyday type of experience, and not to mention their payroll taxes for longer periods of time.

Mr. Speaker, the gentleman from Florida [Mr. GOSS] and others, and I know other speakers before the evening is out, will explain that we are talking about a positive to the Treasury, rather than a negative if we were to repeal this earnings test.

Our country's current recession requires many beneficiaries must supplement their Social Security benefits with additional income. I do not believe they should be penalized for wanting to work. If older citizens want to work past the traditional retirement age, I think they should do so without having their Social Security benefits reduced based on formulas created by Congress. Certainly it must border on unconstitutionality.

I come from a family of Greek immigrants who literally live to work. I know many persons who would wither away and die if they had to stop working. For these people, their jobs are where they get their feeling of self-worth and self-confidence because they have worked for many years. Why should they be forced to stop working? This is what this limitation is doing, forcing them to stop working. Is it fair to place rigid financial restrictions on them just because they turn age 65? I am not that far away from that point. I hope I could continue to work afterwards. Or, if they become disabled, or have untimely deaths in their family? I do not think so.

Tomorrow, Mr. Speaker, the subcommittee under the Committee on Ways and Means will be hearing testimony from witnesses who agree with me and many of my colleagues. There are 224 colleagues, which I understand

is the latest number, who cosponsor this legislation. It only takes 218 to pass a piece of legislation in this august body. For crying out loud, the majority of the Congress representing the majority of the American people want a change insofar as this area is concerned.

Before the subcommittee members tomorrow hear our thoughts on this matter, I would like to imagine what it would be like for them to have a portion of their Social Security benefits withheld, benefits which they earned, after a lifetime's work, because they merely want to contribute, to contribute to the society when they turn age 65.

The answer is clear. It is clear by retaining the earnings test we are discouraging people from continuing to work.

I hope the subcommittee will see the injustice of this twisted logic and try to work with Members in order to resolve this situation. Not only will our Social Security recipients benefit from this decision, not only will our Treasury benefit from this decision, but so will the rest of our society.

Again, I thank the gentlemen, particularly the gentleman from Illinois [Mr. HASTERT] and the gentleman from Arizona [Mr. RHODES] for being great leaders on this subject.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Florida for his leadership and hard work he has played on behalf of lifting the earnings test.

Mr. Speaker, I yield to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, along with many other Congressmen, I stand here today to endorse the gentleman from Illinois, Mr. HASTERT's, Older Americans' Freedom to Work Act. This act will remove one of the most unfair burdens imposed on small businessmen and senior citizens—the outside earnings limit on Social Security benefits.

If a senior citizen continues to work, the outside earnings limit imposes a tax on their Social Security benefits. This earnings limit, is effectively a disincentive to all senior citizens who wish to contribute to their own welfare, and to the productivity of the business sector.

Specifically, this earnings limit requires Social Security to deduct $1 of benefits for every $3 earned above the ceiling of a senior's allowable annual income. This earnings limit is effectively a 33-percent tax. Under current law, beneficiaries aged 65 through 69 can earn up to $9,720 before this tax is imposed. The Social Security earnings limit, combined with Federal, State, and other Social Security taxes, can amount to a shocking 70-percent tax bite on any income earned above this limit. Older Americans who wish to work should not carry a tax burden half this size.

The outside earnings limit discourages, and in some cases prevents, thousands of older Americans from continuing to exercise one of their most fundamental rights: The right to work. It also denies our economy of the productive participation of skilled, experienced workers.

The New York Times ran a story yesterday, entitled, "New Study of Older Workers Finds They Can Become Good Investments." In that article, Dr. Eli Ginsberg, director of the Eisenhower Center for the Conservation of Human Resources at Columbia University notes that: "With each passing year there will be more and more upper-age Americans interested, able and desirous of working. Unless the country wants to pay additional taxes to support a lot of elderly people, it makes more sense to offer them the opportunity to work and earn an income." I strongly agree with Dr. Ginsberg's assessment. There are older Americans in ever-increasing numbers who have proven themselves to be reliable, hard-working employees. Let us give older Americans the incentive to bring these assets to our work force.

The strength of America's workforce is also hurt by the Social Security earnings test. Many small businesses in Florida are already dependent on the contributions of an older work force and are adversely affected by the earnings test. Demographers tell us that between the years 2000 and 2010, the baby boom generation will be in its retirement years. With fewer babies being born to replace them, we are looking at a severe labor shortage. In the 1930's, when this limit was devised, encouraging the elderly to leave the work place might have been seen by some as a positive act. It was mistakenly designed to increase job opportunities for younger workers. Today, in 1991, with our shrinking labor force, such a policy is archaic and must be changed.

Repealing this limit would reduce the burden of needless paper work and bureaucracy. In order to police the earnings levels of our seniors, the Social Security Administration spends more than $200 million to administer the earnings test. It is unconscionable that after spending $200 million to monitor income levels, the earnings test is still responsible for 60 percent of all Social Security overpayments, and 45 percent of all underpayments. Let us remove this bureaucratic stumbling block.

A recent study by former U.S. Treasury Department economists shows that removing the outside earnings limit would actually produce an additional $3.2 billion in revenue. Removing the limit would encourage an additional $700,000 senior citizens to continue working. This would increase the revenues collected because a larger work force will be paying income and Social Security payroll taxes.

The repeal of the Social Security earnings limit would bring high quality workers into an ever-shrinking labor pool. It would raise revenues and cut bureaucratic waste. But, certainly one of the most compelling reasons for supporting a repeal of the earnings limit is the direct benefit it will be to the older Americans in our congressional districts.

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Mr. HASTERT. Mr. Speaker, I thank my colleague, the gentlewoman from Florida.

Mr. Speaker, I yield to the gentleman from Florida [Mr. HUTTO], a gentleman on the other side of the aisle who certainly has been a diligent worker on this issue and has been there every time we had a hearing and a rally.

Mr. HUTTO. Mr. Speaker, I thank the gentleman very much for yielding to me.

Mr. Speaker, I appear before the House today in wholehearted support of the Older Americans Freedom To Work Act, H.R. 967. I commend my colleagues, Mr. HASTERT and Mr. RHODES, for all of their work and efforts in bringing this issue the attention that it deserves.

Now that more than 240 Members have joined in support of H.R. 967, I hope that we have the opportunity to vote to end the inequitable burden placed on America's older citizens by the Social Security earnings test. Without a doubt, the earnings limit is grossly unfair. The earnings test not only denies some of our most productive and experienced citizens the opportunity to help support themselves, but also prevents them from contributing to our Nation's economy.

Because Americans retire or simply desire to enjoy the fruits of their labor, does not mean that they are unwilling to work. Moreover, because individuals elect to receive Social Security benefits does not mean that they do not need to work. To the contrary, many individuals must work because their Sccial Security benefits or pensions do not fulfill their basic living needs. The deficiencies of the Medicare Program and the skyrocketing cost of health care have only heightened the need for many older Americans to continue working.

The earnings test was originally implemented because Social Security benefits were designed to assist only those individuals who were truly retired. Clearly, the societal demands on Americans negate the original purpose of the earnings test. While the Social Security Progam has served this Nation well for many years, I regularly hear from constituents who express concern for the shortfalls of the progam. Certainly, the most common

complaint I hear is related to the earnings test.

Finally, I will approach this issue from a personal perspective. There are many Members of Congress that are currently eligible for Social Security retirement benefits. I ask my fellow older Members of Congress if they would be content to limit themselves, the way we currently limit the lives of our country's retired citizens. I know that I am not ready to reduce my activities and I do not believe that you are either.

People are living longer and leading very active lives far beyond retirement. For older Americans, the opportunity to remain active participants in society is much greater today than it has ever been. It is now time to permit older Americans to live the lives to which they are capable. Mr. Speaker, it is time to eliminate the earnings test and I urge all Members of Congress to support H.R. 967.

Mr. HASTERT. Mr. Speaker, I appreciate the gentleman from Florida coming here this evening and giving us his perspective on this earnings test.

Mr. Speaker, I yield to the gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Mr. Speaker, I would like to thank my colleague for yielding to me.

I would like also to congratulate the gentleman from Illinois [Mr. HASTERT] and the gentleman from Arizona [Mr. RHODES] for their leadership.

You know, as I do the average of four town meetings every weekend up in New Hampshire, there has never been a more important critical issue than the issue facing our seniors who live on fixed incomes. As we all campaign, I feel and felt then that we can all individually make a difference. A "yes" vote on this amendment will make a big difference for the people who we serve.

Mr. Speaker, I wish to express my strong support for the Older Americans Freedom To Work Act, which would repeal the Social Security earnings test instituted in the 1930's. The result of this outdated provision has been to move older Americans out of the work force to make room for younger Americans. During the Great Depression, it was an important and certainly necessary piece of legislation, but its value has long since expired.

Under current law, seniors age 65 to 69, who make more than $9,720 annually, lose $1 in Social Security benefits for every $3 earned over that limit. Our Nation's elderly can hardly afford to absorb such a penalty. The skyrocketing costs of health care combined with the steadily rising costs of living have made supporting oneself and one's family increasingly difficult. Add to this bleak scenario the Social Security earnings penalty, and it becomes nearly impossible for older Americans to comfortably make ends meet.

In response to those who claim that a repeal of the earnings penalty will hinder our economy, I submit that such a move will, in fact, significantly boost our current economic situation. Any increase in Social Security benefit payments will be more than offset by the increase in Federal revenues generated from the new taxable income of elderly workers.

Mr. Speaker, in order to remain globally competitive in the 21st century, it is clear that we will have to use every available resource, especially in the U.S. work force. We must do away with obsolete policies such as the Social Security earnings test, and encourage all Americans, including our Nation's seniors, to remain productive and hard-working members of our society.

I strongly urge my colleagues to support H.R. 967.

As a small businessman myself for the past 32 years, I do not know of a dumber law that is on our books—and excuse me for using that expression—than one that discourages people from working. It is un-American, it is unfair, unproductive and just plain dumb. Let us get on with it, let us pass this very, very important piece of legislation.

Mr. HASTERT. I thank the gentleman from New Hampshire. I might ask the gentleman while he is in the well, since he certainly comes out of the small business sector in this country, being in the restaurant business and the inn business, there is a demand for productive older citizens in this country from the gentleman's perspective, is there not? The gentleman has told me that before, and I think he might say something about that.

Mr. ZELIFF. I might just pass this on. In our three small businesses up in New Hampshire we employ 52 people, in the White Mountains of New Hampshire. The bulk of these people are senior citizens.

Mr. Speaker, the National Restaurant Association this weekend passed a resolution in support of this resolution. Also, the American hotel/motel people. Seniors provide a very strong and very valuable asset. We should encourage them to work. They are a tremendous asset for our industry. We cannot do it without them.

Mr. HASTERT. I thank the gentleman from New Hampshire.

At this time I would like to yield to a colleague from the State of Ohio, Mr. DAVE HOBSON.

Mr. HOBSON. Mr. Speaker, I rise today in support of H.R. 967, the Older Americans Freedom To Work Act of 1991. I commend Mr. RHODES and Mr. HASTERT for introducing this important legislation and coordinating the special order.

I cannot imagine a Congress in which the Members were encouraged to retire at age 65—regardless of their health or ability as a legislator. Nor do I care to imagine the experience and wisdom that would be lost if an arbitrary age limit forced our colleagues to retire. Yet that is what we currently ask of our constituents—to retire at an arbitrary age regardless of their health or ability to work.

The earnings test on Social Security benefits is a strong disincentive to work. Because earnings tests are so low, almost all full-time older workers lose a portion of their Social Security benefits—even if they are working for minimum wage. Many of the older workers affected by the earnings test accept lesser paying jobs or quit working altogether to avoid the earnings test. Older workers suffer from a reduced standard of living and America suffers from a loss of valuable experience and skills.

When it was enacted, the earnings test made sense. It was intended to encourage older workers to make way for the younger, unemployed workers of the great depression. But times have changed. By the turn of the century less than 2 million young people will be entering the work force to fill more than 5 million vancancies created by older Americans.

Repealing the earnings test makes sense for several reasons.

First, the earnings test is applied to income from work, not income from private pensions or interest. Men and women who work to support their retirement are penalized by the earnings test while upper-income persons who receive investment income are not. The earnings test is unfair to men and women who need additional income in retirement.

Second, the earnings test is difficult to administer—over one-half of the overpayments to retirement and survivor programs are due to the earnings test.

Third, while it is possible that more people would receive more benefits if the earnings test is repealed, it is also true that people would work more and pay more in Social Security taxes, offsetting much of the impact of an increase in benefit payments.

Finally, repealing the earnings test is a matter of dignity.

Older workers add dignity to the American work force. They are dependable and motivated workers who contribute to the work force a wealth of knowledge and a lifetime experience.

As older Americans live longer, healthier lives, work becomes more than just a source of self-support—work becomes a source of self-esteem. Older Americans deserve the dignity to be able to choose what keeps them young, and if it is work that keeps them young, then they should be free to work—without the threat of lost retirement benefits.

Again, Mr. RHODES and Mr. HASTERT, thank you for your work on this issue and allowing me the opportunity to ex-

press my support for The Older Americans Freedom to Work Act.

Mr. HASTERT. I thank the gentleman from Ohio, who makes a very good argument why this onerous act should be repealed.

It is certainly, a remnant of the Depression. And it is time we get back to the 1990's thinking.

Mr. Speaker, I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding.

Mr. Speaker, I would also like to extend my thanks to the gentleman from Illinois [Mr. HASTERT] and the gentleman from Arizona [Mr. RHODES] for allowing us to participate. I would also like to draw attention to the fact that of the speakers, the majority are from the freshman class, both Democrats and Republicans, who are in support. The numbers of 240 that you had are going to be much increased by the freshman class from both sides of the aisle.

Mr. Speaker, I have one problem with the Older Americans Freedom To Work Act. That would be that I would prefer to call it the Chronologically Gifted Freedom To Work Act. I think if we think about it, instead of older Americans, senior citizens, if we think of it as chronologically gifted, I think it would be a much better direction.

I believe my colleague, the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Florida [Mr. HUTTO] would agree also.

They tell us that some of the most critical and important things that we can do while we are in Congress here are to work toward education, medical care, for our chronologically gifted. I would like to submit to you that we have a plan in my district of San Diego to where it is not a gift but they are trying to establish a senior citizens home, low-income housing to where at least 50 percent of the senior citizens would be employed and they would also be employed to work with working mothers to give them the advantage of going to work. But on the other hand, the same senior citizens would help working mothers, would help people get off the welfare rolls, help people get a job, and they are being penalized, and it is just not right.

With today's seniors, we have the skill and experience which are demanded in the job market. Why should senior citizens receiving Social Security work if everything they receive over $9,700 is taxed? To me it is just not right.

Repealing the earnings test would deprive the Federal Government of billions of dollars in taxes, we are told. That is just not true. It is a win-win situation, and I am in full support of repealing the earnings test.

Certainly, the Government would no longer receive the 33 percent tax penalty from working seniors, but how many seniors would reenter the work force if they knew the Government would let them keep more of their earnings? A study by two former Treasury Department economists, Al Dona and Gary Robbins, found that abolishing the earnings test would yield $150 billion more in tax revenue over 5 years because more seniors would work, earn more money and pay more taxes.

Can you imagine, each one of you who has gone into your senior citizen homes and have seen the independence that those people have when they are allowed to work; we talk about education being important to the Congress and the President is coming out with an education bill; but think of the value that senior citizens, with their history and their experience, could give our children if we let them do that.

Let seniors get back to work. Join me in supporting the Older Americans Right To Work Act, or the Chronologically Gifted Americans Right To Work Act.

Mr. HASTERT. I thank the gentleman from California.

Mr. Speaker, at this time it gives me extreme pleasure to introduce and yield to one of our colleagues, JIM BUNNING, who has certainly been the leader on this issue for the years that we have worked on it. But beyond that, he is a member, an esteemed member of the Subcommittee on Social Security of the Committee on Ways and Means. It is through his great efforts that we were able to get a hearing on this.

I salute the gentleman and yield to him at this time.

Mr. BUNNING. I thank the gentleman from Illinois and congratulate him on his work, and the gentleman from Arizona [Mr. RHODES] on his work on this piece of legislation.

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Mr. Speaker, I also would like to congratulate the rest of the Members of our freshman class that came in in the 100th Congress who have been working on this as a class project since the second year that we were in the Congress, and I think it is very important that everybody realize that this has been taken on by the 100th Congress Republicans as a class project from the very beginning.

Mr. Speaker, I rise today in support of lifting the Social Security earnings limitation imposed on our senior citizens who choose to work after they retire. A leftover of the depression era, the earnings limitation is nothing more than a way to impose an incredibly high marginal tax rate on our working senior citizens, pure and simple.

For many seniors, the jobs they hold gives them much-needed income to make ends meet, which would be difficult to do if all they had to live on was their Social Security benefit check.

Almost two-thirds of my colleagues have signed onto legislation aimed at altering or repealing the earnings limitation. In fact, half of the Social Security Subcommittee, of which I am ranking member, have cosponsored at least one bill that would affect it in one way or the other. This gives me every indication that changing the earnings limitation is an issue whose time has come.

Mr. Speaker, tomorrow morning the Social Security Subcommittee will be holding a hearing on raising or entirely repealing the earnings limitation. I hope some of my colleagues who are still sitting on the fence on this issue will review the testimony that we are going to receive tomorrow because I am confident it will be proven that eliminating the earnings limitation will certainly not add to the deficit but will rather increase revenues and add to our shrinking work force.

We should no longer inhibit our senior citizens from wanting to still make their contribution to society. To quote John F. Kennedy, "It is not enough for a great nation merely to have added years to life—our objective must also be to add new life to those years." By getting rid of the earnings test, I think Congress would live up to those words.

Mr. Speaker, I want to again congratulate the gentleman from Illinois [Mr. HASTERT] on his fine work in having this special order. I think it is very important that tomorrow we hear testimony that is positive, and I am sure we are going to hear from the many seniors that are going to appear before the subcommittee, and I am looking forward to the testimony of the gentleman from Illinois tomorrow.

Mr. HASTERT. Mr. Speaker, I certainly appreciate the comments of the gentleman from Kentucky [Mr. BUNNING], and I again want to congratulate him on his diligence in being our leader, at least on the Subcommittee on Social Security and the full Committee on Ways and Means on this issue. He has done great work, and we certainly appreciate his efforts.

Mr. BUNNING. Mr. Speaker, I say to the gentleman from Illinois, "Thank you very much."

Mr. HASTERT. Mr. Speaker, I am pleased to have this opportunity to address one of the most critical issues facing our country—that is, the need for us to produce a work force prepared to meet the economic demands of the 21st century.

America is facing worldwide challenges to its economic strength. To meet those challenges, we must adapt to a changing world by bolstering our competitive edge. In order to compete in the new global marketplace, the United States must begin by fielding the most productive and efficient workforce possible.

Unfortunately, we are not encouraging the most experienced and able labor force possible because we continue to enforce outdated

policies that simply are out of touch with modern economic realities.

The Social Security earnings limit is one of the most blatant examples of this practice. Not only is it an antiquated Depression-era relic that penalizes senior citizens who choose to work after they reach retirement age, but it also adversely affects our economy, our Nation's business and our competitive edge.

Seniors between 65 and 70 who earn more than $9,720 are slapped with a 33-percent penalty. In short, the Government siphons $1 in penalties for every $3 a senior earns over the limit. When coupled with Federal taxes, seniors who earn a paltry $10,000 per year are faced with a 56-percent marginal income tax rate—nearly twice the rate of millionaires. That is just not fair.

The Social Security earnings test is age discrimination, pure and simple. And it afflicts the seniors who need extra income the most. Seniors can receive stock dividends and interest payments without losing Social Security benefits, but those who work at low-paying jobs to make ends meet are punished for attempting to remain financially independent.

No other demographic group in the country is so blatantly discriminated against; no other group faces such obstacles when they attempt to become productive and financially self-reliant. But worse than that, the earnings penalty sends a message to the elderly that we no longer value their expertise and experience in our labor force.

The earnings penalty is not just a policy abstraction that number crunchers deal with. It affects real people facing harsh economic realities as they try to make it on a limited income. It isn't just numbers, or statistics, or points on a graph. This Depression-era fossil causes hardship for real Americans. Americans who want to work—who need to work—but are taxed unfairly because they do so.

At a time in our history when the operative buzzword is "competitiveness," we in Congress have the responsibility to enact policies that help us achieve that goal. Just as business leaders must modernize their factories, congressional leaders must update public policy.

And clearly, this is a policy that begs to be updated.

The Social Security earnings penalty was instituted in the 1930's to discourage seniors from working and make room for younger Americans to enter the workforce. Whether this was a good idea at the time is hardly relevant; as the U.S. population ages, seniors are becoming an increasingly important segment of the labor force. The Government should support them, rather than financially penalize them, for remaining active and productive.

By the end of this decade, there will be 1.5 million fewer members of the workforce aged 16 to 24. Coupled with this trend is the fact that there is a sharply increasing number of older persons relative to the working population. To respond to these challenges, the United States needs to attract more people to participate in the labor force.

I have heard many of the arguments that allege repeal of the earnings penalty will cost the Government money, and is therefore unwise. But that is a static view of both older workers and the economy. In the long run, repeal of the earnings penalty will save the Government money, which will not only help seniors but the economy in general.

If the earnings penalty is repealed, more seniors—up to 700,000, according to the National Center for Policy Analysis, an economic research group—would rejoin the work force, thereby expanding the tax base and increasing the amount of tax revenue the Government received from these returning workers and returning taxpayers. As a result, the NCPA reported, the annual output of goods would increase by at least $15.4 billion.

The NCPA, in concert with the Institute for Policy Innovation, another research group, also reported that if the earnings penalty is repealed, "Government revenue would increase by $4.9 billion, more than offsetting the additional social security benefits that would be paid." Clearly, repeal of the earnings test would give the economy a much needed shot in the arm.

I have also heard the argument that Social Security is an insurance policy; that Social Security benefits should be allocated only to those who are retired—and if someone is still working, and hence not retired, he or she should not receive full benefits.

This reasoning ignores the difficulty seniors encounter in attempting to survive solely on Social Security or working at a job. Seniors frequently need both to make ends meet. Because economic realities necessitate more money than Social Security or, say, a job at McDonalds, provides, the earnings test must be repealed. These are the realities of the cost of living in the 1990's.

Support for repeal of the earnings test is coming from all over the political spectrum in Congress, from the most liberal to the most conservative Members joining in cosponsoring the Older Americans Freedom To Work Act. This majority reflects continuing support for the American principle of self-reliance as opposed to Government reliance.

As our country takes steps to make itself more economically competitive for the 21st century, it is clear that we will have to use every available resource, especially in the U.S. work force. Remaining competitive in the next century requires adopting policies that foster economic vibrancy and doing away with outdated policies that inhibit it. Repealing the Social Security earnings test will both encourage a large portion of the population to remain productive and help bolster the economy. The realities of our economic situation demand that we do so.

Mr. ANNUNZIO. Mr. Speaker, in recent years changes in attitudes toward retirement have encouraged America's senior citizens to continue working much longer than before.

That's great because in today's environment of skyrocketing health care costs, many middle-income seniors are working beyond age 65 to safeguard their financial security.

The problem is the Federal Government hasn't responded to this trend. In fact, when one considers the current earnings penalties that apply to Social Security recipients, we're still operating under rules designed for the depression-era economy of the late 1930's. It's high time we moved beyond those outmoded rules so that America can begin realizing the full potential of its seniors.

We have an opportunity to move forward on this issue by passing H.R. 967, a bill I have cosponsored that would reduce the earned-income penalties now assessed against Social Security recipients. If enacted, the Older Americans' Freedom To Work Act would reduce by 5 years the age at which seniors are free to earn as much as they want without triggering a cut in their Social Security benefits. Currently, seniors age 70 or over are exempt from earnings limits, but working seniors aged 65 to 69 must forfeit $1 of Social Security benefits for every $3 they earn above a maximum of $9,720 per year. These penalties are causing financial hardships for tens of thousands of seniors.

They also are forcing many experienced and reliable workers to sit back in their rocking chairs, rather than contributing to our economy. And in today's highly competitive global marketplace, America can no longer afford to let this situation continue. Surveys have shown that if the full economic potential of seniors were unleashed, an estimated 700,000 older Americans would reenter the job market. That would boost our yearly output of goods and services by an estimated $15.4 billion.

Other research from the U.S. Department of Labor indicates that America needs more seniors on the job to offset a growing shortage of skilled workers. The labor shortfall is linked to a rising number of retirees and declines in the ranks of younger workers. By the end of this decade, the number of workers aged 16 to 24 is expected to drop by 1.5 million. At the same time, the number of retirees is expected to rise by 5 million.

In conclusion, this legislation to scale back earnings limits for seniors is an idea whose time has come. Back in the 1930's, Government planners encouraged seniors to retire in order to make room for younger workers. That situation no longer reflects today's reality, and it's time Congress adjusted to the needs of today's seniors and today's job market. If we approve H.R. 967, seniors, workers, and the economy of the United States will reap the benefits. Finally, Mr. Speaker, I commend Chairman ANDY JACOBS and the members of the Subcommittee on Social Security for holding a hearing tomorrow to consider this crucial issue.

Mr. SAXTON. Mr. Speaker, our society has continued to discriminate against older Americans who merely wish to remain active and involved in the workplace.

The Government's discrimination is in the form of monetary infringement.

Upon earning $9,720, a Social Security beneficiary age 65 to 69 will lose $1 of benefits for every $3 earned. A ludicrous deterrent for America's productive elderly.

I call upon this body, today, to repeal one of the most antiquated laws relating to Social Security—the earnings test.

Contrary to the connotation of the earnings test law, seniors are diligent, hardworking, and valuable additions to our work force.

We must encourage our older American's to pursue employment in areas where their expertise is needed. That's why I have introduced the Seniors Helping Seniors Act.

This legislation will exempt wages earned by seniors working in respite and inhome care services. With trained older Americans aiding neighbors with various activities of daily living, we can keep frail elderly in their homes and keep a productive senior, with needed skills, active in our work force.

Let it be known that tomorrow, May 23, the Ways and Means Subcommittee on Social Security will be holding a hearing on the Social Security earnings test. I challenge my colleagues on this committee to bring this bill forward.

Mr. Speaker, the earnings test law does not make cents. It certainly doesn't make cents for seniors and it doesn't make cents for our Government.

I encourage my colleagues to cosponsor H.R. 2305.

Mr. BALLENGER. Mr. Speaker, I would like to begin by thanking my colleague, Mr. HASTERT, for organizing this special order to recognize the hearing being held tomorrow on the Social Security earnings test. This test is one of the most unfair aspects of our Tax Code, and I am glad to have the opportunity to comment on why I support its repeal.

The earnings test was established in the 1930's as a way to encourage senior citizens to leave the work force. During that period in history, this made sense. The country was in the midst of a depression, and young workers were having trouble entering the job market. In fact, at the time the earnings test was conceived, almost 65 percent of men over age 60 had jobs. By decreasing their Social Security benefits, the earnings test gave these older workers incentive to retire so that young people could enter the job market.

Obviously, the test is working. Today, men over age 60 are healthier, the average life expectancy is greater, but only 32 percent of men over 60 continue to work. However, at the same time, the American labor pool is shrinking. We no longer need to provide seniors with incentives to retire, we need to encourage them to work.

Currently, a worker between the ages of 65 and 70 looses $1 in Social Security benefits for every $3 earned over $9,720. This tax, combined with other Federal taxes gives a worker earning $10,000 a year a marginal tax rate of 56 percent—and this does not include State and local taxes. With a marginal tax rate of 56 percent, what senior citizen would continue to work?

In fact, last year, more than 1 million people had their Social Security checks reduced because of this test, while another million lost benefits entirely. In addition, labor economists estimate that the test deters another 1 million from working fulltime.

In my view, the test is unfair. It is unfair both to senior citizens, who lose needed income, and to America at large because we lose some of our most experienced, talented and dependable workers.

In an effort to correct this injustice, I am a cosponsor of legislation (H.R. 967) which repeals the earnings limitation placed on senior citizens. Repeal of the legislation would allow us to beef up our shrinking labor pool with experienced and dependable workers, remove the unfair tax burden placed on seniors, and empower seniors with the opportunity to earn their own financial security.

I would urge my colleagues to join me in cosponsoring legislation to repeal the earnings test.

Mr. LIVINGSTON. Mr. Speaker, one of the most—maybe even the most—important challenges America faces in the 21st century is whether we can strengthen our economic competitiveness. The world is a changing place. The near-doubling of our international trade since 1982, the computer revolution, the dramatic rise in our service industries—all these trends have dramatically transformed our Nation in the last 10 years.

No longer can we rely on the jobs in our traditional manufacturing base. Those are, it is true, leaving our shores. However, whole new industries—with stunning potential for long-term growth—are springing up in their wake. These industries do not rely on physical labor or huge manufacturing plants.

No, Mr. Speaker, they rely on something far more important: Knowledge. As a recent cover story in Fortune put it, "Brainpower has always been an essential asset. . . . But it has never before been so important for business." I also commend to every Member's attention the recent encyclical from Pope John Paul II, who wrote of a new type of ownership, "the possession of know-how, technology and skill."

As never before, American prosperity will depend on information and intellect. That is why government at all levels must do everything possible to encourage those with the most to give to remain at work.

Unfortunately, there is a large obstacle in our way: the Social Security earnings test. With this test, we are not only not encouraging these older workers aged 65 to 69 to remain productive, we are actively, deliberately discouraging them. Our older workers have decades of experience under their belts—they possess knowledge that can be brought to bear on the severe problems America's economy must overcome if the 21st century is to be the "American Century."

The Older Americans' Freedom To Work Act is important to keeping them in the work force. This act makes good sense economically and morally. Our seniors have so much to give America that we should encourage them at every turn.

Mr. Speaker, rarely is there so clear cut a case of good economics, good social policy and good moral policy. This is a win-win situation for our elderly. If they work until they are 69, they can keep all their income as well as their Social Security. If they retire, they will still receive full benefits.

I urge those Members who have not already joined us as cosponsors to do so. Likewise, I urge adoption and enactment of this bill before we adjourn for the year.

Mr. SWETT. Mr. Speaker, I rise today in support of the Older American's Freedom To Work Act of 1991. As my distinguished colleagues all know, the purpose of this act is to amend title II of the Social Security Act to eliminate the earnings test for individuals who have reached retirement age.

Currently the earnings test, or retirement test, applies to citizens under the age of 70 who are eligible to receive Social Security benefits under this law, those individuals who may receive benefits but who continue to work, either through necessity or choice, are deprived of Social Security benefits if their earnings exceed a set limit.

Today, an individual at retirement age may receive other pensions and unearned income from certain trust funds, dividends and interest from investments and income from rental properties, and yet that person still may receive Social Security benefits. But what about those individuals who do not have these sources of income to look forward to and must continue to work? They, too, have paid their fair share into the system and deserve to enjoy the benefits at retirement age.

Are we going to permit this injustice? A widow of retirement age in Concord, with no other pension and few investments, who must continue working to make ends meet, will lose her Social Security benefits, because she exceeds the income limits of the current law. A retired couple in Nashua will lose their benefits when they attempt to open a "Mom and Pop" grocery store and their meager profits put them over the earnings limit. Meanwhile, on the other side of town, those retirees who receive interest on their stocks and bonds and income from their rental properties will not lose any retirement benefits, because their profits are categorized as unearned. This is simply not fair. All of these retirees have contributed to Social Security and they deserve the benefits they have earned.

I speak for many of my constituents when I urge my colleagues to support passage of this important piece of legislation.

Mr. EMERSON. Mr. Speaker, I would first like to take this opportunity to thank my colleagues, Representative HASTERT and Representative RHODES for initiating this special order in support of our senior citizens. I rise today in support of H.R. 967, a bill which would amend title II of the Social Security Act to eliminate the earnings test for those individuals who are of retirement age.

This May as we celebrate "Older Americans Month" I think it is appropriate that we work to bring new light to the problems that senior citizens face, that we remember the Government's commitment to them, that we make every effort to honor the past and present contributions that they have made, and that we let them know that we greatly appreciate the many years they have devoted to the betterment of this Nation—whether it was through their volunteer work, their business contributions, their educational offerings, or their commitment to family.

I have often said that our older Americans are like a living library—experienced in life because they have worked, lived, and learned. They have attempted, succeeded, and yes, sometimes failed, and in the process—the often painful process—they have gained an understanding and a deep knowledge that all of us, young or old, can and should utilize as valuable lessons. Unfortunately, too often we do not take advantage of this great national resource as we should. I truly believe that we are allowing ourselves to be deprived of the advantages of knowing the significance of some hard-learned and valuable lessons.

I think that employers are gradually beginning to discover what many of us have been

saying for years—older workers can make invaluable contributions to the work force and to their communities. We have been successful in convincing employers to employ older workers, but how do we convince older workers to remain a part of the work force when our Government imposes a penalty on those who do?

The burdensome Social Security earnings limitation hinders our older Americans from making contributions to the American work force. Under this rule, working senior citizens between the ages of 65 and 69 lose $1 in Social Security benefits for every $3 earned over the $9,720 limit. Those under the age 65 will lose $1 for every 2 earned over $7,080. If the earnings limit were repealed, the Federal Government would stand to receive increased revenue in new work-related taxes.

Of all the special taxes the Federal Government imposes on senior citizens, this is the most counterproductive. Certainly, no American should be discouraged from working as long as he or she wants to and is physically able to work. It is simply not fair and that is why I am in favor of repealing the earnings test by standing with 241 of my colleagues in support of H.R. 967.

If the earnings limit is not repealed, the Federal Government will continue to be suggesting to our senior citizens that their services and abilities are no longer wanted or needed. I believe it would be a real shame to continue to allow such a valuable resource—the talent, wisdom, and experience of our older Americans—to go unused.

Mrs. VUCANOVICH. Mr. Speaker, I wonder how the American people would react were we to tell them today that for every $2 they earn, they must pay $1 in taxes. Quite alarming, isn't it? I don't think many of us would remain in office for very long. Well, this is exactly what we're telling our senior citizens who choose to work beyond retirement age. Seniors age 62 to 64 who earn above $7,080 per year, lose $1 in benefits for every $2 they earn over the limit. Those aged 65 to 69 who earn above $9,720 per year lose $1 in benefits for every $3 they earn over that limit. No American should be discouraged from working. Unfortunately, one demographic group in our society is severely penalized for attempting to be financially independent. The continued application of the Social Security earnings test, a depression era relic that penalizes senior citizens who work after they retire, is the catalyst for this discrimination. By forcing seniors to forfeit one-third of their Social Security benefits after they earn more than a ridiculously low amount, the earnings test tells the elderly we no longer value their expertise and experience.

Seniors are one of our Nation's greatest resources. They provide leadership, knowledge, and assistance to younger Americans. I feel that we should utilize their strength, wisdom, and experience as long as they are willing to actively participate in the work force. It would be nice to think that all people can retire at 65 and live comfortably on their retirement benefits, but that simply is not the case. Many of today's seniors can no longer survive on Social Security alone.

We must end now the restrictions placed on the amount a person receiving Social Security can earn without forcing that individual to forfeit some benefits. It is my hope that opponents of this legislation will reconsider their stand and think of those older Americans whose dreams are crumbling because they cannot exist on what they receive from Social Security. It is unfair that Social Security recipients can receive unlimited amounts from dividends and interest without being penalized, but those who earn wages have to give up some benefits.

Mr. Speaker, I would like to share with you excerpts from the numerous letters I receive from constituents who are struggling because of this unfair policy. One of my constitutents stated the following in reply to statements that removing the limit on Social Security would only benefit the upper 10 percent:

> If we were in the upper 10 percent we would not have to work.

She further stated:

> When you have a job, you cannot tell your employer, "I cannot work anymore this year." You would not have the job long. However, if you go over the amount you must return to Social Security, one-half of the gross if you are under 65 and one-third of the gross if you are over 65, you are still required to pay the income tax and Social Security tax on the money given to Social Security. * * * Now as seniors, we do not earn enough to live on our wages only. Nor can Social Security be your only support.

This constituent's final plea was—

> All we want is to be able to help ourselves. We are not asking for any more Social Security money so that we can live without working, just that we be able to work and pay tax and keep the net.

The earnings test is forcing these valuable citizens to retire when they prefer to keep working, need the money, and can effectively contribute to society. It is my opinion that if an individual is able and willing to work, there should be no hindrance. It is particularly offensive to me that the Government is the one blocking the opportunity.

In conclusion, Mr. Speaker, I would like to share one tragic example of that this discriminatory legislation has done to one of my constituents in Carson City, NV. We will call him "Jim."

Jim is a 66-year-old saleman of manufactured homes who made $14,955.95 in 1990 and must pay back $1,865.31. Jim and his wife—we'll call her "Jane"—have a combined Social Security income of $921.00 per month. According to one person's calculations, Jim and Jane will both lose 2-plus months worth of benefits.

Jim's wife, Jane, was paralyzed in a car accident several years ago. She is frequently in and out of the hospital and needs constant custodial care, some of which is provided through local aging programs. However, Jim still has to pay for her care on Saturdays and Sundays and for additional hours in the evening when he must work late. He also pays for hospital bedside equipment, new mattresses about every 6 months, and has recently purchased a lift chair.

Jim has a heart condition resulting from a heart attack he suffered in 1988. His heart medication is costing approximately $100 per month. As if this weren't enough, the constant stress associated with years of caregiving for his wife has caused Jim's doctor to refer him to a therapist for symptoms of depression.

Jim has no Medigap insurance coverage and must pay the Medicare 20-percent copayment himself on all these expenses. Jim's medical expenses for 1990 totaled $4,336.12, he was able to claim only $3,202.30 of this amount on his 1990 taxes.

His accountant said:

> His medical expenses are likely to go up and up and up since his wife's condition is deteriorating. * * * It's amazing that he can get up, get so nicely dressed and put a smile on his face every day!

Mr. Speaker, there are many more stories very similar to this one. We must allow our senior citizens the dignity of continuing to work after retirement if they so desire so that they can continue to be self-sufficient. The time is now to repeal the Social Security earnings limitation.

Mr. SPENCE. Mr. Speaker, I strongly support a repeal of the earnings test on Social Security benefits for those individuals who have reached the mandatory retirement age of 65. It is unfair for older Americans who want and need to work to be penalized so severely for earning incomes above $7,080.

We are not talking about a windfall for wealthy Americans. The thrust of this legislation is to correct a flaw in present Social Security law. In the spirit of free enterprise the advocates of this legislation are saying that the time has come to loosen the fiscal restraints imposed upon older Americans. The time has also come to tell those who have worked all of their lives to provide for their families and their communities that the incentive will be there to accomplish these goals. They are individuals who have valuable skills and vast experience from which our society can benefit in addition to a need to supplement their Social Security check so that they can spend the remainder of their lives in the comfort that they deserve. These seniors, who range from 62 to 70 years old, find themselves in a serious dilemma brought on by a system which cannot provide for them all of their financial needs but also will not allow them to supplement their income to meet them.

Mr. Speaker, it is indeed ironic that America continues to rest on a relatively untapped labor resource of senior citizens who are ready, willing and able and need to work but who are restrained and discouraged by an effective marginal tax rate of over 50 percent for any earnings over $10,000. That's twice the tax rate for millionaires. I feel it is not only unfair to our senior citizens but also to our economy to erect such barriers to people who want to work. As if the benefit to older Americans were not enough, studies have shown that the increase in the annual output of goods and services and boost to business would more than justify the change in this policy.

In the years ahead, America will need more working older Americans to fill the gap as fewer young people seek employment. For now, our senior citizens need to have the opportunity to seek employment and to improve their lives. They have given so much and deserve the full benefit of their Social Security. A repeal of the earnings benefit for Social Security would give these individuals the choice they need.

Mr. HAMMERSCHMIDT. Mr. Speaker, I am pleased to join my colleagues in expressing my support for H.R. 967, the Older Americans' Freedom To Work Act of 1991. I would also like to commend the members of the Ways and Means Subcommittee on Social Security for scheduling a hearing tomorrow morning on the Social Security earnings test. I anticipate that the individuals testifying before the subcommittee will voice similar concerns to those expressed by older Americans from the Third District of Arkansas.

Senior citizens often find it both necessary and desirable to continue to participate in the work force. The rising costs of health care make it especially necessary for many seniors to supplement their fixed incomes. By utilizing their vast experience and expertise, these individuals are able to remain financially independent by seeking gainful employment. Not only are the older workers and their families relieved of some financial pressure, but the communities in which they reside also benefit from the valuable contributions these senior citizens can make to their work forces and economies.

By placing a ceiling on the amount of income seniors are allowed to earn, individuals who are dependent on Social Security are effectively limited in their options to supplement their incomes. Under the Social Security earnings limit, seniors between the ages of 65 and 70 lose $1 in benefits for every $3 they earn over the earnings limit. This limitation discourages many older persons from working to remain self-sufficient. As a result both families and the Federal Government must bear greater responsibility in providing older Americans with necessary care and assistance.

H.R. 967 would eliminate the Social Security earnings limit for people who reach the normal retirement age of 65. Having contributed to a fund to guarantee income after reaching a certain age, older workers deserve to draw the full benefits to which they are entitled without being penalized for still being willing and able to work. I urge my colleagues to support the Older Americans' Freedom To Work Act, which would allow older Americans to remain active, as well as encourage them to contribute their valuable skills and knowledge to our Nation's work force.

Mr. ROE. Mr. Speaker, we are here today to discuss a significant issue in the 102d Congress, the Older Americans Freedom To Work Act. I would like to take this opportunity to commend my colleagues Congressman DENNIS HASTERT and Congressman JOHN RHODES for their continued efforts on H.R. 967.

Many converging factors are brought into question when discussing the earnings test or retirement test. Primarily, whether workers and retirees will receive the types of health benefits they are counting on to help safeguard their incomes during retirement. The functions of the Social Security Administration [SSA] touch the lives of nearly every American. Every American who works in this country is entitled to benefits from a program which they contribute to their entire working lives. Clearly stated, Social Security is a retirement benefit that has been earned by a lifetime of contributions to the program.

The earnings test, which reduces Social Security benefits for recipients who earn income from work above a certain amount, has changed several times over the past years. Recently, Federal legislation has sought to encourage older workers to remain in the labor force longer. Statistics have shown that two-thirds of the American work force leave their jobs before age 65, and the median retirement age is 61. With projected labor market shortages in a number of professions, the Older Americans Freedom To Work Act seeks to eliminate the barriers which discourage older workers participation and develops incentives for businesses to retain this valuable source of experience.

The Government's role should be in encouraging the hiring, training and retention of older workers. The Congressional Budget Office recognizes the fact that data that would bear on the question of how the earnings test affects retirement and working decisions is lacking. One question that needs to be asked is: How many people would remain in the work force if the earnings test were repealed? I honestly believe that a large number would stay in the work force.

My point is that this test is a severe disincentive for older people to work. The country continually loses valuable experience and skills and older workers suffer a reduction in their standard of living because of this retirement test. As a member of the Select Committee on Aging, I believe with my other colleagues on this committee that this test is inconsistent with other Federal policies and contrary to recommendations that the Select Committee on Aging has received from many of the Nation's gerontologists who believe that the retention of older workers is healthy for the individuals as well as the company.

Economically speaking, this test is complex and costly to administer. Studies have shown that the retirement test is responsible for more than one-half of retirement and survivor program overpayment. Elimination of the test would thus hold down administrative expenses, and beneficiaries would be less confused and less tempted to cheat on reporting their earnings.

My own legislation H.R. 209 amends title II of the Social Security Act to remove the earnings limitation for all beneficiaries. Similar and individual pieces of legislation have been offered and introduced by Congressman ROTH, Congressman STUMP, Congressman ARCHER, Congressman QUILLEN, Congressman LENT, Congressman GAYDOS, Congressman HAMMERSCHMIDT, Congressman SMITH, Congressman ERDREICH, Congressman DARDEN, Congressman CAMPBELL, and Congressman PACKARD. To make a point, essentially we are all setting out to do the same thing for our constituents and that is to make the right to work a freedom for all Americans by removing limitations which have been set by the Social Security earnings test.

Mr. ARCHER. Mr. Speaker, I want to thank our colleagues, the gentlemen from Arizona, JAY RHODES, and from Illinois, DENNIS HASTERT, for arranging this special order.

The effort to abolish the Social Security retirement earnings limitation was launched by former Senator Barry Goldwater. I enlisted in that cause over 20 years ago. Time is running out. However, I am more encouraged than I have felt in some time. First, I'm encouraged by this show of interest in the House and by the Social Security Subcommittee hearing tomorrow. Even more encouraging is the Senate Finance Committee's announced markup of a bill which would include a generous boost in the $9,720 threshold for workers 65 to 69.

Further, the President's budget proposal included a modest increase in that same threshold. I sense that the issue is gaining momentum. Personally, no Social Security issue is more important to me.

Our last victory occurred during the 1983 Social Security amendments. Those amendments included two relevant provisions. The first phases up from 3 to 8 percent the annual delayed retirement credit, or bonus paid to those workers who delay filing until after age 65. The second reduced the earnings penalty for workers over 65 who earn more than the threshold limit from 50 to 33⅓ percent.

Let me explain why I said we are running out of time in this war. The 1991 Trustees Report has just been issued. While the trust funds are in excellent health in the short range, the long-term health of the program is not good.

The disability trust fund will be exhausted by 2015. A reallocation of taxes could postpone the day of reckoning, but the combined OASDI trust funds will be exhausted by 2041. By contrast the 1988 Trustees Report had projected the year 2048.

We are losing ground, primarily, as I understand it, in terms of wages, especially real wage gains, that is the extent to which real wage growth exceeds inflation. Historically, Social Security has been vulnerable on that scorecard.

The current report also projects the continued decline of workers to retirees. Under the II(B) or intermediate assumptions the ratio will reach 1.8 in 2060. Under the pessimistic assumptions it will reach 1.3.

We must take steps now to encourage seniors who wish to continue in the work force. Otherwise, I suggest we might as well save the administrative overhead and simply assign each worker his or her beneficiary to support.

In the context of the trust funds, let me note that my bill, H.R. 2158, the Workers Option Act of 1991, which would abolish the retirement earnings limit for workers who have attained the normal retirement age, produces long-term savings of .03 percent of payroll, or in today's dollars, $750 million a year.

My larger goal, H.R. 249, would repeal the limit for everyone. Ultimately the demographics of the workplace must be acknowledged. Employment opportunities for everyone who wishes to work, including the disabled, must be created.

The Social Security program was engineered during the depression to ease people out of the work force. The time is overdue to reverse that design. We need our workers! The economy needs them, and they can use the added income. Everyone shares this victory.

Mr. WELDON. Mr. Speaker, I rise today in support of H.R. 967, the Older Americans Freedom to Work Act of 1991. I am proud to be an original cosponsor of legislation that would lift the "earnings test" on Social Security beneficiaries who remain in the work force beyond the age of 65. It is essential that we

eliminate the barriers keeping older Americans from remaining productive members of society.

As a result of the 1935 Security Act, Americans between the ages of 65 and 70 years are subject to the Social Security earnings test. According to this law, senior citizens whose earnings exceed $9,720 receive sharp reductions in monthly benefits—a cut of $1 for every $3 earned. Fortunately, any income from investments, dividends and pensions does not trigger Social Security cuts. Therefore those that are between the ages of 65 and 70 years are punished for simply wanting to work.

As it stands now, the earnings test puts great pressure on our elderly to retire at the age of 65. It is unfair to penalize senior citizens who wish to keep working past the normal retirement age. Yet, as a result of the earnings test, elderly Americans are discouraged from being productive and active. In fact, it forces many of our older Americans into retirement.

Through years of work experience, senior citizens have acquired a wealth of knowledge shaped by learning how to do a job correctly and efficiently. In addition, senior citizens can serve as a tremendous educational resource for younger workers. This valuable resource may be lost due to current tax laws that discourage the elderly from employment. The limit does not serve in the best interest of this country.

I was shocked to learn that citizens who wish to remain in the work force are subject to the highest marginal tax rate of any group in America. With a combination of income tax, FICA, and the income tax on Social Security benefits, senior citizens are heavily burdened. In fact, when a senior citizen earns more than earnings limit, he faces an effective marginal tax rate of nearly 56 percent, which is twice the tax rate faced by millionaires. I find this far from fair.

In addition, the Social Security Administration spends more than $200 million per year and uses 8 percent of its employees to review the income levels of its beneficiaries. The Social Security Administration has estimated that 60 percent of all overpayments and 45 percent of underpayments are attributable to the earnings limit. Those that are affected by the limit become entangled in red tape as they attempt to estimate, monitor and report income levels and pay back benefits they have already received.

It is time for Congress to give the Older Americans Freedom To Work Act of 1991 favorable attention. Not only would it give senior citizens a greater incentive to remain in the workplace, but it would also benefit the American taxpayer, as more senior citizens would be earning a paycheck and paying Federal, State, and local taxes.

It is now time for Congress to meet the challenges of our sluggish economy by ensuring that the Social Security System reflects the needs and realities of today.

Mr. MRAZEK. Mr. Speaker, I rise today to lend my strong support to H.R. 967, the Older Americans Freedom To Work Act, legislation to repeal the Social Security earnings test.

The Social Security system was originally enacted to function as retirement insurance by providing supplementary funds for retired individuals who contributed to the system. However, since 1935, there has been a penalty for Social Security recipients who earn more than a specified amount of earned income, the so-called earnings test.

In 1991, the earnings test penalizes seniors between the ages of 65 and 70 who earn more than $9,720 per year by reducing their Social Security benefits by $1 for every $3 earned over that amount. Ironically, seniors can still receive dividends and interest payments without losing benefits, but those who work to make ends meet and to remain financially independent are punished. Clearly, the earnings test is unfair to the many seniors who need the extra income to maintain a reasonable standard of living.

But in addition, it is ludicrous to discourage this Nation's most productive group of workers from entering into the work force. Older Americans bring a special understanding to their jobs and provide this Nation with the unique abilities and insight based on years of experience. As a group, seniors are the most dependable and compassionate workers, and their skills are invaluable to this Nation. Lifting the earnings ceiling would not only help older workers, but it would offer them an incentive to remain in the work force where they are so desperately needed.

I believe that older Americans deserve the independence, the dignity, and the chance to remain in the work force without being penalized; no one should be hindered in his or her attempt to remain economically independent beyond age 65. Good public policy demands that seniors be given incentives and encouragement to contribute their valuable skills and knowledge to the work force. Plain and simple, there should be no economic disadvantage to working beyond the age of 65.

Mr. Speaker, let me close by urging my colleagues in the Ways and Means Committee to report H.R. 967 and bring it to the floor of the House for a vote. Let's end this blatant discrimination and provide an incentive for older Americans to contribute their valuable skills. This Nation needs for older Americans to remain in the work force.

Mr. KYL. Mr. Speaker, I rise today in support of the Older Americans Freedom To Work Act, which will repeal the Social Security earnings test. The earnings test is one of the most counterproductive sections embodied in Federal law. The Government should allow all able-bodied citizens to continue working and contributing to society without penalizing them for their age. And yet, imposing an unfair tax burden on our seniors and forcing them out of the labor market is exactly what our Social Security Program is currently designed to do. Under the present law, Social Security recipients age 65 to 69 lose $1 in benefits for every $3 they earn above $9,720 a year. Those between the ages of 62 and 65 are forced to sacrifice $1 in benefits for every $2 earned above $7,080 a year.

Many of these seniors would like to continue working. Others have to work to supplement their current income. Regardless of the reason, seniors should not have their Social Security benefits slashed because they continue to work.

This harsh tax not only directly hurts seniors, but also takes its toll on the American economy as well. Seniors can contribute a valuable lifetime of business experience and expertise to a work force where well-trained individuals are in short supply. We should be learning from their acquired knowledge rather than penalizing them for sharing it. In economic terms, the earnings test cramps the size and quality of our labor force. It has been estimated that an additional 700,000 seniors would enter the work force if the earnings test was removed. By enabling these seniors to return to the work force without penalty, their earnings would increase and so would their purchasing power.

In any case, seniors would be paying income and payroll taxes on their earnings just as others in the labor force. Seniors should not be subjected to additional deductions simply because they are more than 62 years old. As it now stands, Government policy coerces them into retirement. This law is not fair. We must pass the Older Americans Freedom To Work Act immediately and eliminate the inherently discriminatory Social Security earnings test once and for all.

Mr. FISH. Mr. Speaker, I rise today to speak in support of the Older Americans Freedom To Work Act, H.R. 967. This legislation seeks to restore dignity and independence to senior Americans by repealing the Social Security earnings test.

This provision penalizes retirees under 70 who work by reducing their Social Security benefits if they earn over $9,720 a year. In many cases, able-minded retirees do not work because they cannot afford to lose $1 in benefits for every $3 earned per year.

Frankly, I do not understand why anyone would want to maintain this provision. In the complex and complicated world we live in, we can not afford any sector of our population to be unproductive. American seniors embody an incredible wealth of knowledge and skill and definitely are contributing members of the work force. Beyond that, the elderly are entitled to improve their financial situation.

I believe that it is an affront to our seniors that they are discouraged from working and being active, participating members of our society. Therefore, I urge the repeal of the Social Security earnings test.

Mr. DE LUGO. Mr. Speaker, I rise to speak in support of H.R. 967, to repeal the earnings test for senior citizens to participate fully in Social Security benefits.

The population of our country is aging, and increasingly so. And as it ages, the ability of the elderly to continue to be participants in the work force is also increasing. More and more senior citizens not only are able to work when years ago they retired, more and more elderly want to work because it provides them with a number of benefits.

It helps them to feel fit and active, in activities in which they have participated most of their adult lives.

By helping them to keep active, it decreases their dependence upon family and government just to find something to do.

Working helps seniors to earn an income, again reducing their dependence upon others and allowing them to retain their independence and their dignity.

Their participation as workers in the economy not only generates needed tax dollars, it keeps them from being tax consumers.

Being a continued part of the work force also gives the Nation the benefit of the years of experience in the work place. It allows them to work side by side with others of perhaps lesser experience, to provide them with an apprenticeship experience they would not have had otherwise. We need to pass on America's expertise.

But when seniors, particularly those of limited incomes, find that their Social Security benefits are being reduced when they work, it is a deflating experience. It means that the more they work, the less they will receive from the fund into which they have paid all their working lives.

This is precisely the problem we create for many recipients of welfare and recipients of housing subsidies. We provide them with the means to sustain themselves, but we strip them of the means to improve. The more they earn, the less they receive in assistance. This, then, eliminates the ability and the incentive to shed their assistance. But even worse, it removes the means to improve themselves, because every step forward is truly a step back. We should not let Social Security do this to Americans.

Those who believe there should be earnings testing argue that Social Security was not meant to be an annuity for the elderly, but rather a safety net for those who cannot support themselves. They argue that by paying everyone who retires in America will bankrupt the Social Security system.

Certainly we must remain very aware that the system must remain solvent, that payments into the system must sustain the payments out of the system.

Yet, we must also recognize that many millions of Americans must earn supplemental income in addition to Social Security if they are to live at or near the lifestyles to which they were accustomed in their working years. To penalize those who do not have investments in securities, but have the ability to work, and want to work, is counterproductive to them and to our Nation.

Mr. Speaker, I support H.R. 967, and I ask that my colleagues join me in supporting it.

Mr. FRANKS of Connecticut. Mr. Speaker, this year the Congress can act decisively to free our senior citizens from the restraints of regulations which fly in the face of what makes our country great—the ability to work.

Mr. Speaker, I am proud to be a cosponsor of House Resolution 967, the Older Americans Freedom to Work Act of 1991, which will right this wrong and put our senior citizens on equal and fair footing in the employment market.

Representative HASTERT should be commended for authorizing this bill and for providing the leadership which has led to over 200 cosponsors.

Federal guidelines now inhibit or punish thousands of senior citizens from earning more than $9,720 a year before their wages are, in effect, taxed at higher rates than the salaries of corporate executives. Seniors who exceed this unfair threshold surrender a dollars' worth of benefits for every $3 they earn.

While Social Security benefits often provide the only income for many elderly Americans, the program was designed to be supplemental income. That means seniors have to rely on other economic resources, such as a pension, dividends and interest and regular salary income.

One senior advocate has told me she will be losing a secretary because it is no longer worth her while to work and pay $1 in taxes for every $3 earned.

Mr. Speaker, the senior citizens of this country, aged 65 to 69, have built this country into a true superpower. Why do we maintain this wall of denying benefits until they turn 70?

Seniors know how to work. They bring to the work force a tremendous amount of skill and solid work habits. Yet, we say, "that's nice that you work, but fork it over."

Some have said eliminating the cap will hurt overall tax revenues. I believe this action would benefit seniors and the entire Nation.

Why? It is fair and just. Second, it will allow seniors in this age group to have more money to spend, save, pay for medical and nutritional needs, and improve their way of life. This added income partially relieves the financial burden on society, but it adds immeasurably to the physical and mental well-being of our seniors.

This law would be fair because two-thirds of those who would benefit are seniors who earn incomes of $40,000 or less. These are average, hard-working Americans who merely want to live their lives with dignity and at a decent level of prosperity.

In addition, seniors won't be limited to $5 an hour jobs at convenience stores or fast food outlets. Time and time again, seniors have shown the aptitude and drive to learn new skills through public and private training programs.

A recent study by the Commonwealth Fund, a private foundation in New York, concluded that 6 million unemployed workers 55 years of age and older are eager and capable of returning to work. Many of them would fit into the discriminated age group which, now, is being cheated out of its earned benefits by being a positive and productive force in our economy.

Mr. Speaker, by passing H.R. 967, the Congress will be righting a wrong while making a sound investment in the future of our economy and country.

Mr. LAGOMARSINO. Mr. Speaker, it is high time that hearings will be held on the Social Security retirement test tomorrow morning in the Social Security Subcommittee. As we all know, under this test Social Security benefits are withheld at a rate of $1 for every $3 over the earnings limit. The earnings limit is adjusted over time and now stands at $9,720 for beneficiaries over 65 and $7,080 for beneficiaries aged 62 to 64. In effect, this is the equivalent of a 56-percent tax rate—the highest tax rate paid by any group in the Nation. That's a high price to pay for merely wanting to work.

The earnings limitation test is unjust. It treats Social Security benefits less like a pension and more like welfare. It represents a Social Security bias in favor of unearned income over earned income. It is effectively a mandatory retirement mechanism our country no longer accepts or needs. It precludes greater flexibility for the elderly to meet changing needs through earnings. It is misunderstood, complex, and a tremendous burden to the elderly worker. It also prevents America's full use of eager, experienced, and educated elderly workers. Finally, it deprives the U.S. economy of the additional income tax which would be generated by the elderly workers. It is a bad law.

In fact, in 1977 I voted for an amendment to the Social Security Financing Act which would have raised the ceiling on the earnings limitation of Social Security recipients over age 65 incrementally throughout a 4-year period and then lift it entirely in the fifth year. The amendment passed by a vote of 268 to 149 displaying strong support for the idea. Unfortunately, then-President Carter threatened to veto the legislation if it included the amendment and it was removed.

When the earnings test was first initiated in the 1930's, the rationale was to open up jobs for younger workers. If one looks at the ramifications of a declining elderly working population, it becomes very clear that we are increasing entitlement spending while at the same time we are beginning to experience worker shortages in many regions of the United States. This is not good for the economy, nor for the seniors who are prohibited from working. Instead, everyone could benefit by allowing seniors to work. We have at our disposal a large pool of experienced and talented individuals who could offset our growing worker shortage. More importantly, however, they would be contributing to our economy through the taxes paid and by making our country more productive.

I applaud my colleagues Congressman J. DENNIS HASTERT and Congressman JOHN J. RHODES III, in leading this fight to gain economic equality for those elderly workers who either want to work or must work in order to maintain a decent lifestyle. I am proud to be an original cosponsor of this legislation which would repeal the Social Security earnings test for those aged 65 to 69. I have long been a proponent of repealing this antiquated provision and shall continue to support such measures until this law is changed.

Mr. CRANE. Mr. Speaker, as a cosponsor of Mr. HASTERT's legislation to eliminate the earnings test, and a supporter of all legislation that would eliminate or ease the Social Security earnings test, I commend Mr. HASTERT for having this special order. I also commend my friend Mr. JACOBS, chairman of the Ways and Means Subcommittee on Social Security, for holding hearings on this very important issue.

Many of those opposed to this legislation base their position upon a faulty assumption that elimination of the earnings test will decrease revenue to the Treasury. The Congressional Budget Office [CBO] puts a $3.6 billion price tag on the Hastert legislation. A student of the most fundamental economics course is not so ignorant as to believe that the elimination of a tax, no matter what tax, will not provide some sort of economic stimulus. In fact, a static analysis such as that provided by CBO is worthless in determining not only the revenue effect, but also the overall economic and societal value of eliminating the earnings test. Though some of the factors taken into

account are immeasurable, one dynamic analysis scores the elimination of the earnings limit as a $140 million revenue increase.

However, regardless of the revenue inpact the greatest policy consideration concerns whether Congress should continue the practice of hindering the productivity of senior citizens by discouraging them from continuing to work. Americans are living increasingly longer lives and yet Congress is sending the message that life's economic and social value is eliminated when one begins accepting Social Security benefits. It is a contradiction in terms, yet not unlike Congress, to invest in programs that prolong the lives of our citizens, like cancer and AIDS research, while at the same time stating through policy that even though one accepts Social Security benefits and is interested in contributing to the economy and society, it is pointless because senior citizens are not worthy of that role in our country.

It is high time for Congress to admit its past mistakes. Though it is popular practice, it is not right nor is it sound economic policy to target certain groups of individuals to make up for the lack of fiscal responsibility of our Nation's governing body. The American people realize this and are asking for fairness. Congress should respond by eliminating the Social Security earnings limit.

THE OLDER AMERICAN FREEDOM TO WORK ACT

The SPEAKER pro tempore (Mr. RAY). Under a previous order of the House, the gentleman from Arizona [Mr. RHODES] is recognized for 60 minutes.

Mr. RHODES. Mr. Speaker, this is special order hour No. 2 on the same subject. I do not want anyone to think it is just the next team coming in.

Mr. Speaker, I want to add to the words of compliment and praise for our friend, the gentleman from Illinois [Mr. HASTERT]. It is true that DENNY and I are theoretically the original cosponsors of this project, but I would be remiss if I said that I have worked equally as hard as he has. That is not true. The gentleman from Illinois has really borne a great deal of the weight of this effort over literally almost 3 years, and so I want to join with all of our friends in thanking him and congratulating him for getting us to this point.

For some additional comments I am very pleased to recognize our colleague, the gentleman from Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Speaker, I thank my distinguished colleague, the gentleman from Arizona [Mr. RHODES], for allowing me to have the opportunity to comment this evening about our work, and I would like to also commend my colleague, the gentleman from Illinois [Mr. HASTERT], for the hard work that he has put in on this issue.

Mr. Speaker, I rise in strong support of H.R. 967, the Older American Freedom To Work Act. My colleague from California said he would like to see it called the Chronologically Gifted Act, I think, and, as one who is going to be 50 this year myself and eligible to join AARP now, I suppose I am becoming more and more chronologically gifted.

However, Mr. Speaker, I kind of like it the way it is, the Freedom To Work Act, because I think it expresses something about a basic freedom. It is not just a freedom in our country to work. It is a responsibility, a duty, and, I think, an instinct of Americans. We love to work. That is what has made this country great, and the fact that this bill already has 242 cosponsors, I think, is a reflection of the support it has, not just in the Congress, but throughout the country.

It is time to repeal the earnings tax, for it is outdated, it is antiquated, it is anachronistic. It is discriminatory, and it is partently unfair, and, as one particularly active senior citizen said to me, it is just plain un-American.

Mr. Speaker, we all know what it does. For people between the ages of 65 and 69 the earnings test tax reduces their Social Security benefits by $1 for every $3 that they earn over $9,720. So, that translates into a 56-percent marginal tax rate for a senior citizen who earns his $10,000 a year.

Now our top tax rate in this country is supported to be 28 percent on a millionaire, so it is twice what the top wage earners in this country pay.

Now we all know, too, that this earnings test originated in the 1930's, almost 60 years ago when it was instituted as a way of encouraging seniors, encouraging seniors to retire and leave the work force, and there was some rationale for it at that time. But the reality has changed, and we would be remiss if we did not address that reality and deal with it, and I compliment the gentlemen on doing that.

The U.S. Labor Department has, in fact, warned of a shortage in young workers by the end of this decade. Therefore, that historical rationale for removing seniors from the work force in order to make room for younger workers is no longer applicable.

Mr. Speaker, this test only served to discourage seniors from working by reducing a significant part of every additional dollar which they can earn. It is nothing more than an added tax, and it also represents a form of economic discrimination upon our seniors who desire to work, or in many cases have to work, after reaching the age of retirement.

Now some folks claim that repealing this would generate a bigger Federal deficit due to the increase in our Social Security payments, but it just "ain't" so. It would not increase the Federal deficit. Studies have shown that the current earnings limits could be doubled, tripled, or even quadrupled, and the Federal Government would receive considerably more in new work related tax revenues than it would lose in increased Social Security payments.

Mr. Speaker, eliminating the earnings test would mean that at least 700,000 seniors with work experience, with skills, would enter the labor market, and, as a result, our annual output of goods and services would increase by at least $15.4 billion.

Earlier in the previous hour my distinguished colleague, the gentleman from Georgia [Mr. DARDEN], commented on the experience of a company from Georgia based in my district, Days Inn of America. A few years ago, in 1985, the Days Inn reservation centers in Atlanta and Knoxville suffered from a 100-percent turnover rate and a 30-percent absentee rate. Days Inn former President Mark Levin solved this dilemma by recruiting and hiring senior citizens, and now, with senior citizens holding down a third of the reservation jobs, the turnover rate is down to 25 percent, and the absentee rate is down to 3 percent. The current president of Days Inn, John Snodgrass, says that corporate America is walking past an unbelievable resource of talent, reliable, trained, and educated. I do not think anyone has said it better, and Days Inn, and other employers like them, their success in hiring seniors underscores the unreasonableness and the economic unfairness of the earnings test.

□ 2000

I thank the gentleman for these special orders and I thank the gentleman for his leadership on this issue and wish him well. I know we will do well in the subcommittee hearings tomorrow. I hope this thing sweeps through the subcommittee, passes the committee, comes to the floor, where I am sure it will be overwhelmingly passed and it should become the law of the land. Let us take this unfair, this unreasonable tax burden off of our creative, our vital, and our active senior citizens and give them, as the gentleman says, the freedom, that basic freedom to work.

Mr. RHODES. Mr. Speaker, I thank the gentleman from Georgia for his participation here tonight. It is true that this initiative started off as a Republican initiative, but it has long since ceased to be so. It has long since become a bipartisan, nonpartisan initiative, because the issue is nonpartisan. The people it affects are across the board in this country, Republicans, Democrats, Independents.

As a matter of fact, while I am thinking of it, the gentleman in the Chair, the gentleman from Georgia [Mr. RAY], who is not in a position to speak for himself because of the position he is in this evening, he is a cosponsor of this legislation. We appreciate his help very much.

Mr. HASTERT. Mr. Speaker, will the gentleman yield?

Mr. RHODES. Mr. Speaker, I yield to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I want to again applaud the gentleman from Georgia. He made a very, very cogent point. By the end of this decade, by the year 2000, there will be 1.5 million, a million and a half fewer members of the work force that we take for granted between the ages of 16 and 25. Instead, we are going to have a lot more people in the work force that are over the age of 65.

Here we are with an antiquated taxing system that taxes those people, that keeps them out of the work force, that keeps them nonproductive.

The gentleman's comments, I just want to say, are right on point. We need to change the Tax Code. We need to change the earnings test on Social Security and let those people be productive and let America be productive.

Mr. JONES of Georgia. Mr. Speaker, will the gentleman yield?

Mr. RHODES. Mr. Speaker, I yield to the gentleman from Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Speaker, I would like to respond. You cannot have 242 cosponsors in the House of Representatives without it being a bipartisan bill. I am a Democrat who is also willing to listen, and occasionally willing to concede that some good ideas come from both sides of the aisle. This is a particularly good one because our seniors are not Democrats, Republicans. This is not a partisan problem. This is an American problem.

It has long passed the time for a solution. This makes good sense. It is morally correct, and it makes economic sense. Once again, I congratulate the gentleman for his leadership on it.

Mr. RHODES. Mr. Speaker, I thank the gentleman from Georgia [Mr. JONES] for his kind words. I thank him for recognizing that if this House were a fountain of wisdom, which it usually is not, at least the wisdom is evenly distributed on both sides. I thank the gentleman for being with us.

Mr. Speaker, I yield to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding. I would like to say that the words that are being spoken here today are words that should be listened to, because I wonder at which point in the stage of a person's life that they lose their equal rights, at which stage in a person's life do they lose the idea that they no longer have dreams that they can achieve. At which stage in a person's life do they cease to seek goals?

This is a bill that is going to envelop all Americans, especially seniors, that we all have a sense of self-worth. And one way to have that equality is to be independent.

We are founded on the belief that we are all equal. We are all free. We all have a right to strive and achieve. The thing that gives us that ability is freedom, and the thing that gives us the ability to have freedom is our right to work, our right to earn, to feel that we have some worthiness. And we need to not only vote on this bill, but we need the House of Representatives to have a unanimous vote on this bill.

Mr. Speaker, I rise in support of H.R. 967, and commend my colleagues, Mr. HASTERT, and Mr. RHODES, for their leadership in calling for this special order to call attention to a situation that seems to me to contradict every ideal and good intention of our Nation's long and great history with free enterprise. As you know, Mr. Speaker, I am referring to the Social Security earnings limitation for senior citizens under the age of 70. Workers age 70 and older have no restrictions on their earnings, and I believe we must extend this to all senior citizens. This policy is outdated and must be changed so seniors can meet their high cost of living and maintain financial independence.

Under current law, retired senior citizens under age 70, who receive Social Security benefits and must work to make ends meet, are faced with serious restrictions on earnings. For example, workers between the ages of 65 and 69 can earn only $9,730 before having to forfeit $1 in Social Security benefits for every $3 earned. While this policy may have worked well to meet the needs of the economy in the past, I believe that, during our economically shaky times, this policy no longer meets the needs of the economy, nor the needs of senior citizens.

Our current generation of senior citizens have lived through many trying times: the Great Depression, World War II, the Korean conflict, the Vietnam war, and now the Persian Gulf war. This is a generation that built our country and made it safe and strong. This is a generation that values hard work and personal independence. In this time of rising health care expenditures and cost of living, shall we nickel and dime our seniors into poverty? In this day of redtape and layers of Government bureaucracy, shall we continue to stifle our seniors' will to work and drive to prosper? No. The time has come to repeal the earnings limit.

According to the U.S. Department of Labor, in 1986, 48 percent of men and 68 percent of women were working part-time. The Department of Labor reported in January 1989 that 61 percent of workers age 63 and older were working because they "need the money." At the same time, the Department of Labor warns of shortages in the labor market. There is a tremendous need for skilled, dependable workers, and as the employment programs of organizations such as Days Inn and the Travelers show, older workers are a tremendous resource that needs to be tapped. As we struggle to meet worker shortages in health care, education, and child care, we must do all we can to encourage and support older workers.

Furthermore, I disagree with those who argue that repealing the limitation will result in Government revenue deficits economy. Instead, I support the findings of the Institution for Policy Innovation and the National Center for Policy Analysis, which reported that under even conservative estimates with the repeal of the earnings limit, at least 700,000 elderly retirees would enter the labor market, increasing our gross national product by $15.4 billion.

Another issue is equity between those who work and those who do not. Other forms of income do not disqualify our Social Security benefits. Why should retired senior citizens who receive unearned income, like that from interest or dividends, in excess of the current earnings test not have any limit on their Social Security benefits? Why do we continue, in essence, to penalize the middle-income and hard-working senior citizen?

Over and over we have heard from our constituents that the earnings test discourages them from fully participating in the work force. No earnings limitation exists for those aged 70 and over. Repealing the Social Security earnings test is one more way to abolish cumbersome Government regulations that dishearten many of our older workers. Repeal is good for seniors, it is good for employers, and, I believe, it will be good for the economy in the long run. Repeal is consistent with our long-standing American tradition of hard work and independence. I encourage all my colleagues to support this measure.

I hope that it will go through the subcommittee, it will go through the committee, and perhaps, this would be something extraordinary, we could bring it to the House and we would have a unanimous vote on this particular bill.

Mr. Speaker, I thank the gentleman from Arizona [Mr. RHODES] and the gentleman from Illinois [Mr. HASTERT]. Once again, I commend them for their leadership and their hard work.

Mr. RHODES. Mr. Speaker, I appreciate the gentleman from Maryland [Mr. GILCHREST] being here with us.

Mr. Speaker, I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, in the near future, when the Social Security earnings limitation is finally repealed and elderly Americans are permitted to keep the fruits of their labor, they will have Congressman HASTERT and Congressman RHODES to thank. I think that it behooves me tonight to give personal thanks to these two Congressmen who have shown such tremendous leadership on this issue. I know that every senior citizen in America will benefit from the hard work and the diligence that both of

them have shown, because if this happens, if we extend these rights and we protect the rights of our elderly Americans, it will be because of their hard work.

No progress in Washington, DC, happens without hard work. These two gentlemen deserve a round of applause from all over the United States of America.

I do hope, however, after saying that, that we are able to actually deal with this issue and pass this reform and do this before the seniors of this country again feel compelled to attack the limousine of the chairman of the Ways and Means Committee.

□ 2010

It seems there are some people in this Hall, it is very hard to get their attention, unless you are willing to pound on their chair. But we have got two gentlemen with us tonight who have been diligently working, and I might say not trying to gain all sorts of publicity for themselves, but trying to do something for some very worthy citizens in our country who are not being dealt with fairly today.

Mr. Speaker, the Social Security earnings limitation must be retired. It represents nothing more or nothing less than age discrimination, discrimination against what one of our colleagues claimed tonight is the chronologically gifted. I will say that that probably is one of the more unique descriptions that I have heard. But we cannot put up with any type of discrimination, and we cannot put up with age discrimination against our chronologically gifted Americans.

Under current law, senior citizens between the ages of 65 and 70 who earn more than $9,720 a year are slapped with a 33-percent penalty. They are suddenly taxed $1 for every $3 they earn over the limit.

Quite simply, that means that a senior who earns a paltry $10,000 a year must pay a 56-percent marginal tax rate. To put that in perspective, that rate is twice as high as that which is paid by Donald Trump.

Well, something is wrong here when we are taxing our senior citizens, who are not wealthy people, many of whom are working because they have to, taxing them at a rate that is higher than the rate that Donald Trump has to pay for his money. Something is wrong, and we need to reform the system.

Opponents of our efforts claim, of course, that repealing the earnings test would do nothing but help the wealthy. Well, nothing could be further from the truth. Since when does earning $11,000 a year make one rich?

Statistics show that if the test were to be repealed, more than two-thirds of the benefits would be paid by those whose incomes are under $40,000 a year.

Now, the truth is, repealing the earnings limitation would enable elderly Americans to continue to be able to be productive members of our society. Is this not something we should be encouraging?

Every time you put a tax on something, you discourage it. What we should be encouraging is productive behavior from all of our citizens, and we should not be leaving out a large segment of our society.

Others claim that the repeal would cost the Government revenue, especially at this time when we have massive Federal deficits.

Well, again, this is a static interpretation of the statistics. It is a short-sighted view of what we are going to benefit from by seeing that up to 700,000 elderly Americans at that point would be joining the work force, and, thus, expanding the tax base.

The National Center for Policy Analysis projects that repealing the earnings limitation would increase America's annual output of goods and services, and, of course, we have heard this figure tonight, by $15.4 billion annually. That means an increase of almost $5 billion a year in revenue, far more than offsetting the cost of repeal.

Mr. Speaker, as Yogi Berra once put it, "The future just ain't what it used to be."

Well, America's work force is not what it used to be either. We have heard the statistics again from speakers who have been here before this evening. By the year 2000 there will be 1½ million fewer workers between the ages of 16 and 24 years of age. There will be 1.5 million actually fewer entering the work force at that time. At the same time, 5 million older Americans will be retiring. So we will have fewer people entering the work force between the ages of 16 and 24, and have 5 million older Americans retiring.

It is obvious that we need to remove the Government disincentives which prevent older Americans from working, which indeed are forcing some of these 5 million older Americans to retire at a time when they are needed, and actually give them an incentive to do exactly the opposite of what the need of the country is.

Mr. Speaker, elderly Americans are the most productive and responsible members of our work force. The skills and experience of the elderly are America's most underutilized asset. We do not need a Federal law which says to our American citizens, you are 65 years of age. Go home to your rocking chair. You are not needed anymore.

America's senior citizens have so much to contribute to our country. They are needed. They are desperately needed by our country, in so many ways. They are needed in the work force, and to contribute to the well-being of our country in that way, and in many other ways.

Mr. Speaker, let us not force our seniors to retire. Let us not put this great disincentive into the system for them to work. Instead, if we are going to retire anything, let us retire the earnings limitation. Let us pass the Freedom to Work Act.

Mr. RHODES. Mr. Speaker, I thank the gentleman for his support, his comments, his being with us this evening, and his compliments. I think the gentleman from Illinois [Mr. HASTERT] and I do not deserve those comments, but we will certainly accept them. I thank the gentleman for his help.

I would like to now yield and recognize the normally rustic and soft-spoken gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank my friend from Arizona for yielding. I will argue with him. I think he and the gentleman from Illinois [Mr. HASTERT] are very, very deserving of the compliments that have been made about them this evening.

Clearly retirement, as my friend from Long Beach likes to say, of the earnings penalty, is something we must pursue. I first introduced a measure to move in this direction back in 1985, shortly after this had been passed.

Mr. Speaker, I thought that I was working diligently on it, but my work at that time paled in comparison to the efforts that the gentleman from Illinois [Mr. HASTERT] and the gentleman from Arizona [Mr. RHODES] have put into this. I simply want to say to them, thank you. Thank you on behalf of the chronologically gifted, as my friend from San Diego likes to call them, the senior citizens.

Mr. Speaker, we all represent senior citizens. They have provided us with a great opportunity to work as we are in this capacity, and they provide the opportunity for other families to be as successful as they are. It seems to me that this kind of effort to repeal this ridiculous tax has so much common sense to it, and, as many people have said, that may be the reason it has so little chance of passage in the Congress. But I think we need to work as diligently as we can to ensure that our colleagues join as cosponsors and pass the thing.

Mr. Speaker, I thank the gentleman for yielding, and congratulate both gentlemen again.

Mr. RHODES. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for his thoughts and participation.

Mr. Speaker, this is very close to the end of the special order that my friend from Illinois and I have engaged in, and engaged the services of many of our colleagues in. I think over the course of the past hour and 20 some minutes, virtually all the arguments in favor of the legislation that we are all supporting have been made, and made very eloquently. I certainly do not intend to repeat them.

Mr. Speaker, I have learned a lot over the course of the past 2½ years or so we have been working on this. In my mind, you can sum up the arguments in favor of repeal of this outdated tax in just one word, and that is fairness. It seems to me that there is no element of fairness at all in this earnings limitation. There is no element of fairness in virtually keeping people in bondage because of an outmoded law, and there is every element of fairness in removing this barrier to some of our most productive citizens.

Mr. HASTERT. Mr. Speaker, if the gentleman from Arizona would yield, I have to say that this effort certainly has been bipartisan. We have taken it on for the last 2½ years, so it certainly is not a new idea. It certainly has had its wellspring in the State of Arizona with a Senator at one time by the name of Barry Goldwater. We have to think of the efforts of gentlemen like that, and even our colleague at this time, the gentleman from Texas [Mr. ARCHER], who has carried this piece of legislation and worked on it diligently for 17 years.

Mr. Speaker, I think the time has come that America needs to wake up, and we need to begin to appreciate the potential that we have in our work force, and that is our seniors, whether they are 62 years of age, or 65 years of age. Certainly it is a different world today. Those people who are 65 years of age certainly have a great and vibrant life ahead of them.

□ 2020

We need to give them the opportunity to be useful and productive Americans. I certainly have appreciated your efforts and really enjoyed working with you in the last couple of years in trying to bring this piece of legislation to fruition, and certainly am happy with the Members who showed up here tonight and talked about this issue.

But most important, I think that the message that gets across to the American people is that it is time that we changed this law. It is time that we give the opportunity to Americans, and it is time that we do bring fairness to the senior citizens of this country.

Mr. RHODES. I thank the gentleman again for everything he has done. It has taken us 2½ years to get to the point where we will be tomorrow, which is our first real hearing before a subcommittee of the House of Representatives. I now the hearing is going to be successful. I hope that the outcome will likewise be successful and we can continue to move this matter forward.

Again, I thank the gentleman for everything he has done.

Mr. RHODES. Mr. Speaker, the Social Security earnings test has been in existence since the payment of the first Social Security benefit. It has been changed since 1940, but it is no less onerous to those persons affected by it.

Social Security, when it was created in 1935, sought to achieve two goals—moving older workers out of the work force to make way for younger workers, and to partially replace lost income due to retirement. Those goals were applicable in 1935, but are not in 1991. The goal of this hearing, to explore the various proposals for reforming the earnings test, can lead to increased fairness and equity for the Nation's many working seniors.

The original earnings test affected retired persons earning over $15. They suffered the loss of their entire Social Security benefit. Since them, the test has undergone a variety of changes. It became an annual test as opposed to monthly; the amount of earnings allowed has increased—currently it is $9,720—the amount of benefits lost has been decreased from $1 for every $2 earned over the limit, to the current loss of $1 for every $3 earned over the limit, and finally, Congress has established an exempt age of 70 years.

These reforms, combined with the overwhelming support of Members—H.R. 967 currently has 240 cosponsors—leave many of us with the belief that the test is antiquated, inefficient, draconian, and ripe for elimination. There are currently at least 20 different proposals pending before Congress that would significantly alter or entirely eliminate the test.

Consider the current labor market in today's society. By the year 2030, there will be only two workers for every elderly citizen. The Nation's labor market lacks skilled laborers because they are forced from the work force by the artificial penalties they could face if they continued to work. The Wall Street Journal reports that 83 percent of all men and 92 percent of all women over 65 are completely out of the work force. Three out of five of these do not have any disability that would preclude them from working. If these persons have retired voluntarily and do not wish to work, that is their right; but it is also the right of those persons who wish to continue working to do so without penalty.

We take pride in pointing out the lower numbers of impoverished elderly in America, but today's seniors are facing marginal tax rates that can be as high as 122 percent. We seem to set out to punish two groups of seniors, those who have been able to keep themselves out of poverty and those whose financial situation dictate that they continue to work.

Some argue that only the rich benefit from eliminating the earnings test. I question the legitimacy of that argument. Is it right for any individual to face tax rates of 65 percent? It is fair to preclude any individual from continuing to earn their wages, without penalization, because it does not benefit his neighbor? In fact, since investment moneys are not counted as income, the earnings test hits a higher percentage of seniors who are forced to stay in the labor market. Elimination of the earnings test would benefit many more working class seniors than "well-off" seniors. Well-off is a relative term now, when a spouse's illness could easily cost $25,000 a year for nursing home care.

The complexity of the current system must also come into question. It costs the Social Security Administration [SSA] over $200 million, and 2,500 employees, a year simply to administer the earnings test. The elderly must determine what their earnings will be for the upcoming year and report that figure to the SSA which then makes any adjustments to the Social Security benefit. If any underestimation or overestimation occurs, a lump sum payment or refund is made.

Finally, the argument is made that this constitutes a raid on the Social Security trust fund, that it costs too much and should not be tampered with in any way. I disagree. In fact, no one can agree on what the actual revenue impacts would be. Some claim the elimination of the earnings test for those of retirement age and above will result in outlays of $5 billion a year. This figure does not take into account the savings that can be estimated from decreased administrative expenses, and increased old age survivors and disability insurance revenue as a result of taxation of benefits, and the increased work effort. Even this recoupment figure is subject to dispute. Depending upon the estimator and the methods that can be used to lessen the budgetary impact, such as the delayed retirement credit, recoupment figures have been judged to be as little as 10 percent and as much as 50 percent.

In closing, the question is not whether repeal is in keeping with the original intent of the Social Security System; it is not whether repeal only benefits the rich; it is not what number of elderly will reenter the work force. The crucial question is whether the Federal Government should tell a Social Security recipient he or she cannot continue to be a productive wage earning citizen without being penalized for that initiative. My answer to that question is no.

Mr. SANTORUM. Mr. Speaker, I am proud to join my colleagues today in support of the Older Americans Freedom To Work Act. On behalf of the approximately 80,000 seniors' households that I represent in Allegheny County, PA, I join in this unparalleled consensus effort for reform of the Social Security earnings limits. As I continue to hear from the seniors community in the 18th District of Pennsylvania on the need for restructuring the earnings test, I would like for their views to be heard along with those older Americans represented by the 240 current cosponsors of H.R. 967.

I commend the efforts of my colleague, Mr. HASTERT, for his determined campaign for our Nation's older Americans. As the Social Security Subcommittee prepares for its hearing tomorrow on the Social Security Earnings Test, I rise to urge the leadership of the Ways and Means Committee and the leadership of this body to move H.R. 967 before the Committee of the Whole House. It is my hope that the seniors of Allegheny County and of this Nation may have a fair and final hearing on the need for removing the earnings test restriction. It is only to this country's benefit to revitalize our seniors community by recognizing them as a continued vital and beneficial function of our labor force.

GENERAL LEAVE

Mr. RHODES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order this evening.

The SPEAKER pro tempore (Mr. RAY). Is there objection to the request of the gentleman from Arizona?

There was no objection.

GENERAL LEAVE

Mr. DREIER of California. 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 my special order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MEXICO FREE-TRADE AGREEMENT AND FAST TRACK

The SPEAKER pro tempore (Mr. RAY). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER of California. Mr. Speaker, I have taken out this special order for a very important reason. I have done it for the last several evenings, and I do it first to extend an invitation to my colleagues who might by some means other than just hearing it by the back railing through some other technology that may be carrying this message to them to hear this message. It is an invitation for those who are proponents as well as opponents to the fast-track legislation which we are going to be voting on here in the Congress tomorrow to come and join us, engage in a debate on this as we will only have 4 hours of it tomorrow, Mr. Speaker. So I think we should have at least a fifth hour here this evening so that we will have a chance to let our colleagues who will be reading the RECORD diligently, along with members of their staff and others in the public, to see that there are some good arguments on both sides of the issue. But I believe that the argument in support of granting fast track will overwhelmingly prevail. So I would like to extend my invitation to my colleagues.

At the outset I would like to say that I truly do believe that tomorrow we will be casting one of the most important votes of this decade. As my friend from Tucson, Mr. KOLBE, likes to say, it will be the economic equivalent to the use of force resolution which we voted on here in the Congress in January of this year. It is critical to determining the economic future of the free world and whether or not we are going to continue to play a major leadership role in it.

Three of my distinguished colleagues from the West, two from California and one from Arizona, Mr. Speaker, are standing, and I will have to go by seniority at this point.

If my distinguished friend from Tucson will allow me, I am happy to yield to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. I thank the gentleman for yielding, and I am delighted that I have had an opportunity to engage in this debate or this discussion with the gentleman, and would like to leave some time for some of the others.

Mr. DREIER of California. We have 60 minutes.

Mr. KOLBE. I just wanted to begin by making the point first of all that I appreciate the fact that you have been so diligent in taking these special orders for several evenings on the floor here during the last 2 weeks. As you pointed out, we will have 4 hours of debate. That seems like a lot of debate, an hour on the rule, 2 hours of debate on the Dorgan resolution of disapproval, and 1 hour on the Gephardt sense of Congress resolution. That may seem like a lot of debate. But I also remember just a few months ago, I think we had more than 40 hours of debate on the war resolution. And, as you have suggested, I think this is the economic equivalent of that resolution.

Mr. DREIER of California. If my friend will yield on that point, under the normal procedure for debating an issue like this, 20 hours of debate is normally in order. That is the norm for this, and we have cut it back dramatically based on what we passed up in the Rules Committee.

I am happy to continue to yield.

Mr. KOLBE. I appreciate the gentleman's point on that. I think that that point is very well taken.

It may be true that the arguments have all been made. I think that this has been one of the issues that has been perhaps worked harder, and I think my colleague from California is one of those who has to be thanked and congratulated for the effort that he has put in. This issue has been worked hard.

The arguments have been made in favor of it. They have been made against it. He and I, the gentleman from California and I have participated in literally scores not only of this kind of special order, but in forums. I have been all over the country in more than 50 forums since last summer talking about this issue from one end of the country to the other. I have been in Mexico five times since January 1 meeting with people.

Mr. DREIER of California. If I can further reclaim my time, I would like to say my real involvement on this issue started several years ago. But it was very slight in comparison to the effort that has been put in by the gentleman from Arizona, who since 1986 has been diligently pursuing this.

I got most involved when I was given this assignment in January to join the Rules Committee and found it came under the jurisdiction of the committee. So it created an opportunity for me to do this, and so I would like to thank my friend from Arizona who has been working on this since 1986.

Mr. KOLBE. If the gentleman will yield again, I thank him for his compliment. But the vote today in the Rules Committee is a clear indication of the hard work that he has put in.

Mr. Speaker, I would like to just make a couple of points, and then perhaps engage some of the other Members who are here tonight in some of this dialog.

Last night I spoke about what the political implications of this vote would be and suggested that none of us in this body can make a decision on this based on the political implications in Mexico or in Latin America, because we have to do what is best for us, for our country, for our districts, but I also said we cannot be unaware of it. And I think there are several things we need to keep in mind.

I would just mention that a couple of days ago at the White House President Bush had said and reminded us of a conversation he had with President Perez of Venezuela who said they were watching this very, very carefully because they thought that a vote against fast-track negotiations with Mexico would be a vote really against all of Latin America. It would be a vote against better trade relations with all of Latin America.

I just would like to point out a couple of things that I think would result if we were to defeat fast track. I want to talk about the positive, but I think we have to also be cognizant of the problems that would be caused.

We would certainly see a loss of foreign investor confidence. I think we would see an escalation of capital flight from those countries. I think we would see the credit rating of those countries drop. We would certainly see the borrowing costs made higher for those countries, a region which is already $420 billion in debt. If we think we have problems in the S&L industry, just wait until we see this happen with all of Latin America.

We need to help improve the economy of those countries. As my colleague has used the phrase, which I think is very apt in this case, a rising tide lifts all ships, and in this case the ships to be lifted are the countries of Latin America who are developing, trying to develop, who are poor, who need to have a better economy, and exports are a way to do that. We have been urging these countries to become more export minded. Rather than import substitution economies, to be more export minded, and for us to say no to Mexico

just as they are doing that would be a tragic mistake.

Mr. DREIER of California. Mr. Speaker, if I can reclaim my time, I would like to pose a question to my friend from Arizona which relates specifically to this. We do know from having met with leaders throughout the Americas—I just a couple of weeks ago had a breakfast with the ambassadors of the five Central American countries, and I mean we have statements from Carlos Andres Perez, President of Venezuela, and other leaders throughout the region which have clearly demonstrated their interest in seeing this be successful.

Some concern has been raised that some of these countries and some of the countries in the Pacific rim might in some way use Mexico as a launching pad for the transfer of consumer items into the United States through that free trade area. I think that the rule of origin question is something which we need to focus on. Our Latin American neighbors certainly know that, and they realize that they are not going to be able to immediately funnel items into Mexico, and then have them flow, duty free, into the United States. And I think that when we make this point, that the Americas want us to take this first step. And it is a broader step that will follow I believe because, as I mentioned here last night, we have seen Uruguay, Paraguay, Brazil, and Argentina unite in March as a trading bloc which would go into effect in 1995. That unification is something that will play a role in uniting us between the United States and the southern part of South America.

□ 2030

That unification is something that will play a role in uniting between the United States and the southern part of South America, but I think we need to recognize that these countries are not going to be able today, or when an agreement is put into effect, to use Mexico as a launching pad to transfer duty-free items into the United States.

Would my friend care to comment on that?

Mr. KOLBE. Yes, if the gentleman will continue to yield, I would, indeed, like to comment on that.

I think the point is a very good one. In fact, if I were to look past this vote tomorrow and to the year that is to come in the negotiations that are going to take place for a free-trade agreement, if there is any one issue that I think is going to be critical to the success of these negotiations, and critical to the success here in Congress, it will be that question of the rules of origin. We have to negotiate a good rule of origin that will protect consumer goods coming into the United States to make sure that other countries as you suggested, whether it is Japan, Taiwan, Thailand, whatever it may be, is not simply using a back door of Mexico, or if we ultimately achieve the initiatives for the Americas that the President hopes that we will achieve, that they are not using some other country as a back door into the United States for their products. A good rule of origin was crafted, as a matter of fact, with Canada, and I think it has worked very successfully.

I would like to see my dream, which is to see us create something that would be called a Made in North America label. If it bore that stamp, "Made in North America," you would know it was made in Canada, the United States, or Mexico, or more probably Canada, the United States, and Mexico, meaning that parts of all of this work would be done in each of the three countries.

It gives us an opportunity to combine the resources that each of the countries has, the natural resources of Canada, the technological and capital of the United States, the labor resources of Mexico to be sure that the North American free-trade group would be the most competitive, the largest economic bloc in the world, able to compete with Japan and able to compete with the European Community.

Mr. DREIER of California. Mr. Speaker, I think my friend has made an extraordinarily good point, and when you think about the constant pressure that we see out there that says "buy American, buy American, buy American" we are simply enlarging America with the prospect of a North American free-trade agreement. That really is our goal here, and buying American is something that we will be able to do more easily, and it will be obviously very advantageous to consumers in the Americas, in both Mexico and the United States.

I know that my friend from Arizona has a very busy schedule, and I do not want to keep him, because he has an important television program to come on in just a few minutes.

Since I said I would go in seniority, I will say to my friend, the gentleman from San Diego, that I hope that he will suffer through the remarks of my very eloquent friend from California.

Mr. CUNNINGHAM. Once a J.O., always a J.O.

Mr. DREIER of California. Mr. Speaker, I yield to the gentleman from California [Mr. ROHRABACHER], my very eloquent speechwriter friend from Long Beach.

Mr. ROHRABACHER. I will take a few moments, and then I will let my friend from San Diego have his say, and maybe later on we can talk a little bit more.

I would just like to note that I used to work for an older fellow. He was a very successful man, and I studied his methodology. I tried to figure out what was the secret of his success. How did he achieve the things that he did?

I listened to him, and in essence what he was telling me and telling other people was that when you are surrounded by problems, and we have many problems in America today, do not get bogged down in your problems. What you should do, instead, is follow and seek your opportunities, try to exploit your opportunities, put your time and your energy into finding things to accomplish rather than simply trying to focus on all the problems that surround you.

Well, today we are surrounded by problems. We have a $400 billion deficit this year, and this is a fact that is almost overwhelming. The Federal debt is going up by over $400 billion this year. Next year, it is projected that our Federal debt will increase by $426 billion.

For those people who are listening who do not understand the significance of this, let me just say that for every year for the rest of my life there will likely be $70 billion in the Federal budget allocated simply to pay for the interest on the increase of the national debt over these 24 months. It is almost overwhelming. This is something that is a wolf at the door.

However, if all we do is try to deal with the problem rather than trying to seek opportunities which will expand the American economy and find out ways of doing things better here, then we will miss the opportunities that are present, and I believe there is no greater opportunity in America and for America than this free-trade proposal, the North American free-trade proposal, our free-trade agreement with Mexico and, yes, expanding trade around the world through the GATT process.

By freeing trade, and especially by freeing up trade between the United States and Mexico and freeing trade between, yes, the United States and Canada and Mexico, we will expand the wealth of this country. We will have sought out the opportunity, the greatest opportunity that we have.

There is no greater opportunity in America today to expand the amount of wealth available on this continent and available to our people and wealth that will make us more productive and, thus, more able to deal with the deficit problems and the financial problems that we have than what is going on today, the opportunity with this free-trade agreement.

Mr. DREIER of California. Reclaiming my time, I will yield to the gentleman from Arizona.

Mr. KOLBE. I thank the gentleman.

The gentleman from California made a very good point, and I would just like to follow up on that. I am sure he may be aware of this fact, and perhaps he is not.

We have heard a lot in this debate about the fact of why should we want a free-trade agreement with Mexico;

after all, Mexico does not have any wealth. The people are poor. They cannot afford to buy anything. What is interesting, and I think most people are not aware of this, Mexico buys on a per capita basis, Mexicans buy $350 a year from the United States per person in exports of the United States to Mexico. The EEC, far wealthier, buys $266 a year from the United States.

Now, think of what we could do if we can develop the economy of Mexico and increase the wealth of Mexico, how much more that could be.

Mr. DREIER of California. Would my friend repeat those figures? Those are figures which I think bear repeating so our colleagues can hear them.

Mr. KOLBE. Today, even as poor as Mexico is, they buy $350 per person per year from the United States in goods that the United States sells Mexico. That means jobs for Americans producing for Mexico; while the European Community, far wealthier, buys only $266 per person from the United States

Mr. DREIER of California. That is a fascinating figure.

I will yield further to the gentleman from California.

Mr. ROHRABACHER. Let me just mention, and then I will let my colleague from San Diego have a say as well.

When the gentleman whom I was mentioning, the older gentleman who gave me that advice——

Mr. DREIER of California. We were all wondering who that is.

Mr. ROHRABACHER. Yes. He gave me that advice at a time when he took over as President of the United States, at a time when the inflation rate in the United States was destroying any hope that we ever had for progress, at a time when the economy of the United States was sinking, at a time when the interest rates were 21 percent. I am talking about a man who took over the Presidency at a time when our country was in total despair and had the same economic trends continued during his Presidency, yes, this country would have been bankrupt years ago. The deficit that we are facing right now, if those same economic trends would have continued during his Presidency, the deficit we are facing now would have happened 5 or 6 years ago, but, instead, he was able beyond anyone's expectations of creating the longest period of economic growth in our country's history, because he focused, instead of focusing on a problem, focusing on the maladies of America, he focused on the opportunities of America and how to make America more productive, how to get our economy growing, and his name, of course, was Ronald Reagan.

Mr. DREIER of California. I thank my friend for that.

Reclaiming my time for a moment, I think it is just an extraordinarily important point to make that we hear much concern about the potential effects of a United States-Mexico free-trade agreement, and what we are trying to do is we are trying to apply Ronald Reagan's outlook realizing that we will be able to see tremendous benefits accrue to the American people through this.

Last night I was on a radio program in Los Angeles in which people talked about the potential loss of jobs, and some people who have already been victimized by jobs which have left the United States and gone to Mexico. That is something which is, of course, of concern to us. It is of concern to President Bush.

In his response to a letter submitted to him from Senator BENTSEN, chairman of the Senate Finance Committee, and the gentleman from Illinois [Mr. ROSTENKOWSKI], chairman of our Committee on Ways and Means, the President provided what I believe is a very good response, and that is that we need to ensure that dislocated workers in this country are not going to be ignored, and that we will have a package which will address their concerns, but we need to recognize that if we are able to reduce the barrier from the United States going into Mexico, it is a much greater barrier than the barrier that exists between Mexico and the United States.

□ 2040

Last night, for example, or a couple of nights ago, one of our colleagues was raising this issue about automobiles from Mexico will be flooding into the United States if we reduce this barrier.

Today there is, basically, no tariff on the flow of automobiles from Mexico into the United States. Why are we not flooded with Mexican automobiles today, Mexican automobiles today? The fact of the matter is, we are going to see tremendous opportunity for the flow of United States goods into Mexico. We have all spent time in Mexico, my friend from San Diego who represents that border area, the people of Mexico desperately want the opportunity to purchase United States-manufactured items that are going to be a very positive effect, which the American people will feel from that.

As has been said from time to time, every $1 billion in exports, we create 20,000 to 25,000 jobs. From 1986 to today when we have seen a reduction of the tariffs, the barriers that exist between the United States and Mexico, we have seen a doubling from $15 to $30 billion. A doubling of the exports from the United States into Mexico. It is very clear that we are going to see benefits accrue to the American people from this.

Of course, we know that we can benefit the people of Mexico also.

Mr. Speaker, I yield to the gentleman from California [Mr. CUNNINGHAM], an extraordinarily distinguished man who, as a new Member of this House, brings a lot of expertise, and has a fabulous background. His heroic war record is something which makes me humble in his presence all the time. I am happy to yield to the gentleman.

Mr. CUNNINGHAM. Mr. Speaker, I thank my friend from California. I was so excited when I sat here for an hour last night and watched Members from both sides of the aisle debate, and I think of the whole time that I have been here, it was one of the most serious and one of the best attended and most learning debates that I had ever sat through on the House floor.

Mr. DREIER of California. Reclaiming my time, I hope we will be able to have that again tonight. I am anxiously awaiting some of our colleagues. I do not know if my friend from Hawaii is a proponent or a opponent of this issue. If she happens to be on the other side, we would love to hear from her and mix this up again tonight, if possible.

Mr. CUNNINGHAM. If the gentleman will continue to yield, I want to tell the gentleman that I could not be more excited. I have lived through the negatives of Vietnam and the S&L's, and the recessions we have gone through.

I think right now we have seen the positives of Desert Storm and this country uniting itself. We think we have seen the positives of new markets opening up in the destruction of the Berlin Wall. I think right now all citizens can be that portion of the tip of the sphere that focuses. As my colleague from California [Mr. ROHRABACHER], stated, too many people just focus on the problem, not the solution. I would agree with that wholeheartedly.

The reason I asked to have a little time tonight is that from the debate of last night I picked out several items. There were some items that have not been brought up. From personal experience, and I reside in San Diego, CA. We are right on the border. We look at the immigration, we look with trade every single day. I thought perhaps I could shed some light and perhaps reality to the debate.

A lot of people will tell Members Mexico is corrupt. I know that personally, Salinas de Gortari has done more for Mexico to eliminate corruption than any other President, not only in my lifetime, but in times past.

Mr. DREIER of California. My friend will acknowledge, of course, that there has been a pattern of corruption in the past in Mexico? I think we all acknowledge that, but he makes a good point. We have seen dramatic improvements in the problem of corruption.

Mr. CUNNINGHAM. If the gentleman will continue to yield, I agree. Our colleague from Arizona spoke earlier that too many times our gangs from different ethnic groups focus on negatives. I would like to focus on positives

from personal things I have seen from the Salinas government.

We had my distinguished colleague from Arizona, who had to depart, and this week we had a fishing agreement rights that came through, that would limit our sports fishermen to catches. Never before have we been able to have a response that in a matter of 2 days could we go to the President, directly to the Ambassador in Washington, DC, and resolve it overnight. The agreement and the contributions, back and forth with the Mexican Government have been extreme.

I know in San Diego we have a sewage problem. We have the Tijuana River that borders Mexico and the United States. This year, after 20 years of trying, the commissioner, with the Salinas government, have established where we will have, finally, a sewage plant, cosponsored by the Mexcian Government and the United States to take care of that Tijuana River. We tried for years to have that done long before I entered into the scene.

Mr. DREIER of California. I say to my friend while it also happened with the Salinas government, I argue that the gentleman from San Diego, Mr. CUNNINGHAM's entry into Congress could have played a pivotal role in dealing with that problem.

Mr. CUNNINGHAM. If the gentleman will continue to yield, my distinguished colleague on the other side of the issue, the gentleman from California [Mr. HUNTER], and the gentleman from California [Mr. LOWERY], and the gentleman from California [Mr. PACKARD] have broken the ground before me. I would like to take credit for it, but I know they have been instrumental in making that happen.

Recently, the openness of the Mexican Government to even agree or talk to officials on the issue because of the possibility of free trade and the barriers that have come down. If we cannot help someone in our background, if we cannot help our neighbors, we are lost, I think.

Another issue that San Diego suffers from is illegal immigration. We have tons and tons, and I think my friend mentioned there was something like $740 million a year in payments.

Mr. DREIER of California. That is just in Los Angeles County alone, approaching three-quarters of a billion dollars for social services, health care, criminal justice, dealing with the illegal immigrant problem.

Mr. CUNNINGHAM. Locally, the Tijuana government and the Salinas government have banded together, and I checked with my chief of police, Chief Burgreen, who has done an outstanding job for citizens in San Diego. He told me personally that President Salinas and the Mexican Government are working harder than they have ever worked before on helping the citizens to solve that problem.

Mr. DREIER of California. Would my friend repeat that again for me? If my friend could just repeat once again the statement from the chief of police.

Mr. CUNNINGHAM. The chief of police in San Diego, Chief Burgreen, and one of the finest police chiefs that San Diego has ever had, told me personally that the President of Mexico and the Tijuana government, which is right across the border from San Diego, is working harder and more with the city of San Diego than they ever have in the history, to solve illegal immigration. The support that they have on the border, the communication net that they have back and forth, the supplies, the manpower, the money, everything, all the way from sewage, all the way from the border. They are even looking at a binational airport in the district which they have never looked at before. These are positive things.

The maddest I have ever been was the Enrique Camarena case, where a DEA agent right across the border was killed. This was in Mr. HUNTER's district. He asked me to get involved, and I know it affected him very personally, the Enrique Camarena case.

President Salinas has done more to eradicate jobs coming across that border than any President in history. I think we need to kind of support those kinds of things. People will tell Members, and one of my concerns when I first started, whether I was going to be for or against the fast track or free trade, was the pollution problem. If they will increase the pollution in the Tijuana River, if they will increase air pollution, then that will be critical, especially for my district, a critical decision. I have personally gone down on the border. I know that the Mexican Government is working every single day at closing down and enforcing the environmental problems that they have.

Mr. DREIER of California. Reclaiming my time, I think that that in itself is a very important testimonial on this, because many have argued over the past several weeks and months that as we look at the prospects of free trade agreement with Mexico, we are going to see United States industry fleeing to Mexico so they can take advantage of lax environmental standards that exist there.

My friend from San Diego would in no way support the fast-track provisions allowing Members to sit down and begin negotiating an agreement, if he thought for one moment that there was a weakened position on the part of the Lomita, the environmental protection agency in Mexico, or if he thought for a moment that a United States business or any other business in Mexico would be able to come to the border and burn something that could blow across the border and be inhaled by the young children who live in the San Diego area. I think that the support for fast track being demonstrated by my friend from San Diego is a very clear sign that he has confidence in the negotiating process and our commitment to ensuring that we have an improved environment in Mexico as well as the United States.

□ 2050

Mr. ROHRABACHER. First of all, Mr. Speaker, let us note that we should be rewarding President Salinas and those people in the current Mexican administration who have been trying their best to accomplish the things that our colleague from San Diego has been describing for us.

This is a time that we should say this is the type of relationship we want to have. We do not want to have the relationship we have had in the past where people would not return our phone calls, would not address the problems of our borders. Instead, if we turn down this treaty at this time and not even discuss it, it will be like the back of our hand and we will never have the opportunity again.

The question I would like to raise as we talked about a sewage treatment plant that might go into San Diego, and this is perhaps symbolic of what we can face in the future with better relations with Mexico. Who do you think is going to build that sewage plant? Where is the equipment going to come from? What companies are going to be involved in the construction? What type of technology will we put into this sewage plant which will help solve a major pollution problem?

I am willing to bet that once this moves forward, once the investment has been made, once the decision has been made to move forward with the building of this sewage plant, I know that we have been trying to reach an agreement to do this for almost two decades now, but once we reach that agreement, I would be willing to bet that American companies will be deeply involved in the building of this, making a profit at it. It will be our technology and our skilled workers who will be down there participating in this project which will benefit both of our countries.

Mr. DREIER of California. Mr. Speaker, my friend makes an extraordinarily good point which I think bears repeating, that being that we in the United States have developed the technology which is helping to clean up the environment of the world. Our technology is being exported to countries throughout the world because we are the ones who are enjoying cleaner air in the Los Angeles basin than we saw 15 or 20 years ago, because of the technological advances that have been made.

Well, it is obvious that this technology is something that the people of Mexico City, who have very serious air pollution problems, desperately want,

as do the people on the border and throughout the country; so there is going to be another great example of a United States product which will be exported to an entire industry which will have tremendous opportunity in Mexico.

Mr. Speaker, I am happy to yield further to my friend, the gentleman from San Diego, because I know he has some very important points to make.

Mr. CUNNINGHAM. Well, Mr. Speaker, I would like to piggyback on my friend, the gentleman from California [Mr. ROHRABACHER].

When the gentleman talked about the sewage plant, in the past the United States has ended up having to pay for most of that equipment, having to pay for the sewage plants, having to pay for airports, having to pay for drug interdiction, having to pay for stopping illegal immigration.

This also gives the Mexican Government the ability to pay a better fair share of this, like a sewage plant. They already have envisioned additional plants that they can pay for with the increase in trade.

My friend, the gentleman from California, Mr. DUNCAN HUNTER, my good hunting and fishing buddy, released an article saying that most Hispanics opposed free trade.

Well, I am in my district every single day. I have a 66-percent minority district. I have held town meetings. I have walked streets. I have talked to business leaders, Mexican-American business leaders. I have talked to Mexicans in their homes, and the majority of the Mexican people that I have talked to on both sides of the border favor the fast track and free-trade agreement.

It is a benefit to them. As a matter of fact, the people I have talked to have been very upset at some of their leaders that they have put trust in not favoring fast track and favoring special interests.

Mr. DREIER of California. If I could reclaim my time for a moment, Mr. Speaker, last night I held up here the bottle, the jar that was labeled DDT. It really was not that. Organized labor sent around to all our offices this jar of DDT, saying it really was not that, it just had this warning. The paper that was attached to it said that DDT will be slathered all over the fruits and vegetables which we in the United States will be eating. That clearly was a scare tactic. The people in our office sent out a Dear Colleague letter today and contacted those who had written the letter and asked which countries actually export these products with DDT, and the authors of this letter could not name one.

I think that this kind of scare tactic is apparent.

I know my friend, the gentleman from San Diego, has told me that many of the Hispanic leaders in the Southern Calfornia area have indicated their displeasure with the fact that many in organized labor have been lobbying, misrepresenting to all of us here in this Congress, a position as far as its effect on the American worker.

Mr. Speaker, I am happy to yield further to my friend, the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, I agree. Mexico has had more environmental laws on the books than the United States, very noteworthy, but they have not enforced them in the past. The change that I see across the border in Tijuana in the fruits that come across as well as the efforts of President Salinas, that has changed and that is very positive.

Mr. DREIER of California. Of course, on the issue of fruits that come across, we in the United States are not about to begin considering importing something that is slathered with DDT, because we naturally, through our own Agriculture Department, prevent the importation of those kinds of products, so people trying to make that kind of argument are way off base. I think that needs to be recognized.

Also, my friend spoke so eloquently about the improvement that we have seen in the fact that the Salinas government has been virtually unprecedented in its work on drug enforcement.

We also have seen a tremendous intensification of the environmental standards there. The greatest evidence of that was just recently when President Salinas actually closed down the largest refinery in Mexico City which employed 5,000 people because it was polluting so heavily in Mexico City.

So my friend is right. The same kind of improvement that we are seeing in the enforcement of drug laws and drug trafficking we are seeing in the area of the environment. It is not perfect, of course, but it certainly is moving in the right direction.

Mr. Speaker, I am happy to yield further to the gentleman from California.

Mr. CUNNINGHAM. We have a long way to go, Mr. Speaker, not only in the stoppage of drugs coming across the border, but illegal immigration as well.

I would like to reflect that I think we have signed five different treaties with Japan and they have violated all of them. I think if you take a look at Japan and the way it was maybe 100 years ago, pretty much of an isolationist state, very inward drawn, at the time after World War II they started in free trade and basically I think Japan has skinned us alive in free trade. We may need to take the necessary steps looking at free trade, looking at fast track. The President, I have full confidence, will do that; but if we pull in our sails right now, if we become an isolationist state with Mexico, when we have European markets opening up, we are going to be left behind.

At a time of economic prosperity when we are looking at $400 billion going to $426 billion, again we need to look at the solution, not just the problem.

Mr. DREIER of California. Mr. Speaker, my friend is absolutely right. I can think of no better way to force the United States of America into a second-class economic power status than by defeating this fast track measure tomorrow when we consider it here on the floor.

I think using this example of Japan is a very important one. We have the opportunity to unite and take advantage of the situation that we have with our neighbors, an advantage for them and an advantage for us, which I think clearly will be very beneficial.

Mr. Speaker, I yield further to the gentleman from California.

Mr. CUNNINGHAM. I hate throwing out statistics. Every time I see some I cringe, but let me expound on something else that was brought up.

With $350 per person coming across from Mexico that is spent on United States exports. In San Diego alone, which is the largest border crossing, it has a larger crossing than any other place in the United States, we had 64.5 million people come across from Tijuana legally. Every single one of those individuals buys products in the State of California and many into Arizona and other States as well.

It does not take a mathematical genius very long to figure out that if every single one of those individuals spent 70 cents out of their money that they earned in Mexico in the United States, that is going to prosper not only San Diego, not only California, but the rest of the United States, and I think that is going to expand as well.

□ 2100

It is an increase for the dollar in the consumer demand in the United States as well. Last year, San Diego exports exceeded $1 billion. That is just San Diego. That money and those exports come back to us in duplicate. A third of the city's total export volume went to Mexico. Our exports to Mexico were just third, just behind Japan. If that is the case, that tells me logically if we are exporting more goods, if we are providing more goods to another country, that tells me that jobs are going to be created in this country to make those goods.

Now, there are some concerns of some individuals and some manufacturing facilities that will be hurt, but the overall good, I believe, and the main reason I am supporting this, is I think it will be good for the United States.

Mr. DREIER of California. I yield to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. The gentleman mentioned manufacturing. I just want to

point out that there have been a lot of people who have come to this floor, largely from the other side of the aisle, and it has been like Chicken Little running around saying, "The sky is falling," that somehow Mexico is going to denude the United States of its manufacturing jobs. Well, your data is pretty much on target. But I would like to call attention to a front-page story in the New York Times, the Sunday edition dated April 21, entitled "Boom in Manfuactured Exports Provides Hope for U.S. Economy."

The American manufacturing community is exporting more today than it ever has in history, and it is doing it because of higher productivity and higher quality.

There has been a renaissance in manufacturing during the 1980's in the United States of America.

Just the other day, Monday, a front-page story in the Washington Post, "U.S. Firms Stage Competitive Revival. Increased Efficiency, Cheaper Dollar Helping to Boost Exports." And it goes into how, yes, it is a cheaper dollar that is helping it boost our exports, but the primary driving force for American manufactured goods selling all over the world today is quality. There is a quality revolution going on and we are part of it. Those folks who are coming to the floor like Chicken Little saying, "The sky is falling," or, "The Mexicans are coming," just have not looked in their own backyards to see the kind of progress that the United States has made.

Mr. DREIER of California. Reclaiming my time, I think it is very important for us to note that if one looks at the decade of the 1980's, clearly 80 percent of the economic growth which we have experienced in the United States is export driven, as my friend pointed out.

We were discussing just a few moments ago 20,000 to 25,000 jobs are created with every $1 billion in exports. As we look at the wave of the future, and we had our great Republican retreat up at Princeton and I know my friend participated in these events in the past; one of the things we discussed in these meetings has been the fact that the wave of the future is a lessening of these barriers which exist among these countries throughout the world. Clearly, the barrier is higher going from the United States into Mexico than it is from Mexico going into the United States; 10 percent is the average tariff on United States goods going into Mexico, 4 percent on Mexican goods coming into the United States.

So this export-driven economy which we are going to see is going to dramatically expand with the possibility of a United States-Mexico free trade agreement being implemented.

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. RITTER. The gentleman is absolutely correct. The fact is that, for example, in automobiles, people talk about locating automobile factories in Mexico. Well, they have been located down there for the latter part of this century. But they also talk about moving production to Mexico. One of the reasons we have moved production to Mexico is the tariff on automobiles going into Mexico from the United States made in the United States of America is extraordinarily high. It is 20 percent. The tariff coming in here on cars coming from Mexico to the United States is 2.5 percent.

You do not have to be a rocket scientist to know that if you want to produce cars in the Mexican market, it is cheaper to go down there and produce. If we have an agreement that knocks down some of these high tariff barriers on goods exported, made in America and exported to Mexico, we will not necessarily have to go down there with plants to produce for this Mexican market, which is not near as poor as some of the folks from the other side of the aisle are saying. This is a country that has massive oil reserves and is growing in its wealth.

Mr. DREIER of California. On that exact point, if you look at the figures as they exist today, they are extraordinarily impressive. There is 1 automobile for every 15 Mexicans; 3 automobiles for every 4 Americans. It is clear they would love to have the opportunity to purchase U.S.-manufactured vehicles. In fact, if one looks at those in the auto industry who are supporting the prospect of a United States-Mexico free trade agreement, do you know what sector of the auto industry is supporting it? That creative new joint venture sector that is in the southeastern part of the United States, in Tennessee and in other areas, which has been working. We found a great deal of support for those. Only those in the Detroit area, in Michigan, organized labor area there, has consistently opposed it. But I believe they are making a real mistake on this because there is a great desire on the part of Mexicans to purchase United States-made automobiles.

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding, and I really do thank the gentleman for his leaderhsip in this area. The gentleman represents Los Angeles County, southern California; I am from the industrial heartland. So you are seeing some interesting collaboration and sharing.

Mr. DREIER of California. On that point I would like to say it is especially bold of my friend from Pennsylvania to stand up against tremendous odds and be here on what I truly believe is the right side of one of the most important issues.

Mr. RITTER. I do not think it is bold to be smart. I do not think it is bold to stand up in behalf of your workers whose jobs are going to benefit from this kind of an agreement.

Mr. DREIER of California. I say it is bold because of the misperception extant.

Mr. RITTER. That is right, no doubt about it, a lot of misperception.

In terms of what is right to do for my workers in the Lehigh Valley of Pennsylvania, for Pennsylvania industry itself, it is absolutely 100 percent the right thing to do. The gentleman pointed out Mexican exports, and I would like to point out that Michigan as a State exported $1.75 billion to Mexico in the year 1989. It has gone up substantially since then. It is probably over $2 billion today.

It jumped, nearly doubled from when Mexico started liberalizing its trade barriers about 4 years ago.

Now, of that $1.75 billion in 1989, transportation equipment was nearly $800 million.

So it is a fact that Detroit and Michigan and the automobile industry is doing big export business to Mexico. The idea of doing some kind of production sharing with Mexico between the automobile industry and Mexico is not a bad idea in order to keep our products competitively priced so that the whole shooting match does not go over into Japan and other Asian countries because that is also what has been happening.

Mexico is real close by. Every time they import a dollar's worth of goods to Mexico, 70 cents of that dollar is an American good or service.

Now, that is not exactly what happens in Japan. It is not exactly what happens in Taiwan. It is not exactly what happens in Malaysia.

In fact, almost nothing of their value-added is coming from the United States when they produce over there.

Mr. DREIER of California. And it is obvious they would not have any prospect of purchasing from the United States and so many of these jobs which would flee to the Pacific rim would be such that we would see a lessening, a dramatic lessening, of the purchase of U.S.-manufactured items.

Mr. RITTER. Absolutely. The gentleman is talking about automobiles and automobile production; I know our good friend and colleague, the gentleman from San Diego, Mr. HUNTER, who is on the other side of this issue, was on the floor the last several nights. We have fantastic respect for Mr. HUNTER. But he was talking about the real cheap labor, the automobile assembly plant down there. The bottom line to automobile production in 1991 is quality, it is innovation, it is the kind of high-level, high-technology industrial activity that you cannot find in Third World countries like Mexico.

Now, you can find some of the assembly types of jobs, and you can get quality response from them to the extent they are working at a certain area of production. But the real value-added jobs, the high-paying jobs, the good jobs in the automobile industry are going to stay in the United States. They are not going to go to Mexico.

Why? Because quality means tremendous feedback into the system where workers, engineers, supervisors, managers, customer service representatives are constantly in a kind of turmoil of a feedback loop which is seeking to continuously improve the process so that the product at the end comes out better.

□ 2110

To do that, Mr. Speaker, it takes a unique labor force. It takes an educated, trained labor force. It takes a very high level, an integrated level, of suppliers. It takes an infrastructure, an industrial infrastructure, that is extremely high tech and highly educated.

Yes, it could happen in Mexico, but, if we can share some of the aspects of production to make our products more price competitive, why not? Why send the whole thing over to Japan and have it done by robots?

So, as my colleagues know, Ohio is another State, if the gentleman would just continue to yield, talking about industrial States.

By the way, let us just get back to Michigan for a minute.

Mr. CUNNINGHAM. Mr. Speaker, would the gentleman yield while he is leafing through his papers?

Mr. RITTER. Mr. Speaker, let me just say that the total manufactured exports, the total exports, from Michigan to the world are $21 billion because we are going to go beyond just this North America free trade agreement. We are going to get into GATT, and there is going to be some lowering of barriers around the world. Michigan exports $21 billion worth of goods and services in probably largely manufactured products, probably largely connected with the automobile industry and industrial plant and equipment facilities that are geared. I mean what a tremendous opportunity to expand.

What was the gentleman saying for each billion dollars?

Mr. DREIER of California. For each billion dollars in exports we create 20 to 25,000 additional jobs here in the United States, and let me reclaim my time, and I would be happy to yield to my friend from San Diego.

Mr. CUNNINGHAM. Mr. Speaker, that is one of the points I was going to make. I thank the gentleman from California [Mr. DREIER] for yielding.

Mr. Speaker, that creates 50,000 jobs.

Let me tell my colleagues about a local problem while we are talking about quality. In San Diego I just told my colleagues we had over 64 million people a year come into San Diego from Tijuana. One of our major problems is air pollution because the cars in Mexico have not been devised with pollution devices. Salinas is going to carry through with that, and, when our products go down to California, even though a low number of Mexicans own cars, those that do come across will help us in our environmental problems as well.

Mr. RITTER. Mr. Speaker, if the gentleman would yield, I would say, by the way, that I serve on the Committee on Science, Space, and Technology. I also serve on the Committee on Energy and Commerce and am involved with activities of the Clean Air Act for many years.

Mr. DREIER of California. Those are all the nice things that I was going to say about the gentleman.

Mr. RITTER. Sorry if I preempted the gentleman from California [Mr. DREIER], but the reason I am saying this is because the comments on the environment are all wrong. There has been tremendous misinformation. The bottom line is that, as Mexico links in with us, it absorbs some of our culture and values in environmental control that they have not paid that much attention to frankly. We know that, and I think it is appropriate that Members of Congress call attention to this issue and that we do get from the President a very strong assurance that this would be a part and parcel, the environment would be part and parcel, of any agreement that would be negotiated.

But the bottom line is that we are not negotiating. If we are not talking with these people, if we are not integrating them into our lives, and our values and our culture for a cleaner environment, they are not about to clean up anything.

I ask, "How many desolate Third World nations that you've traveled in have a decent clean environment?" Mr. Speaker, they do not. Link them into a grander scheme where they can get richer and we can get richer, and their standard of living increases as our standard of living increases; the demand is there from their population, but it is going to be there from us if they want to do business in our way.

So, hey, this is very good as opposed to very bad for the environment, and I yield back.

Mr. DREIER of California. Absolutely. As we increase the quality of life in Mexico, it is natural that the people of Mexico are going to demand the technology which we have in the United States. As I was saying earlier, it was one of the reasons I supported the Clean Air Act. Many people said, "Oh, the tremendous cost in jobs to the United States by passage of the Clean Air Act. It would be overwhelming."

I said, "Domestically we would decrease health care costs, and at the same time we would have developed this tremendous technology which would be available for export throughout the world."

Mr. Speaker, as we increase the quality of life in Mexico with freer trade, we are obviously going to be increasing the export of United States technology as it deals with the environment to Mexico to improve their quality of life because that is a unique ability which we have in the United States because we have a proven track record for developing technological advances in the area of improving the environment.

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I would be happy to yield.

Mr. RITTER. The same is true with workers rights. If they are divorced from us, if they are in an economically desolate situation, they are not going to pay any attention to workers rights, but, if they get involved with doing business with us, and they have to conform to some of our cultural values and standards, and we can help uplift them, workers are going to have a heck of a lot more rights, a heck of a lot more rights linked with us than they are going to have on their own, doomed to poverty. Third World countries that are poor have rights, but, if they get richer, and grow, and increase their standard of living and productivity, they get more workers rights.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, there is going to be another issue that is going to come on the floor that I think maybe has some parallel, when we are looking at most favored status for China. I do not know if I am going to support that issue or not. But one of the things that is intended is that, after Tiananmen Square, people are concerned about human rights. The best thing we could do to improve human rights in China is to continue the most-favored status of China so that we could continue our trade because, as we continue our trade, it expands inward, and one of the problems is the old guard, the centralized government, the Communist government.

As my colleagues know, we are not fooling ourselves. It is a Communist government, and the further that we move inward with free trade, with negotiations and where people start to work—there is over 2 million people in China working now in trades, and, if we can increase that, then civil rights for workers are also improved, and I think the gentleman's point would also spread and hold true in Mexico.

Mr. RITTER. Mr. Speaker, I am going to have to differ with my colleague from San Diego on extending MFN, most-favored-nation, status to China.

Mr. CUNNINGHAM. I do not know if I favor it or not.

Mr. RITTER. It is because I tend to believe that they have not responded in terms of human rights. They have had some very severe sentences on human rights activists. They are executing numbers of people. They have not responded, and we may need to send them a signal.

I just do not see China though as in any way, shape or form comparable to Mexico.

Mr. CUNNINGHAM. Mr. Speaker, would the gentleman yield for just a second.

I am not suggesting that. I am saying that one small point is that, as we continue trade in what we call democracy in what we call our capitalist form of government that it does expand for human rights, and that was the only small aspect that I was saying.

Mr. DREIER of California. Mr. Speaker, if I could reclaim my time, I think that this colloquy that is taking place between the gentleman from Lehigh Valley and the gentleman from San Diego is a very important one. There are Members of this House who are trying to liken the Mexican Government with the Government of the Soviet Union, the Government of China and others, trying to claim that there is no political reform, and I think my friend from San Diego has covered extraordinarily well in his specific relationship with border governments—I assume that he deals with the opposition party government, the National Action Party government, headed by Gov. Ernesto Rufo in Baja directly to his south, which is the first time in the history of this one-party control, the Institutional Revolutionary Party in Mexico, that we have seen an opposing party candidate for governor seated, and I think that is a demonstration of political reform in itself, and we have seen improvement.

However, Mr. Speaker, I think, as we discuss China, it is important to recognize that there are people who are arguing that the Government of Mexico is so corrupt and has had one-party control for such a long period of time, and I should say parenthetically that I am one who has been critical of that one-party control, and I hope very much that opposition party candidates will, if they gain the votes, be seated in these different elective offices throughout the country, and, with elections coming in August, we are looking for possibly two or three governorships to potentially be electing National Action Party, PON Party, candidates. But I think it is a very important point which the gentleman makes.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I am happy to yield to my friend.

Mr. CUNNINGHAM. Mr. Speaker, if we had a man like Abraham Lincoln come in and change our form of government, and take pride in it, and change it over, if we did not support that kind of positive change, we would be just as guilty as if we did not support President Salinas. The changes that he has made in Mexican Government, in drugs, in immigration, in every positive aspect, we need to support because, if we do not, if we destroy the Salinas government, which I think we will if we do not support fast track and free trade, then we are going to take a giant step backward for mankind instead of forward.

□ 2120

Japan is building a port in Mexico as we speak today. Japan is building ports in China as we speak today. If we lose those advantages, then I think overall our workers, not only auto workers but across the Nation, are going to suffer for it.

Mr. DREIER of California. Mr. Speaker, I thank my friend for his contribution. I have been wanting to do this. I do not like to stand here and read anything, but today's Washington Post had a fascinating editorial, "What Fast Track Means."

I would just like to share the last couple of paragraphs on this with our colleagues. It says:

> The prospect of a Mexican trade agreement in particular spooks a lot of people in Congress. It would certainly encourage more American companies to open factories in Mexico. Would that damage this country?
>
> Consider a historical example. In the 1950's, low wage industries like textiles were moving from New England to the South, over the bitter protests of the labor unions that are now fighting fast track. That southward migration certainly cost some New Englanders their jobs. But now, a generation later, New England is not only richer, it is richer in relation to the national average than it was 40 years ago, when the flight of the mills was beginning.
>
> Meanwhile, Southern prosperity has grown even faster. The disparities between the country's richest states and its poorest are significantly narrower than they were in 1950.
>
> The process that has worked across state borders will also work across national borders. The choice on fast track and trade is a choice about economic growth. Congress won't have a better opportunity this year to vote for growth and a rising standard of living here in the United States.

I think that says it extraordinarily well. It is not often that I agree with editorials in the Washington Post.

Mr. DREIER of California. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, I want to just talk about growth and its relationship to exports and the whole field of manufacturing, because there have been so many, again, Members of Congress running around saying: The sky is falling on manufacturing. We are going to be denuded out of our manufacturing jobs. The Mexicans are coming.

Let us take a look at Ohio, again, a State of our great industrial heartland, the neighboring State of Pennsylvania. Ohio's exports to Mexico from the time liberalization of the Mexican trade barriers began back in 1987 to 1989, and again it is substantially higher today, it just about doubled from $245 million to $484 million. This is from Ohio.

Ohio's exports to the world, $13,323,000,000.

Mr. DREIER of California. Mr. Speaker, I hope very much that my friend, the gentleman from Pennsylvania [Mr. RITTER] will use those figures tomorrow in the debate. Our time has expired.

In closing on this special order, I thank my colleagues from San Diego, the Lehigh Valley, the gentleman from Arizona, and Lomita, and other parts of the country who have joined in this effort. I hope very much this is the last of my series of special orders, I should say to my colleagues, and to the wonderful people who work here late at night, but I do believe that tomorrow we will be casting one of the most important votes in decades. I hope very much that my colleagues will say to President Bush, yes, you can sit down at the negotiating table and try to bring about an agreement which will improve the quality of life for both Americans and those in Mexico.

Mr. GRANDY. Mr. Speaker, I rise this evening in firm support of the President's request for the extension of fast track trade agreement implementing authority and in firm opposition to House Resolution 101 and any other attempt to sidetrack, split, disapprove, or alter the congressional fast-track procedures set forth in section 151 of the Trade Act of 1974.

Our Nation stands at the door of perhaps the greatest economic opportunity in our history. However, if the sponsors of House Resolution 101 had their way, we would not even knock so that the door may be opened and further exploration could take place. During the Kennedy administration of the early 1960's, this Nation adopted a policy stance of "Trade not Aid" with regard to Mexico and many other countries. Today, opponents of the North American Free-Trade Agreement [NAFTA] and the extension of fast track want to revert to the costly, ineffective, and regressive "Aid not Trade" policy that was discarded 30 years ago. I believe this would be a grave mistake. Tomorrow as we vote on this crucial issue, I trust we will not make this mistake.

I want to make five main points that all clearly indicate that the extension of fast track is in our Nation's best interests and that arguments against the extension are largely based on misinformation. These points are the following:

First, the main basis for denying the extension of fast track—sufficient tangible progress has not been made in trade negotiations—does not exist in fact.

Second, successful completion of the Uruguay round of GATT negotiations will be beneficial to the American agricultural sector.

Third, passage of House Resolution 101 could negate the protections provided for America's farmers in the GATT trigger or snapback provision of the Omnibus Reconciliation Act of 1990 [OBRA] and take the pressure off of our trade competitors to come to a GATT agreement.

Fourth, the administration has proven by recent actions that they are just as committed to fair trade as they are free trade and that implementation problems with existing agreements should not stand in the way of proceeding with at least the negotiation of potential new agreements.

Fifth, the argument that a North American Free-Trade Agreement or a GATT agreement could be entered into without fast track has been fueled by misleading information and is not supported by the realities of modern multilateral negotiations.

SUFFICIENT PROGRESS HAS BEEN MADE IN OUR TRADE NEGOTIATIONS

House Resolution 101 states that "the House of Representatives disapproves the request * * * for the extension * * * because sufficient tangible progress has not been made in trade negotiations." I find this statement hard to swallow given the documentation provided by the President and the private industry Advisory Committee for Trade Policy and Negotiation [ACTPN] that accompanied the President's extension request as required by the Omnibus Trade and Competitiveness Act of 1988. Both of these reports certify that sufficient tangible progress has been made.

The Uruguay round of GATT negotiations started in 1986. We, the U.S. Congress, however, did not set our agenda, and an ambitious one at that, until 1988, 2 years after the negotiations began. It should not surprise us then, that more time is needed and justified for the Uruguay round.

With regard to the progress made, here is what the ACTPN had to say in their report:

The ACTPN believes that our negotiators have made strenuous efforts to achieve the Uruguay round objectives laid down by the Congress and the private sector. As measured against the numerous reports issued by the ACTPN and other trade policy advisory committees over the years, there has been continuing progress since the start of the Uruguay round. This is especially true if one considers the complexity of the negotiations, the divergent interests of the many countries involved, and the fact that the objectives laid out in the 1988 act were formulated 2 years after the Uruguay round was launched. It is worth recalling that the Tokyo round, which was far less complicated than the Uruguay found, required a full 6 years to complete. If present problems over agriculture are resolved, the ACTPN believes the agreements that meet the U.S. objectives may yet be achieved in the Uruguay round.

Furthermore, the ACTPN clearly outlines the procedural fast track debate before us today by stating in their letter of transmittal:

The ACTPN therefore believes it is imperative that the United States continue aggressively to pursue comprehensive trade-liberalizing agreements. The private sector and the Congress always retain the ability to oppose and reject an adequate agreement. Fast-track does not commit us to accept the unacceptable; it simply ensures that the United States has the tools at its disposal that will enable it to negotiate the best agreement possible.

LIBERALIZED WORLD TRADE IS A WINNER FOR AGRICULTURE

Both the U.S. Department of Agriculture and Iowa State University have undertaken studies which reveal that U.S. agriculture and U.S. farmers stand to benefit substantially from the conclusion of a GATT agreement containing reasonably achievable reductions in market access barriers, internal trade-distorting supports, and in export subsidies.

In its May 1991 report, Economic Implications of the Uruguay round for U.S. Agriculture, USDA research indicates that by 1996 under a completed GATT agreement, U.S. agricultural exports would be $6–$8 billion or 16 to 22 percent higher than without an agreement. Farm income would be up $1–$2 billion which translates into $3,000 more per year per U.S. farmer. Most importantly, this additional income would come from the marketplace, not the Federal Government. This is the goal of both the 1985 and 1990 farm bills and under our increasingly tight budget, the way it appears it will have to be if our farm sector is going to survive.

Not to be misleading, there are a few farm sectors that have traditionally been more protected than others that would possibly experience reduced income under a GATT agreement. However, projected budget savings in commodity program outlays under a GATT agreement over the 5 years through 1996 are far larger than any reduction in returns to adversely affected producers. In other words, if the United States wanted to insure that some farmers were no worse off with an agreement, then GATT permitted nontrade distorting payments could be made without a negative budget impact.

The Iowa State University [ISU] study, which utilized a slightly higher estimate of the reduction in export subsidies, concluded that farm income would be $4 billion more in 1996 under a GATT agreement than without one. The ISU data also indicates that annual farm income would increase, on average, $3.75 billion from 1997–2000. At the same time, net Commodity Credit Corporation [CCC] outlays would be $1.93 billion less in 1996 with a GATT agreement than without. Additionally, average CCC savings from 1997–2000 would be over $2 billion a year.

These sets of figures are conservative, not liberal. For the baseline does not assume the detrimental behavior which will take place if a trade agreement is not achieved. Without a trade agreement, we could expect to see protectionist policies increase and our export markets shrink. Pressure on our U.S. budget would be increased, yet the dollars are not there for any increased supports and the farm votes aren't there even if the dollars were.

U.S. agriculture is inseparably linked to the global marketplace. Future growth in demand for U.S. products will largely be outside the United States. Reliance on our relatively stagnant domestic markets will result in a shrinking agricultural industry. Over the next 20 years, the U.S. population will add 30 million people. The world population will grow by nearly 2 billion, and 90 percent of that growth will occur in less developed countries where food needs are greatest.

Countries can only afford to purchase products, however, if they have foreign exchange generated by a healthy, diversified economy that is bolstered by a liberal free trade system envisioned under the Uruguay round.

With regard to a potential NAFTA, both the International Trade Commission [ITC] and General Accounting Office [GAO] studies have shown that increased free trade with Mexico and Canada would have a net positive effect on United States agriculture. Those sectors that may be adversely affected have received commitments from the administration, contained in the President's response to your letter, Mr. Speaker, that sufficient steps will be taken to protect their interests.

The NAFTA by itself is a great opportunity for U.S. agriculture. The fact that we also have the opportunity to enter a multilateral agreement under GATT within a similar timeframe can only provide an even brighter future for American farmers. However, without fast track, indications are that we will have a much more dismal future.

THE OBRA GATT TRIGGER WOULD BE TERMINATED IF HOUSE RESOLUTION 101 PASSES

Passage of House Resolution 101 could negate the protections provided for America's farmers in the GATT "Trigger" or "Snapback" provision of the Omnibus Reconciliation Act of 1990—OBRA, Public Law 101–508—and take the pressure off of our trade competitors to come to a GATT agreement.

Section 1302 of Public Law 101–508, provides that if the United States fails to enter into a GATT agreement by June 30, 1992, then the Secretary of Agriculture is required to take various steps to beef up our export programs and to undertake new support programs for farmers. The provision further provides that if that agreement has not entered into force by June 30, 1993, then further measures are to be taken including the reinstatement of all cuts made in agricultural spending under OBRA '90. These provisions are designed to keep the pressure on our trading partners to come to the negotiating table with realistic proposals and also to protect American farmers from the unilateral reduction in our farm programs while our trading partners continue policies which further depress world commodity prices.

However, due to the budget impact of section 1302, Mr. FRENZEL added a termination clause that removes the authority to undertake all of the above if the President can certify that Congress' failure to provide fast track approval for any implementation legislation was the cause of the failure to enter into a GATT agreement. Therefore, if we were to pass House Resolution 101 here today, or next week on the floor, we would be in effect removing the safeguards provided for the U.S. farm sector in the reconciliation bill and taking all of the pressure off the Europeans to come to the bargaining table. This would be disastrous and would be pulling the rug out from under our farmers.

ADMINISTRATION ACTIONS INDICATE FAIR TRADE ON EQUAL FOOTING WITH FREE TRADE

Recent administration actions regarding a dispute under the Canadian Free-Trade Agreement indicate that it is as committed to fair trade as it is free trade and will utilize its resources to ensure that United States inter-

ests are protected and that the integrity of United States trade laws are preserved.

Opponents of the extension of fast-track implementation procedures have often utilized compelling horror stories regarding tainted meat entering the United States from Canada, or the Canadian refusal to admit several bushels of wheat into Canada for making bread while truck loads of Canadian wheat flow into the United States. However, these problems, which deserve to be addressed, are not trade policy problems stemming from the contents of the United States-Canadian FTA, rather they are implementation and administration problems. We have the means to address these.

In one area alluded to above, the United States pork industry filed a complaint under United States countervailing duty law regarding the shipment of subsidized Canadian pork imports into this country. The Canadians challenged the duty which was imposed under United States law. A binational panel was formed to hear the dispute and, after several referrals back and forth to U.S. trade agencies, a decision was announced that would require the removal of the U.S. duty.

However, due to the unusually stringent remand instructions placed on United States agencies by the binational panel, several ITC Commissioners revealed in their ruling that they believed the panel had overstepped its bounds and violated United States law and the United States-Canadian FTA. The National Pork Producers filed a petition for an extraordinary challenge under the FTA dispute settlement provisions with the U.S. Trade Representative. No extraordinary challenge had ever been filed by either country under the FTA, and the Canadians were vehemently opposed to the petition.

Ambassador Hills did not step away despite these pressures. She kept to the facts. She stood on the principle of free but fair trade and showed her intention under the Canadian Agreement, and I have confidence, any United States trade agreement, to fight for the full enforcement of United States trade laws.

The process works. Instead of trying to shoot down potentially beneficial trade agreements due to dissatisfaction with current implementation issues, we need to hold the administration's feet to the fire on the enforcement end while proceeding with negotiations.

AGREEMENTS UNDER FAST TRACK VERSUS NO FAST TRACK

Claims have been made concerning the fact numerous trade agreements had been signed in the past 30 years without fast track procedures and, therefore, the Uruguay round and NAFTA could be completed successfully without fast track. If one examines the facts, however, it becomes clear that only 5 of the alleged 25 agreements needed implementation language and therefore even involved the House. The other 20 agreements only involved ratification by the Senate.

Furthermore, the five agreements which did involve the House were single issue agreements. In each of these cases the legislation involved only a specific group of articles—coffee, endangered species, or mind-altering drugs—a single set of laws, copyrights, or established new authorities in a specific area—ship pollution, endangered species. None involved the broad, complex range of subject matter and interests affected as do major trade agreements.

This agreement attempts to compare apples with the apple orchard. The Uruguay round alone involves over 14 negotiating groups addressing such divergent issues as farm supports, intellectual property rights, textiles, dispute settlement, investments, and food safety standards. If those who have expressed concerns over a potential NAFTA want labor rights, the environment, tariffs, food safety, and numerous other issues contained in the agreement itself, they are fooling themselves if they believe this could be done without fast track.

If I may repeat a quote used above made by the private industry Advisory Committee For Trade Policy and Negotiation [ACTPN] in its report certifying that progress has been made and fast track should be extended, I believe it clearly illustrates that it would be virtually impossible to conclude the GATT or NAFTA agreements without fast track.

"This is especially true if one considers the complexity of the negotiations, the divergent interests of the many countries involved, and the fact that the objectives laid out in the 1988 Act were formulated two years after the Uruguay round was launched. It is worth recalling that the Tokyo round, which was far less complicated than the Uruguay round, required a full six years to complete.

Fast track was in place for the Tokyo round, it is necessary for the Uruguay round.

Tomorrow is a historic day in our hemisphere's economic and political history. I pray that the U.S. Congress will help the history books to read that it was a step forward and not a step backward. Vote down House Resolution 101.

CIVIL RIGHTS ACT OF 1991

The SPEAKER pro tempore (Mr. RAY). Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 60 minutes.

Mrs. MINK. Mr. Speaker, the long-awaited time for the debate and deliberation on the Civil Rights Act has now been set for next week. We expect to have the matter of the rule determined on Wednesday and very possibly begin the debate on Wednesday or Thursday.

I serve on the Education and Labor Committee, and I am very proud of the fact that we made a very early and concerted effort to report this very important bill dealing with civil rights for all Americans in the country very early on. The bill was also assigned to the Judiciary Committee, and that committee also acted very promptly and reported out a bill, basically very similar to the two bills that were reported out by those committees about a year ago, for debate and deliberation in the Congress last year.

We all recall what happened last year. Because there was some concern about those who were not in favor of the passage of the bill, compromises were made. One of the major compromises that hit the floor last August 2, 1990, was a recommendation that with respect to damages, which are for the first time to be added and allowed under title VII, that there would be a limit established in terms of amount of damages that a person could collect under that kind of litigation.

That litigation is not a matter of conjuring up discrimination or trying to use group statistics for discrimination. We are talking about deliberate discrimination against an individual.

Because title VII, when it was first enacted in 1964, did not contain the provisions which would allow such persons who went to court, who suffered all of these disparaging and insulting and discriminating actions against them in the workplace, despite that, when they went to court all they could get in terms of remedies were back pay, if they were fired or quit their jobs, or in some cases, reinstatement to the jobs that they detested in any event because of what was going on at the workplace.

Title VII did not permit compensatory damages for suffering, for embarrassment, for all the indignities that the person suffered at the workplace. So as a consequence, there has been a growing body of law which clearly sets out this pattern of discrimination, this dual track of justice in America which can no longer be tolerated.

Last year on August 2, 1990, it was decided that the only way that a vetoproof number of votes could be acquired for that bill and perhaps to overcome the Presidential threat of veto, that in order to do this it was necessary to add a limitation on the amount of damages that an individual that had been found to have been intentionally discriminated against could receive from a court. And that cap was established at $150,000. That cap was voted on the floor. It did not really engender an enormous amount of debate. It was added to the civil rights bill, and there was a consensus that as a result of that action by the Congress last year, that the President would, in fact, sign the bill into law.

In fact, he did not. He vetoed it again.

This year when we began deliberations on H.R. 1, it was with the conviction that we would send to the Congress, to the House of Representatives, at least our body, the strongest possible civil rights legislation that was necessary. There are a number of reasons why this civil rights bill is necessary. The usual arguments you hear have to do with trying to reverse the very, very regressive decisions that were adopted since 1989 by the Supreme Court, which limits in many respects the opportunities for workers to be able to bring their cases and obtain justice before the law.

□ 2130

But the one that I want to talk about tonight has to do with the new provision with respect to title VII, the one that seems to again have come forward as a bargaining chip to try to gain support for this legislation, and to make it, as legislators say, vetoproof, by getting more than two-thirds vote on the passage by this body.

I think it is a very bad mistake to compromise away the rights, the very basic, fundamental rights, of a group of citizens within this country, and that is exactly what the placement of limits, of what you can get for damages does.

In terms of the history of damages for race discrimination, those who have gone the court and proven their cases and proven intentional discrimination based upon race have done so under a section which is referred to as 1981. It comes out under a post-Civil War statute enacted back in 1866.

Individuals who have suffered discrimination at the workplace and go to court and allege that this discrimination has been brought upon them because of their race have been able, through that provision in the law, the 1866 post-Civil War law, to obtain compensatory damages, have been able to obtain punitive damages, and have been able to obtain justice under our legal system.

Only all the others, and all the others unfortunately means women, women of this country, have not been able to take advantage of section 1981, under that 1866 post-Civil War statute. They have only been able to rely under title VII, and title VII did not provide for damages.

As a consequence, women who felt aggrieved and went to work and proved their cases beyond any doubt, to the satisfaction of juries and judges, that they were in fact victims of intentional discrimination, could get no damages whatsoever. They could be reinstated in the jobs that were really unacceptable to them, and in some cases, if they were in fact fired or lost their jobs, they were able to get back wages.

So the great progress that is being made in the civil rights bill, H.R. 1, is to correct this two-tier system of justice in our country, and to make people whole, and to make it possible for us to say that the principles of justice in this country are equal; that if you suffer discrimination at the workplace, you have the same entitlement in terms of relief: Back pay, reinstatement, front wages, compensatory damages for your suffering, medical expenses for the costs of whatever medical infringements you suffered as a result of the discrimination, and punitive damages also, if the discrimination that was foisted upon you was egregious and aggressively neglectful on the part of the employer.

I think if Members of this House understood that what H.R. 1 is attempting to do is to equalize the remedies under the law available to all Americans, to bring up to parity, finally, the ability of women, who are now the majority of people in the workplace, to bring them up to parity, so that if they are in employment in places that discriminate against women, deny them promotions and job opportunities, discriminate against them in other ways, in sexual harassment situations, then it seems to me that they are entitled to receive the same remedies as every other American.

The other group of citizens that H.R. 1 would benefit are the religious minorities. Those individuals are also left out in the scheme of equity.

So it seems to me very, very important that we pay attention also to the discrimination implicit in the notion that there should be a cap on the remedies.

The National Women's Law Center has put out a very interesting and thorough analysis of title VII's failed promises, as they call it in their report, the impact of the lack of damages remedy. It is a 1991 update of their report, and I submit that Members, I assume, have all been sent a copy of it.

Before this matter is taken up in our debate next week, I hope that Members will take the opportunity to look at it and read it and understand its implications. It goes into a very profound discussion of all of the cases that clearly illustrate the principles of inequity, and cite these cases as examples of why this particular inequity in the law must be changed.

The members of the Committee on Education and Labor fully understood what they were doing when they made the remedies under title VII the same as remedies under the 1981 section of the 1866 post-Civil War law. Because they understood the impact such a change would have on the workplace with respect to women, it was the unanimous consent of the committee to change the name of the bill from the Civil Rights Act of 1990 to the Civil Rights Act and Women's Equity in Employment Act of 1991, to emphasize the fact that finally the women in the workplace were going to have a chance to be considered equally in a court of law when they brought a case of intentional discrimination to our justice system.

Let me give you a few examples of the kinds of inequities that have been placed upon women plaintiffs who have brought their cases. These cases are not brought with any idle whim. Just as in rape cases, women who suffer these indignities at the workplace have to bear in mind the tremendous intimidation and additional harassment they must suffer, because they must work side by side and continue in employment if they expect to feed their families and survive. So the decision to go to court in the first place is a difficult one. To do so and not be able to get damages and be free of this discriminatory situation and go elsewhere for employment, I think, is a very egregious defect in the law.

Take the case of Nancy Phillips, who was fired when she told her employer that she was pregnant. This was a case finally decided in 1990, a recent case.

She lost her job, and, of course, as we all know when you lose your job, you also lose health insurance, at a time when it was absolutely critical for her to be able to have that coverage because of her pending childbirth. The family was unable to pay all of the attendant medical bills. They were harassed by the companies and threatened for nonpayment of their bills.

She became not only mentally, but physically distraught as a result of the fact that she had to go deeper and deeper into debt, not to mention the medical bills, but her inability to provide for her family at a time when it was so important.

She took the matter to court, and she won. The court found, the jury found, that she was a victim of sex discrimination, illegal sex discrimination, intentional.

All she could get from the court was back pay and a bit of her medical costs, but none of the funds that she had asked for with respect to the stress, the mental anxiety, and the humiliation that she suffered on account of the financial difficulties that were cast upon her with no fault on her part. The fact that she could recover nothing in terms of compensatory damages was because title VII did not allow it.

Take the case of Virginia Delgado, illegally harassed, discriminated against at her job place with respect to her salary. This was a Government case. During the years between the discrimination and her final vindication by the courts, if you want to call it that, she lived in almost total poverty, because she had to leave her job.

□ 2140

She scraped around enough money to survive, but she lives literally in poverty. She had a poor diet. She could not go to the doctor. Her health became impaired. She lost her teeth because she could not afford to go to the dentist, and all of this because she was discriminated against at the job site.

At the court trial, the court awarded her back pay, reinstated her in her job, which she declined because that was not a place that she considered healthful for herself to return. But she was never compensated for her mental suffering, her anguish, her medical injuries, and the stress and humiliation that she suffered, and that again because title VII did not allow any compensatory damages.

Take the case of Betty Sours who was denied a promotion to a permanent engineering aid position because she rejected her supervisor's sexual advances at the workplace, assaults too sordid for me to describe in this august Chamber. But she suffered a psychological breakdown which finally made her very, very ill.

The court found intentional sex discrimination had been placed upon her and awarded her back pay and a 9-month lump sum up-front payment to give her some time to find another job, but did not compensate her at all for the abuse that she suffered and all of her pain and suffering and mental anguish.

In each of these cases I do not think that it is responsible for us to say those were the faults of the individual supervisors or the individual coworker. What we must accept is the responsibility that the employer must share for tolerating these kinds of conditions at the workplace. That is what this whole debate is all about: To what extent are the employers permitting these kinds of activities to continue, even though they have been complained about, putting it aside, making light of it, not paying attention to the very grievous harm that is being caused upon these workers. That is what these cases are all about. And I suggest that employers simply are callous, neglectful, uncaring and do not consider these kinds of complaints that are being placed by women as serious enough for their attention.

There are so many cases that I could go down in order here, and they are listed in this wonderful catalog, and I hope Members will take the time to look at it.

One final case I do want to mention in this group is the case of Helen Brooms who was a nurse, and she was constantly harassed by her supervisor who routinely followed her around, showing her obscene pictures and making offensive gestures and comments. One day he pursued her to such an extent that trying to escape from this individual, she fell down a flight of stairs and became permanently disabled. Aside from being depressed and not being able to go back to work, the court found that she was intentionally discriminated against but could only, because of the limitations of title VII, only award her back pay. She received no compensation for her medical bills and all of the other attendant nonwage-related injuries that she suffered.

We could go on and on. Police officers, female police officers that have been discriminated against, firefighters, women in nontraditional professions have really had to suffer a myriad of indescribable indignities, and not only offensive because the individual perpetrator works alongside the women, but because these things are tolerated by the supervisors, by the heads of the companies, by the government officials that have responsibility to make sure that the workplace is genuinely fair and nondiscriminatory.

One other aspect of the discriminatory aspects of title VII is that in so many of these cases the women feel compelled to quit. They cannot possibly stay on the job because the conditions are so intolerable. When they quit, in many cases they are not able to recover anything because they have to prove that they were, in fact, fired by their employer, and sometimes this becomes a barrier to collecting any recovery at all, including back pay and other forms of compensation.

There are a number of other cases involving discrimination where the court found that they were fired, but that there were other reasons for firing them. The court admits that there was intentional discrimination, makes a finding that there was, and yet attributes the employee's leaving the company or departure from the company as not constituting a firing, or that there was a firing if they found one other reason other than the sex discrimination. And in those cases the plaintiffs have not been able to recover any back wages or have any recourse at all.

I think it is very important for the Members of this body to recognize what we are trying to do in H.R. 1. We are trying to achieve a simple concept of equity before the law. If we are going to have the opportunity for individuals to take their cases to court, to make an allegation of discrimination, whether it is sex discrimination or race discrimination, it ought not to make any difference, and the remedies ought to be the same, and that is what we are attempting to preserve under H.R. 1, the Civil Rights and Women's Equity in Employment Act of 1991.

The suggestion that we put a cap on the damages is highly offensive. It is inequitable by its very concept of putting a limit on damages where no limit exists for any other plaintiff except those coming under title VII. It should not be accepted.

There will be an effort made to go to the Rules Committee to get a rule to make in order an amendment to strike those provisions that set a cap on all of the substitutes that are being considered and being brought forth as substitutes for the two bills that have been reported out by the Committee on Education and Labor and the Committee on the Judiciary. I hope that the Members will take time to very carefully study the implications of supporting such a cap. That will constitute an admission by this Chamber and on the Members who vote for it that the concept of equal justice has no meaning in America, that you could put a cap arbitrarily for no reason whatsoever, because you do not trust the judiciary system, or you do not want women plaintiffs to get what a court, get what a jury believes is just compensation for the injuries that they have suffered.

So I hope that the Members of this body will reject that kind of a provision in the substitute and support the efforts of some of us who will be making that effort to strike those caps from all of the substitutes.

The efforts to bring out the substitutes has been very difficult to follow. Until the moment I am standing here I have not seen a written copy of the substitutes. I have heard it discussed. I have seen some summaries of it, but I do not know the precise language.

As a consequence, we have not heard from the community out there that is always so active in promoting the concepts of justice and equality in this country from whom we would like to hear. We like to know of their opinions. We treasure their comments. We look forward to their input. They have made valuable contributions over the years as we have developed the concepts of civil rights in America.

I want to point out a few of the letters that I have received over the last several weeks which I think are instructive for those Members who may be concerned about what the outside community other than the lawyers and the Members of the House and those who have leadership responsibilities are saying. Let us pay attention to what the outside community is saying.

□ 2150

Take, for instance, the Mexican American Legal Defense Fund and Educational Fund; by letter to, I am sure, all of the Members of the House dated April 30, and all of these letters are about the same vintage, this letter says:

> Our organization has represented the Hispanic community for the last two decades in civil rights litigation involving employment discrimination, school desegregation and voting rights. The health and well-being of our community, as well as the health of American society as a whole, requires the elimination of unfair practices in all of these areas. However, the most pressing civil rights issue for the men and women of the Hispanic community today is the need to abolish discrimination in the workplace on the basis of race, national origin, language and sex.
>
> As the testimony at the hearing on H.R. 1 has demonstrated, we have not succeeded in eliminating employment practices that are motivated by a person's gender or color of skin. Women of all backgrounds are frequently terrorized by sexual harassment in the workplace, while Hispanic, African American and Asian American men and women suffer racial harassment and other forms of intentional discrimination in their jobs.
>
> The testimony at the hearings has also demonstrated how the recent decisions by the Supreme Court have made it difficult, if not impossible, for workers to obtain relief from disparate impact discrimination or to obtain an adequate remedy for racial-harassment.

Opponents of H.R. 1 have made two assertions which are not based in fact. First, they have argued that the restoration of the standards of proof for disparate impact cases articulated by a unanimous Supreme Court in Griggs v. Duke Power Co., and essentially overruled by a new Supreme Court majority in Wards Cove Packing Co. v. Atonio, would induce businesses to establish quotas in order to avoid liability. Yet, during the eighteen years that the Griggs standard governed employment law, it did not lead to the establishment of quotas. Second, opponents have claimed that compensatory and punitive damages for the victims of intentional discrimination would lead to a lawyers' bonanza and the bankruptcy of businesses. This agrument is likewise unfounded. In a study conducted by the law firm of Shea and Gardner, it was found that in 85% of the race discrimination cases filed under the Civil Rights Act of 1986 during the last decade, no monetary awards were made; that when monetary damages were awarded, the average award was only $40,000; and that in only three cases did the damage awards exceed $200,000. Finally some have argued that a cap on punitive damages is necessary to protect businesses, yet they have failed to explain why injuries resulting from discrimination deserve less protection that other kinds of injuries.

And the letter goes on to make further arguments.

Federally Employed Women, an organization I have been long associated with, also writes in the same vein, and in their last paragraph of their letter says:

When H.R. 1 is considered by the House, I urge your vote for the bill and opposition to any crippling amendments, including any attempt to cap compensatory and punitive damages for women, religious and ethnic minorities, and persons with disabilities. FEW is counting on your full support and I look forward to hearing your position on this important legislation soon.

Wider Opportunities for Women, Inc., in a letter dated, again, April 30, in the middle of their letter, says:

Without the Civil Rights Act of 1991, women, people of color and religious and ethnic minorities will continue to face discriminatory practices in the workplace, with no legal recourse available to them. Women working in traditionally male-dominated jobs, which provide them with higher wages, are particularly at risk for discrimination and harassment on the job. Without the Civil Rights Act, these jobs will remain closed to women.

Because egregious examples of sexual harassment and other types of intentional discrimination against women and minority workers are all too common, the right for women to sue for punitive and compensatory damages is crucial. Any amendment to cap the amount of damages in these cases is unacceptable.

The National Education Association wrote about the same time, and in it said:

The other key aspect of the Civil Rights Act is the extension of damages to victims of intentional discrimination based on gender, religion, or physical disability. Under current law, only racial minorities may receive either compensatory or punitive damages when intentional discrimination is proven. H.R. 1 amends Title VII so that any individual who proves in court that he or she has been intentionally discriminated against can receive the same remedies including damages. This provision is crucial to the millions of working women whose only relief under current law is back pay.

The United States Catholic Conference, Department of Social Development and World Peace, in the middle of its letter, says:

We urge Congress to pass this legislation without delay and to forgo any amendments which would weaken the civil rights protection for all Americans—whatever their race, age, gender, ethnic origin, or disabling condition.

The Service Employees International Union, dated April 30, letter to Members of Congress says:

H.R. 1 would repair the damage done to our civil rights laws by those Supreme Court decisions. The bill prohibits intentional discrimination in hiring, firing and promotion of employees. The bill provides the same remedies for employment discrimination of women that racial and religious minorities have always received under Title VII.

The General Board of Church and Society of the United Methodist Church makes the same observation urging Members of this House to oppose any amendments that would weaken this important bill, and go on to emphasize the position of the United Methodist Church.

AFSCME, American Federation of State, County and Municipal Employees, on May 3 wrote to the Members of this House saying:

We believe H.R. 1 is necessary to guarantee that victims of employment discrimination have adequate means of redress. By extending the right to punitive damages to women, the disabled and religious minorities, H.R. 1 would ensure all victims of discrimination of equal justice.

That is what this whole debate is about, equal justice, not the continuation of a two-tiered, dual system of justice where women and the religious minorities and the handicapped persons, disabled individuals, will not be able to go to court and have full consideration of the damages that they have suffered because of the indignities and discrimination at the workplace.

We must have confidence in our system of law. We always applaud it. There are always wonderful words being expressed about how America is such a great place because we can depend upon the justice system to be fair and equitable. I believe that we have that confidence. We can have that confidence. We share it with respect to our judicial system.

Therefore, why would the Congress itself want to impose an inequitable provision which limits the capacity of a court of law to apply the individual circumstances and hardships and grievances of one case and say, "Well, I am sorry, we cannot give you punitive damages in excess of $150,000 because the Congress had no confidence in the judicial system to be making a fair decision."

Well, there are so many other letters. The National Council of Jewish Women wrote asking us to insist upon the level of fairness and equity allowing, it says, "Victims of discrimination to receive punitive damages for intentional discrimination."

I wonder how many have read these letters to see the plea for fairness and equity. That is all we will be doing when we come before the House next week, to ask the House to remove this cap on damages. It is unfair. It is inequitable. It is an insult to the judicial system and an insult to women, to religious and ethnic minorities, and to the disabled.

STATE OF THE ECONOMY

The SPEAKER pro tempore (Mr. RAY). Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 60 minutes.

Mr. PANETTA. Mr. Speaker, after more than 2 years of steadily declining growth, our economy has fallen into recession. Many economic forecasters have predicted an early recovery, and indeed just this weekend the administration—in the person of OMB Director Richard Darman—has declared the recession over.

There are some strands of evidence to support the administration's claim. The unemployment rate declined in April, and industrial production may have hit bottom.

But the best evidence is that our economy is far from healthy. We cannot yet count the recession out with any degree of confidence; production shows no signs of significant growth, employment by the most reliable measure continues to decline, and the human costs mount.

But even more important, whenever this recession ends, the economy is poised for a weak recovery that will feel a lot like a recession. We are now reaping the bitter fruits of a decade of self-indulgent and complacent policies that leave us ill-prepared for the future.

The question at hand is not just where the economy is headed over the next 6 months, though that is certainly important. The question really is where we are headed over the next 6 years, and into the next decade and the next century. We need to take stock now because today's decisions affect our economic fortunes for years to come, just as did the fundamental changes in policy over the past decade. It is time for us to consider our economic prospects and policies; to determine what we have done right, and what we have done wrong; and to chart a new course to harmonize our short-term needs with our long-term goals.

The economic policies of the 1980's are not well designed to lead us out of this recession; but even more disturbing, they are inconsistent with a vigorous ultimate recovery. Instead, they are likely to lead us through the same sluggish building of our capacity to produce that we have experienced over the last 10 years, and which was masked only by the temporarily rapid rebound from the deepest recession since the Great Depression itself. We must put these facts in perspective, so that we can deal with our current challenge and move on to build for the future.

THE CURRENT RECESSION AND HOW WE GOT HERE

We now know that this recession began in July 1990, even before the shocks caused by Iraq's invasion of Kuwait and the resultant sharp rise of oil prices. We have this timing on the unanimous authority of the seven distinguished economists who comprise the Business Cycle Dating Committee of the National Bureau of Economic Research, the private nonprofit economic research organization that has been the recognized authority on U.S. business cycles for many decades.

High interest rates and scarcity of credit were the proximate causes of the slowdown that began in July; the slowdown merely worsened when the gulf war shocks were added. However, the roots of our current economic weakness go back much further.

This economy suffers from excessive burdens of debt, and low productivity growth. In the current slowdown, these weaknesses have drained both worker purchasing power and corporate profitability. And they follow directly from the policies of excess practiced over the 1980's.

In the early 1980's, the administration set upon a policy of debt. Its hope was that added incentives for society's most fortunate would flood the Treasury with revenues.

When the flood of revenues did not materialize, the administration rationalized its choices: A large Federal deficit was not a problem; it would not lead to higher interest rates. A large trade deficit was a sign of strength. Although the Congress gave the administration all the spending cuts it asked in 1981, the Congress was at fault for not giving more. Unfettered and unsupervised financial institutions would lead to growth and efficiency.

Most fundamentally wrong was the administration's own policy of debt. The Federal Government itself crowded the credit markets, driving up interest rates and thereby the dollar. Investment was inhibited; imports were encouraged. Later, foreign financial powers were given an open season to purchase our assets, when the international value of the dollar had to fall from its stratospheric levels of the early 1980's.

Worst of all, this policy of debt sent a most damaging message to the American people, and to American business: that financial responsibility was unnecessary, and that prudence and planning for the future could be replaced by irrational hope. One function of government is to lead by example, and in the 1980's, the Federal Government led the rest of the economy far off course.

No wonder U.S. business went on an unprecedented debt and takeover binge. For most of the 1980's, the debt of nonfinancial corporations has been rising relative to their production. There has been an actual decline of equity financing. Rising interest burdens have reduced profitability and made corporations more vulnerable to economic setbacks.

No wonder American households, in the face of a dazzling array of savings incentives and record high real interest rates, saved less of their incomes that at any time since the end of World War II. Consumer installment credit has risen to a record high percentage of personal income, making households more vulnerable to bad times.

We applied these misplaced priorities not only to how little we saved as a nation, but also to how we used those savings.

Net business investment was a lower percentage of our GNP in the 1980's than in the preceding three decades.

Further, much of that investment, prior to the 1986 tax reform, was directed to record levels of commercial real estate development, not to productivity-improving business plant and equipment. The result was universally recognized overbuilding, and high-flying financial institutions with portfolios of bad real estate loans and junk bonds. The real cost of the savings and loan collapse was the funds wasted on bad investment projects over the last decade.

As a result of our policy mistakes, the economy has trundled through the 1980's at rates of growth slower than in previous expansions. The recovery from the long and deep 1981–82 recession was surely a relief to households. However, over the entire 1980's expansion, productivity growth has been disappointing, averaging 1 percent per year in nonfarm business compared with 1.9 percent from the end of World War II through the 1970's. As a result, growth in the living standards of the typical American family has been equally disappointing.

By the end of the day, all of the employment growth over the 1980's was in service industries, where wages are often lower and productivity growth is slower and generally unsatisfactory. The service industries monopolized new employment because our manufacturing sector was hammered by a high dollar that made imports irresistible here, and priced our manufacturers out of the markets overseas. Despite the dollar's subsequent fall and the recovery of manufacturing, we continue to pay a price in lost market share at home and abroad. Again the root cause was the Federal Government's enormous deficits, which forced us to sell bonds to foreigners in unprecedented amounts, driving the dollar up.

In 1989 and 1990, productivity actually declined. Declines in productivity hold back both corporate profits and real wages. Corporate profits have been on a downtrend since late 1988. Real hourly wages and salaries, as measured by the Employment Cost Index, have been falling ever since 1986. Real wages of production workers are barely above where they were in 1979.

These weaknesses of our economic performance—a shortage and misdirection of investment, and low productivity growth—can be traced directly back to our policy mistakes, a buildup of debt and lax financial regulation and supervision.

People do not like to face up to these problems. But in this recession and its aftermath, the problems are going to face up to us, like it or not.

WHEN DOES THE RECOVERY BEGIN?

The conventional wisdom last winter was that the recession would be short and shallow; the administration did not even use the term "recession" in its budget, but said only that the economic expansion had been interrupted. Although most private economists still forecast that the recession will be shorter than the postwar average, with a smaller decline of GNP and smaller increase in unemployment, recent evidence leads me to question that assumption.

First, what does the average recession look like? Since 1945, recessions have lasted an average of 11 months from the time that the downturn begins until the economy finally hits bottom; real GNP falls by 2.6 percent, and employment drops by 2 percent. More important, it takes 10 months of recovery until employment regains its prerecession level. That's almost 2 years of excessive unemployment.

By these standards, what does a mild recession look like? Well, in terms of length and job losses, past recessions that were milder than the average ran about 10 months of decline with a 1.6 percent drop in employment. Real GNP declined by a little over 1 percent.

We have already equaled the short and shallow recessions of the past. Since the recession began in July, 10 months ago, real GNP has fallen by 1.1 percent. There are 1.5 million fewer payroll jobs, a 1.4-percent decline; 1.4 million more people are unemployed; and industrial production has fallen by 4.8 percent. If this recession is of the short and shallow variety, we should already see signs that things are picking up.

Economic forecasting is as much an art as a science; the path ahead for the

economy is rarely obvious, and is frequently genuinely obscure. There are some signs that the economy may be hitting bottom: The stock market is rising, consumer confidence has increased from the dismal level last winter, and homebuilding and home sales have begun to rise. However, these indicators are mainly measures of expectations, not measures of actual production, and each often begins to increase long in advance of GNP and employment. In the last recession, the Commerce Department's Index of leading Economic Indicators, driven by these same measures, began to increase 10 months before the economy finally began to recover. Buy this standard, we could be in recession almost all year. The index of industrial production did rise in April, by the smallest possible amount, but this was due to a rebound in auto production that is not being supported by a comparable rebound in sales.

The recent easing of monetary policy by the Fed is certainly welcome, although it was long overdue. Lower interest rates and relief from the credit crunch are essential to get the recovery started, and I hope that Chairman Greenspan and the Fed share our concern that the real risk for this economy is on the down side, and act accordingly.

However, there are some real signs that we may have several more months at the bottom before the worst is over. Economists assess the state of the economy by analyzing the major sections and by looking for signs of strength or weakness in each. This review suggests that the risks are great that the recession will continue into the summer.

Consumer spending accounts for nearly two-thirds of GNP, and recovery there is essential for a general upturn. The outlook for consumers is mixed; confidence was given a boost by the end of the war, but that hasn't been converted into much of an increase in purchases, particularly of autos. In fact, sales of autos and other consumer goods both fell in April.

The main roadblock is that real household income is weak. Real disposable after tax income in March is still almost 1½ percent below last July's level—and that is in total dollars, spread over a growing number of consumer households with a growing number of mouths to feed. Consumer spending grew faster than income in both February and March but fell again in April, so that real retail sales excluding autos were still nearly 2.5 percent lower than in July. Sales of domestic cars in April fell to below the depressed January level. Households are either unwilling to reduce their savings further, or cannot get the credit they need to buy.

If employment continues to fall for several months, consumers will likely remain cautious until they see some improvement in their own incomes and feel more secure that they will keep their jobs. The fact that payroll employment dropped by 124,000 last month and nearly half a million more people apply for unemployment compensation each week does not suggest to me that consumers are about to lead us out of the recession very soon.

Business investment in equipment has been a driving force in the economy since 1986, especially investment in computers and high-technology machinery. But it gradually slowed under the pressure of relatively high interest rates and the credit crunch in 1990, and the fall in consumer spending led to a cutback in equipment investment at a 15.5 percent rate in the first quarter. New orders for non-defense capital equipment excluding aircraft in real terms fell for the fifth straight month in March, a sign that investment and industrial production will continue to decline.

The Fed's action to lower interest rates will encourage new investment, but industry has considerable excess capacity now as well as high levels of debt, and will hesitate to add more until it sees demand rising.

Homebuilding was the first sector to go into the recession, and seems to be the first to come out. Housing starts picked up in February and March, Permits to building homes also increased significantly in the last 2 months. Lower interest rates are going to help, but not too much until household income gains some ground.

Foreign trade holds the best hope for pulling us out of the recession soon. Exports grew faster than any other component of GNP from the beginning of 1987 through the end of 1990, but were flat in the first quarter. Measures of our relative competitiveness show that our goods and services can hold their own in world markets, and maybe even gain some, but the rise of the dollar in recent weeks poses a threat to export orders in the second half of 1991. Even more important is the weakness in other major economies: Canada and Britain are in recessions, and Japan and most European countries are expecting slower growth.

My conclusion is that the greatest risks are that the recovery will be later than sooner; that more Americans will lose their jobs and not be covered by unemployment compensation, and that the administration is not prepared to take an active role in coming to their aid.

THE LONGER-TERM PROSPECTS

What are the prospects for a full and vigorous recovery? Very clouded, given the legacy of past mistakes and policies.

The same problems that threaten to postpone the recovery are likely to make the eventual recovery sluggish and slow.

Slow productivity growth, and the resulting slow wage growth, are going to hold back consumer incomes, and consumer spending. That will hold back the recovery.

Our shaky financial institutions will be reluctant to lend to consumers who want to buy homes or automobiles, and the businesses who want to invest. That will hold back the recovery.

Our manufacturers will be reluctant to invest, as consumer spending continues slow and the recent rise of the dollar slows our exports. That will hold back the recovery.

And finally, businesses and consumers already heavily in debt will hesitate to make commitments in uncertain economic times. And that will hold back the recovery.

With those roadblocks in the way, we can expect unsatisfactory growth over the recovery and expansion that follow this recession. Real wage growth will continue sluggish, holding back living standards. And following from the models of previous recessions, it will take 2 years or more before we reattain the unemployment rate from before this slowdown began.

So what can we do to spark a more vigorous recovery?

CONCLUSION

ECONOMIC POLICIES FOR RECOVERY

One possibility that we must reject completely is a repeat of the overexpansionary policies of the early 1980's: Massive tax cuts and defense spending inceases. Such policies would lead to an explosion of Federal debt and interests payments. On the way, while the Fed was still attempting to keep the lid on inflation, we could again see huge trade deficits and crowding out of housing and business investment.

That means that we cannot give the economy another self-indulgent, short-term tax-cut "high." We cannot give consumption another artifical stimulant, and expect our economy to be clear headed and healthy in the years to come. Even a tax cut that was intended to be temporary would almost certainly became permanent, because every political incentive would prevent us from allowing it to expire. So, any tax cut would continuously drain our savings, drive up interest rates and the dollar, and inhibit the investment and exports that we need for long-term growth.

Thus, we face a complex challenge; we must guide the economy out of the recession in the short run, but also set it on a path toward solid growth over the long term. While a general tax cut would be bad policy, the recession is not yet over, and we cannot go neglecting its innocent victims. The Federal Government can and should help. Most obviously, the recession is exposing the inadequacies of the unemployment compensation system.

Strengthen unemployment insurance: In this recession, far fewer of the jobless are covered by unemployment compensation than in past recessions. But workers have already paid much of the taxes that are needed to restore coverage. There is a positive balance in the trust fund. In the depth of the 1975 recession, more than three-quarters of those out of work qualified for unemployment benefits. Today, the figure is little more than one-third. That percentage may rise as the recession continues; nevertheless, a majority of those out of work are not likely to qualify for benefits under the current system, and the number of workers exhausting the maximum 26 weeks of benefits is on the rise.

During a recession, many workers need more than the full term of benefits, precisely because the job market is weak. Even though the measured unemployment rate fell in April, the number of persons unemployed for 27 weeks or more increased to more than 1 million. It was for such instances that the "extended benefits" program, providing an extra 13 weeks of benefits in serious recessions, was created. Yet now the extended benefits program has shrunk into insignificance. The program is no longer triggered by the national unemployment rate, but instead by outmoded State-by-State indicators that no longer track actual unemployment in the States. Furthermore, there is no longer a 100-percent federally financed supplement to benefits during recessions, when States typically lack the resources to do the job entirely on their own.

To be eligible for any unemployment benefits, workers must have a significant work history. Benefits are only a fraction of lost wages, and they are fully taxable. The evidence shows that in many instances, unemployment insurance is needed to keep families from falling below the poverty line, even in these times of the two-worker married couples. Unemployment compensation is not mad money; it is a necessity for those hit by the indiscriminate hardship of recession.

Strengthening the unemployment insurance system would not only help those most hurt by the recession; it would also make the Federal budget more responsive to conditions in the economy. When recession hits and unemployment increases, unemployment benefits increase as well, softening the blow to total household buying power; when the economy recovers and unemployment subsides, unemployment benefits decline, removing that boost to the economy just when it would become counterproductive. Unemployment insurance is therefore the kind of "automatic stabilizer" that keeps the economy in balance. Rebuilding the unemployment compensation program should be our first priority in this recession.

Keep interest rates low: Beyond a stronger unemployment insurance system, the economy needs lower interest rates. Lower interest rates will make domestic investment more attractive to American businesses; investment will help our business sector service not only our own consumers, but also our export markets overseas. Exports and investment have remained strong as the rest of the economy slowed over the last 2 years. Given the slow growth of wages in the household sector and the current high unemployment, exports and investment are the most likely sources of strength to turn the economy upward again.

Lower interest rates would have further advantages for the economy:

Interest-sensitive sectors such as housing will be further stimulated.

Debt burdens will be lightened. Many businesses and consumers have adjustable-rate debt, and their out-of-pocket expenses will be reduced by lower interest rates. Many others with fixed-rate debt will be able to refinance and free up spendable income.

The contraction resulting from strict regulation will be lessened—in the right way, not by lowering standards again but by expanding loan eligibility. A borrower who was not creditworthy when the prime rate was 10 percent will be better able to make the loan payments now that the prime rate is 8½ percent.

As interest rates go down, the market for typically credit-financed assets—especially real estate—is broadened, and prices can stabilize.

Financial institutions will be strengthened, and the need for bank rescues over and above the savings and loan cleanup reduced. Banks and similar financial institutions flourish in a climate of declining interest rates and suffer when rates are rising. Such institutions are interest payers as well as interest receivers, and in many cases the rates they have to pay to their depositors and other creditors move more rapidly than the rates they receive on their loans.

Despite the manifold advantages that would come from lower interest rates, the Federal Reserve has been hesitant and slow in responding to the budget agreement and the recession. In part, this reflects the caution and gradualism that have been the hallmarks of the Greenspan Fed—policy attributes which have some advantages and may yield better results over the longer run. But for now, this caution contributes to serious risks in the outlook. Excessive monetary policy caution will itself inhibit investment that could enhance productivity growth.

Given the importance of low interest rates, it is imperative that the Federal Reserve follow an appropriate anti-recession policy. It is also necessary for the Congress and the President to facilitate that policy. And low interest rates are needed not just to achieve the earliest recovery, but also to keep the economy healthy for years to come.

ECONOMIC POLICIES FOR THE LONG TERM

Increase private investment: Keeping interest rates low is also imperative for the long-term health of the economy, because low interest rates will facilitate one necessary element of a long-term growth policy: increased private investment.

New factories and machines help to increase productivity, raise future wage rates, and meet the retirement needs of the baby-boom generation in the next century. The record of productive investment since 1986 has been good. However, solid investment cannot continue unless the budget deficit is brought under control.

Maintain the discipline of the budget agreement: Continued high budget deficits would drive interest rates higher, and thereby discourage investment directly. High deficits would also tend to pull in credit from overseas, driving the dollar higher and discouraging exports.

Thus, as recently acknowledged in congressional testimony by Fed Chairman Alan Greenspan, the single surest and most important way to increase national saving, and thereby facilitate economic growth, is to reduce the Federal budget deficit. We have a deficit reduction agreement in place, but it is being challenged from all sides. Keeping faith with the budget agreement is the first step toward increased saving and investment. Still, we may need to adjust our Federal budget deficit targets over the lifetime of the current agreement, and beyond.

But private investment alone is not enough to drive the economy forward for the long haul. Beyond private investment and the budget discipline needed to facilitate it, there are four more prerequisites of growth:

Increase public investment: Private investment does not operate in a vacuum. Public capital is needed to make the economy go.

Right now, our economy is afflicted by a deterioration of our public capital base; this deterioration is well documented. The condition of roads and bridges is unsatisfactory; the number of bridges in questionable or dangerous condition, and the number of miles of roads in need of repair are both too high. Our eroded ground transportation network causes delays and increases repair costs, both of which add to consumer prices and reduce productivity.

Our air transportation is also deteriorated. Unsatisfactory air traffic control hardware and inadequate airport facilities also add to travel times and business costs.

Deteriorated water and sewage treatment facilities increase environmental hazards and reduce the quality of life.

Within our public budgets—Federal, State, and local—we must make room for sufficient investment to rebuild our infrastructure to world-class standards. The link between quality infrastructure and business costs and productivity is too strong to ignore. This does not mean the indiscriminate approval of new projects; it does require a considered but aggressive program to catch up on the deterioration caused by years of neglect in repairs and maintenance, and new construction.

Increase investment in people: The United States has long been a leader because of its educated and energetic work force. In recent years, however, we have lagged behind in educational achievement, and our health care performance has fallen below the standards of the rest of the industrialized world.

Improved educational performance is an elusive target. We need leadership, energy, and other intangible human contributions. But we also need money. Most school systems cannot afford to hire and retain talented math and science teachers. And many students enter the first-grade classroom unprepared for school physically or intellectually.

We have health and education programs for children that are known to be successful: WIC, childhood immunization, and Head Start are only the most prominent. Most eligible children and families are not served by these programs. This omission is a national disgrace.

Again, we must set our priorities to educate and prepare a capable labor force, or our economic leadership will evaporate. We cannot maintain the world's highest standard of living without a superior performance from our labor force. Children left behind will reduce living standards for our entire society. And as our economic performance deteriorates, so will our world leadership. We could enforce high standards of international behavior in Kuwait because we had the necessary economic strength to mount that effort. If we continue to lose ground in the world economy through shortsighted policy, someone else will be calling the shots; and those calls may be different.

Increase investment in technology: The United States is the world leader in science, and even in product innovation. Where we lag is in production—taking our product innovations to market and producing them profitably. Part of the reason may be that the United States has drawn an artificial line between science and technology, in an attempt to avoid interference in the free market economy. Instead, we should distinguish between generic technologies—those usable by a broad range of manufacturers, and therefore unlikely to be researched and developed by any one firm—and appropriable technologies—those useful for only a narrow group of firms, who can reap the profits if they innovate on their own.

The National Science Foundation has long judged proposals for public support on the basis of both the likely value of the outcome and the probability that the research would be undertaken without public support. We can judge projects in technology on the same basis. Our major international competitors—Japan, Germany, and the other nations of Europe—have long maintained a variety of programs to develop technology with public support. Some of those programs might be thought to interfere in the free workings of the marketplace, but many do not.

The United States has succeeded in vast technological undertakings unmatched by our commercial competitors—the space program, the building of our national defense—because we made those our priorities. We must consider whether in a peaceful but economically competitive world, the development of commercial technology should be an equal priority to us.

Maintain a sound tax system: Those who believe in a free and competitive marketplace, in which investors make their choices on the basis of economic returns and not government dictates, should apply that belief to our tax system.

Throughout the post-World War II era, the U.S. income tax was an exercise in relative subsidy. Almost everyone who was rich and powerful lobbied Washington for a tax break; the only question was whether your tax break was bigger than the next guy's. The loser was the businessman or entrepreneur who had no tax break, but had to pay higher tax rates because of all the revenue we lost passing out the favors.

Everyone believed that his or her work, or his or her investments, made a vital contribution to the economy. And everyone was right. But everyone believed that, for that reason, he or she deserved a tax subsidy. And we could not subsidize everyone relative to everyone else.

So in 1986, we changed all that. We cut out the tax breaks, and reduced tax rates for everyone, especially productive business investment. Since 1986, investment in equipment as a percentage of our GNP has increased to post-World War II record levels. It was investment that fueled our economic expansion over the last half of the 1980's.

Still, lobbyists are clamoring to get their tax breaks back. It would be the best of both worlds: I keep my tax break while everyone else gives up his, and we all get the same low tax rates. But the system doesn't work that way. Once the President and the Congress start giving in, the process will never stop, and before long we will have the same loopholes and the same high tax rates with which we started.

Before we start down that road, we should remember a few things:

A capital gains tax break does not help the homeowner; he already gets $125,000 of capital gain tax free when he nears retirement age. A capital gains tax break does not help the entrepreneur who wants to work a business for life and pass it on to spouse and children; he or she pays no capital gains tax anyway. A capital gains tax break does enrich those who buy and sell existing assets, which does not add to our productivity and wealth. For this reason, the capital gains tax break was the most important reason why the United States—in the judgment of every objective observer—grossly overinvested in real estate until tax reform. The real estate industry is an important contributor to growth when it builds buildings that the economy needs. But we will not compete effectively with the Japanese and the Germans by putting our energies and our capital back into building half-empty office buildings and shopping centers across America.

Restoring tax-deductible individual retirement accounts [IRA's] will not help middle-income Americans; about three-quarters of all taxpayers can already make deductible contributions to IRA's. It will help those who already have enough income to save comfortably, and who have already benefited the most from the lower tax rates in the law. And if taxpayers take money they would have saved anyway and put it into IRA's, the increase in the budget deficit detracts from our total savings, and makes our economy weaker, not stronger.

We must look at our tax system with some degree of objectivity. We now have the lowest tax rates of any industrialized nation on earth. Our highest tax rate on individuals is less than half of what it was at the beginning of the 1980's. Even with the changes made in the 1990 budget deficit reduction agreement, we are way ahead on incentives to work, save, and invest. There is no cause for panic, and no justification for concern that the U.S. tax system is confiscating income and stifling initiative.

To pay our bills as a nation, and to reduce the deficit and facilitate private investment, we may need to make some changes in the years ahead. But we can keep our tax rates way below those of other nations, and way below where we were in the decades of our fastest economic growth in the 1950's and 1960's. If necessary, we might also consider tax changes that would encourage conservation of scarce energy resources, to reduce our vulnerability to economic disruption or political blackmail from cutoffs of foreign supplies.

So these are the prerequisites for economic recovery: a strengthened unemployment compensation system, and lower interest rates.

And these are the prerequisites for solid long-term economic growth: reducing the Federal budget deficit, and thereby increasing private investment; increasing public investment; increasing investment in people; increasing investment in technology; and maintaining a sound tax system.

Over the coming weeks, I will address these long-term, structural economic issues in a series of special orders. I hope that these statements will stimulate discussion and debate on the economic issues that are critical to our prosperity at home and our economic and political leadership around the world.

□ 2220

FAST TRACK WOULD BENEFIT THE UNITED STATES AND MEXICO

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

Mr. RITTER. Mr. Speaker, in recent days I have been taking to the floor to discuss this issue of fast-track authority to the President to negotiate with the North American Free-Trade Agreement and also continuing the so-called Uruguay round, which deals with world trade questions.

I have sought to focus my attention on manufacturing, made in America. What happens to workers in manufacturing with this fast track going through, with the President having the authority to negotiate on behalf of the whole United States, a mechanism which essentially gives the President authority as opposed to giving 435 Members of the House authority plus 100 Senators authority to somehow get out and negotiate trade policy agreements with foreign countries.

I found that in this debate over fast-track authority that some of my colleagues sound like Chicken Littles saying that the sky is falling or, in this case, the Mexicans are coming.

I just want to convey to my colleagues and to the American people that I have a great deal more faith in the skill and productivity of the American workers.

I have spent in my time in the U.S. Congress, some 12 years now, much of my effort extolling the virtues of manufacturing and quality.

Made in the U.S.A. is a particular pursuit of mine. I have worked hard to try to set the climate right for made-in-America.

So, when I talk about quality, I mean quality with a capital Q. The quality process is a process that turns companies and even countries from lethargic Old World producers into high-technology, highly productive manufacturers. I am talking about a process that turns people who once looked out only for their paycheck into a team proud of its accomplishments.

Manufacturing in the United States of America is more and more engaging in this quality revolution, a revolution that says that if you perfect the process, the process of making things, how you do it, if you continuously improve that process, you continuously improve the products that you make and your competitiveness as workers, as a company, as a country increase substantially.

So, made-in-America has really benefited, as America in the decade of the 1980's has more and more turned to quality, to this idea that each and every worker becomes his or her own best manager. If you give that worker the tools, the education, and the training, then you give that worker the responsibility, the recognition, and reward and one can do wonders.

That is what we are having more and more in America. That is what characterizes more and more the made-in-America label.

To me, manufacturing, making things, production, these are the crown jewels in a modern industrialized society. Our manufacturing, once thought to have been given away, is making a huge comeback, mostly due to quality revolution.

Now, I want to share with my colleagues and with the American people some recent front page headlines. Here is one in the April 21 edition of the New York Times, a front page story which says, "Boom in Manufactured Exports Provides Hope for U.S. Economy."

It basically talks about a two-pronged fork that has helped to promote U.S. manufacturing and U.S. manufacturing jobs and made-in-America. The two prongs are composed of a lower value of the dollar with respect to foreign currencies and the other prong being quality and productivity that go with quality.

Just the cheaper dollar would not have done it. Another country is not going to buy goods it does not want just because those goods are cheaper.

The demand for quality worldwide is the name of the game today.

Another story, recently in the Washington Post on the front page, this past Monday, May 20, states, "U.S. Firms Stage Competitive Revival." It goes into the strong growth in the latter part of the 1980's in the export of manufactured goods. The bottom line is for everyone, the billions of dollars of manufactured goods coming out of the United States into foreign countries, each billion dollars provides 20,000 to 25,000 jobs. Now, when you think about it, that is a lot of employment in a State like Pennsylvania.

In Pennsylvania, according to a brochure put out by the United States Department of Commerce, the International Trade Administration, where it takes a State-by-State review, it looks at United States exports to Mexico, part of what we are dealing with in this fast-track arrangement. But also it looks at U.S. exports worldwide. Let us take a look at just Pennsylvania's export to the world—$8.5 billion.

□ 2230

So, at 20,000 to 25,000 jobs, it is about 200,000 jobs that we are talking about here, and these are high-quality manufacturing jobs because, if one is exporting, one is competitive with the rest of the world. They are selling high-value-added material. Their workers are paid well.

Let us see. Let us take a look at Mexico because Mexico is a critical part of this debate, as I mentioned. Ever since Mexico began to liberalize its trade policies in the latter 1980's, we went from $181 million of exports, largely almost entirely in manufacturing, to $475 million in 1989. Well, it is 1991. We are well over $500 million. It is half of a billion dollars in exports to Mexico and growing strongly.

And where do these exports come from? Well, computers and industrial machinery, $97.5 million. Electric and electronic equipment, $85.8 million. Primary metals industries, $71.7 million. Chemicals, $68.7 million. Food products, $25 million. All of these exports mean jobs.

The good news for the American economy in the latter 1980's, the crux of our economic growth has been export-led, and it is export-led in manufacturing. Yes, made-in-America is alive and kicking and driving our economy forward.

Let me talk about some examples of American manufacturing companies who, having turned to quality, turned around. Ford Motor Co., for example, I believe it was in the very early 1980's, maybe 1980 itself, lost $1.9 billion in 1 year. People wondered whether there would be a Ford Motor Co. Ford Motor Co. turned to quality, and they turned around, and they became very profitable in the course of the 1980's.

Xerox, a company that invented xerography, the Xerox copier and its name, was almost out of it in the early 1980's. They turned to quality, and they turned around.

Mr. Speaker, these are American manufacturers that are very competitive in the global economy today. Corning Glassworks is another company that almost lost it, and they turned to quality, and they turned around, and each of these companies is increasing its market share. Motorola is another company facing global competition, facing Japanese competition, doing very well. They turned to quality and turned around, and probably all of the companies I just mentioned would have been out of business.

What I am trying to say is that there is a lot here in America that we can do to make ourselves more competitive, more capable as exporters, creating jobs for our people and being part of this global economy. We can do it here. We should fear Mexico less and sell to it more. We should fear the world less, get our house in order, do what we need to do here to make our manufacturing, our crown jewels, all that they can be.

In addition we will produce these 20,000 to 25,000 jobs for every billion dollars of exports that we send out of this country.

The good news about economic growth, as I mentioned, is that manufacturing and manufacturing productivity rose rapidly, faster here, than in our competitor nations, and the economy of the United States was driven by manufacturing, and I mentioned a few companies that turned to quality. Thousands of companies are turning to quality every day, and they are becoming more competitive. When they do that, given the transportation infrastructure we have in the United States, given the communications capability that we have in the United States, given the educational institutions and opportunities that we have in the United States, we should not be Chicken Little when it comes to Mexico. The sky is not falling on us. We can do very, very well exporting our high-value-added goods to Mexico, far more than Mexico can export back here, even if we send companies down there to open facilities, simple assembly, perhaps even reducing the price and making our own goods in total more competitive in the global economy.

Mr. Speaker, it is not a bad thing, and I have to say this:

When a dollar is spent in Mexico on imports, 70 cents of that is spent in the United States. If facilities are in Mexico, they were probably made in the United States. The machine tools come from the United States. The computers come from the United States. The materials come from the United States.

As my colleagues know, Mexico as an industrial power may well be half a century behind us. On the whole they do not have a highly trained, highly educated work force like ours. Our work force is still the most productive work force in the world on average. Not in all industries, and certainly the Japanese have made great strides in the automobile industry, consumer electronics, but overall, and it may come as a surprise to some, but our overall productivity as a nation per worker is on average higher than that of Japan.

Mexico, however, is not Japan, it is not Great Britain, it is not Germany. They do not have the latest technologies that we have. Their level of education is still far below ours. They have not embarked broadly on the journey to quality as we have.

Remember on the expanded North American Trade Agreement, the so-called North American Free-Trade Agreement, we are talking about increasing our trade with Mexico, and this is a country that is desperately trying to catch up, that does not have near the capability that we have, but they need our exports to them. They need our exports to them far more than we need exports from Mexico. Let us face it. Mexico does not have companies like General Motors, who incidentally in recent years, in the latter part of the 1980's, has turned very strongly to quality, and Ford, and Xerox, and Corning, and Motorola, or IBM, or Apple, or DEC, or Hewlett Packard, or AT&T, or Bethlehem Steel in my own district, or Mack Trucks, or Air Products and Chemicals, which I will talk about later. I mean they really do need to import our high-quality, high-value-added products in order to move into the 20th century, while we move into the 21st century. It is kind of a natural marriage.

Mr. Speaker, yesterday I sent to each and every Member of Congress an op-ed that appeared in the pages of the Allentown Morning Call. It is a paper in my congressional district. That op-ed was written by Dexter Baker, chairman of the board and CEO of Air Products and Chemicals, Inc., as well as next year's chairman of the National Association of Manufacturers and the chemical industry's chief adviser to Carla Hills. Now Mr. Baker and I share a similar perspective on this topic. In his article he notes that American manufacturers, using creativity and technology, produce high-quality, innovative goods and services, can be very, very successful in Mexico with precisely the types of goods and services that Mexico so desperately needs to get in the 20th century.

□ 2240

Due to high import barriers, United States products have often not been competitive in Mexico. A lowering of these barriers, which is what a North American expanded trade agreement is all about, would open up whole new markets for American quality products.

Our barriers to trade with Mexico are already low. Theirs are very high, relative to ours, so if you open up the trade with Mexico and you reduce all the barriers or most of the barriers, who benefits? We benefit.

I mentioned Pennsylvania and its increased exports to Mexico, nearly tripled since the liberalization began. We will see major new job opportunities in this industrial heartland State of Pennsylvania, and I might add that such is the case with other States.

From that same brochure, put out by the Department of Commerce, I would like to talk about Ohio. We have had people on the floor of the House on the other side of the aisle from Ohio get up here and tell us that the sky is falling and tell us that the Mexicans are coming and that we are going to lose all these jobs. We are going to be denuded of our manufacturing jobs in the State of Ohio. That simply does not reflect the record.

Let us look at the record for a second. From 1987 to 1989, 3 years, Ohio's exports to Mexico almost entirely in manufacturing went from $245 million to $464 million. And where are those exports coming from? Computers and industrial machinery, $111 million, primary metal industries, $86 million; chemicals, $84 million; rubber and plastic products, $46 million; transportation equipment, $36 million, nearly half a billion dollars in exports providing jobs for Ohio workers are there because Mexico is buying our products. And if we lower the barriers to United States goods, as I said before, the barriers to Mexican goods are already low, we should have more industrial heartland jobs, solid manufacturing jobs in the State of Ohio.

Incidentally, Ohio's exports to the world total some—and this is 1989—total some $13,323,000,000. That is a lot of jobs—25,000 jobs per billion dollars worth of exports. That is a lot of high-quality manufacturing jobs in the State of Ohio.

I would like to look at one more industrial heartland State. When you talk about industrial heartland, when you talk about manufacturing, you are talking Pennsylvania. You are talking Ohio. You are talking Michigan. That is not to say anything about California, which I will let Californians talk about California, but for our industrial heartland, Middle Atlantic and the Midwest, Michigan certainly is a key State.

In 1989, Michigan exported $1.7 billion worth of goods, nearly entirely manufacturing goods, to Mexico. And where did that figure come from? What is it composed of? Well, $798 million are in transportation equipment. That is right. The United States of America is exporting substantial amounts of transportation equipment, which means trucks, buses, cars are going from the United States to Mexico. The tariff on automobiles going from the United States to Mexico is 20 percent. The tariff coming from Mexico on automobiles is 2.5 percent. One would think, and one does not have to be a rocket scientist to figure this out, if we got rid of all of the tariffs, there would be a heck of a larger movement of American cars exported to Mexico, which means American auto worker jobs. And there would be less pressure to locate a plant in Mexico if the tariff on a United States export to Mexico was less.

In addition to this $798 million in transportation equipment going from Michigan, $191 million in military

equipment; computers and industrial machinery, $161 million; fabricated metal products, basic industrial goods, $147 million; electric and electronic equipment, $139 million. Michigan, an industrial heartland State, exported to the world 21 billion dollars' worth of goods, nearly all manufactured goods, a limited amount of services exported, $21 billion.

Well, at 20,000 to 25,000 jobs, $21 billion, you are talking about nearly half a million jobs due to exports. And these are, again, high quality, high value-added jobs in manufacturing.

Let me discuss a few examples of how this is working in my own congressional district, the Lehigh Valley of Pennsylvania, comprising the cities of Allentown, Bethlehem, and Easton, and it is quite a manufacturing-intensive area, very union labor intensive as well.

I have already mentioned Dexter Baker earlier in my remarks. His company—he is chairman and CEO of Air Products and Chemicals—has a production site in Mexico because it sells industrial gas to Mexican plants. However, the support for this plant comes from the Lehigh Valley. Some nearly 100 Air Products employees made their way to Mexico last year. These 86, I think specifically 86 employees, owe at least part of their jobs to the Mexican market. The market for industrial gases, which is one of Air Products' mainstays, will increase as Mexico's economy moves forward, thereby increasing Air Products' employment in the Lehigh Valley.

The design, the manufacturing, the construction of these facilities that go into Mexico will be done in the Lehigh Valley to a very large extent, and the many other jobs that Air Products and Chemicals and the support services will gain from this increased business.

In my district we have some very major AT&T facilities. They produce in the Lehigh Valley the latest in integrated circuits and microprocessors for telephone digital switching equipment. Not only will increased Mexico trade bring down the high tariff costs on this product or an expanded, let me say an expanded trade agreement bring down the high tariff costs on this product, but the demand for telecommunications infrastructure improvement inside Mexico will increase as the Mexican economy improves. It is enormous.

Mexico is going to sop up American telecommunications technology and equipment like a sponge sops up water.

Therefore, it is highly likely that AT&T is going to sell many more of these digital switches to Mexico. The digital switch is a very major piece of equipment. They are not about to produce it in Mexico, but they need it if they want expanded telephone service. So this is going to create yet more employment opportunities in the Lehigh Valley.

Bethlehem Steel also has growing commercial interests in Mexico. They are going to benefit from expanded trade in Mexico in several ways. They will be able to market high-quality steel rails to Mexico. As Mexico's economy grows, Mexico will have a greater need for rails and other high-quality steel products made by Bethlehem. It is about time we did some more exporting of steel, steel having turned to the quality revolution producing the kind of products that are not necessarily reproducible in Mexico. We will have markets there for high value-added steel.

Also the North American Free-Trade Agreement and subsequent agreements emerging from fast track can help put an end to the practice of dumping foreign steel in the United States. And out of these agreements, we are going to negotiate a new steel trading arrangement where they cannot dump in the United States, or that is the aim in any event. Members like this one will be looking very closely to see if that is the result.

In any event, trade agreements resulting from giving the President fast track will not change U.S. trade laws regarding dumping, which is selling in this market subsidized goods at a far lower price here than they sell back home.

□ 2250

It will not change our trade laws on dumping or injury or other trade laws.

Another company in my district, Union Pacific Corp., is headquartered in Lehigh Valley. They are also going to benefit from increased trade with Mexico. Union Pacific Railroad carried an increased amount of traffic to the Mexican border, and from the border into the United States. They have got a major railyard in Laredo, TX, which serves as their primary border crossing point. Increased trade will mean increased work for their employees, increased prosperity for the company, and an increased presence in the Lehigh Valley, where they are headquartered.

My district is also home to the Victaulic Co., the leading producer of innovative pipe couplings in America. They have had great success marketing their products in Canada. However, they have had a real hard time breaking into the Mexican market, due to the high tariffs on American products trying to go into Mexico, tariffs at rates that Mexican products do not face coming here.

The lowering of these tariff barriers is going to mean a whole new market for their products. Now, considering Mexico's vast petroleum industry, this is no small market. Again, this would create more jobs in the Lehigh Valley for Lehigh Valley workers.

The Surefit Co., in my district, is a large manufacturer of furniture covers and quilts and bedcovers, and it operates a plant in my district with several hundred employees, one in Texas and one in Mexico.

They have been able to benefit from the recently lowered trade barriers. The Mexican operations support hundreds of better, higher paying jobs in my district that may not have been there, were it not for their arrangements with Mexico. Maybe the whole kit and caboodle would have gone to Asia.

Now, in addition to those I mentioned, we have companies in the Lehigh Valley like Bennie and Smith, the world's leading maker of crayons and art products. They have the whole line of Crayola products. It should sell like hotcakes if you reduce some of the tariff barriers in Mexico.

Daytimers, Inc., the Fuller Co., which makes high tech cement producing equipment. Boy, Mexico needs infrastructure, roads and bridges. Cement making is going to be very important. We can help them. Reduce some of those tariff barriers, and we will do business with them. It will mean more Fuller jobs in the Lehigh Valley.

Ingersoll Rand, which is in our area, they produce pumps. Do you ever look at what you need for oilfields and oilfield equipment and refinery equipment? You need a lot of pumps. Ingersoll Rand can sell pumps to them. Reduce some of those tariff barriers, and we will sell a lot more pumps. This will mean jobs for people in the Lehigh Valley.

Just born Candies, happens to make the greatest jelly beans the world has ever known. They have discovered the physics and chemistry of flavor. You can close your eyes, pop one of 35 different flavors in your mouth, and you can tell what it is, which is, I might add, different from some of the competition. You close your eyes and you do not see the color, and you do not know what it is. But they can sell more to Mexico.

Lutron Electronics, which makes dimmer switches, can sell more to Mexico.

Mack Trucks, you all know what a Mack Truck is.

Pfizer Chemical, Rexroth, which makes fluid control systems for industry. Rodale Press, which publishes Prevention, Bicycling, Backpacking, and Runner's World Magazines, they can see expanded horizons in Mexico.

Stanley Vidmar, which manufactures steel storage cabinets and inventory management systems for industry. They are all constituents of mine that stand to benefit from expanded trade with Mexico.

I mentioned the situation with automobiles and the low tariff that face cars coming in from Mexico, but the high tariff that faces cars coming into Mexico from the United States.

Let me just repeat that. There is a low tariff on cars coming into the United States from Mexico. There is a very high tariff on cars that go from the United States to Mexico.

These kind of barriers just boost U.S. unemployment by encouraging U.S. companies to locate down there and gain access to their closed markets.

There is no doubt in my mind that a strong working relationship across the United States-Mexican border helps keep auto workers' jobs from going from Detroit to Asia.

Other companies, like Warnaco, which is an apparel company, have seen a rapid rise in exports to Mexico from the reduction of trade barriers in recent years. They expect their exports to grow with the North American Free-Trade Agreement. Their Mexico sewing operations support over 1,000 jobs in Pennsylvania, Georgia, Alabama, Connecticut, and California.

These jobs are not low paying, low skilled jobs, but are skilled cutting jobs, distributing, and sales employment jobs.

With Mexico serving as a partner, United States jobs have been preserved, instead of shipped off to the Far East, and that trend will continue with an expanded trade agreement. In fact, that trend should accelerate, since once again the tariffs are a lot higher for our goods going into Mexico than they are for Mexican goods coming into the United States.

We will preserve the best jobs, the better jobs, the higher quality jobs, if we share with some of the lower value added production jobs.

But I would say that even lower wage jobs, which we have here, and lower wage jobs that are at stake, if their companies provide quick response to rapidly changing market demand, if their companies can produce quality, if they are close to their manufacturing contractors, like many apparel jobs in my district, they will not only survive, they will prosper, and some of those manufacturers might still be in the United States, because they have some Mexican operations.

That is what we are dealing with. We are dealing with a globalized economy. You have got to stay competitive. If we can be more competitive in the overall apparel-textile industry, we will preserve as many jobs as possible. If we are not competitive, we are going to lose them all.

Take a look at an electronics company, Zenith. They make TV's. Once there were many U.S.-owned manufacturers of television. Now there is only Zenith.

How did Zenith survive? Zenith established some business operations in Mexico instead of moving their entire operation to the Far East. In total, Mexican operations have helped to preserve about 8,000 United States jobs at Zenith, as well as another 1,000 United States jobs at Zenith's vendors. It also preserved the only U.S.-owned company manufacturing television sets in North America.

Another good example is Honeywell. Honeywell opened up a Tijuana, Mexico, factory, and saved about 200 engineering and manufacturing jobs in the United States that otherwise would have gone overseas, likely to Asia.

Additionally, the Tijuana plant uses 32 million dollars' worth of U.S. goods, produced by U.S. workers, for its assembly operations.

Again, if you have a company that locates a manufacturing facility in Mexico for the overall economics of the firm, that potentially preserves other jobs in the United States by reducing costs, when that company, located in a factory in Mexico, buys equipment, buys facilities, buys computers, buys furnishings for the office, they buy them in the United States. If the operation moved to Asia, nothing is bought in the United States. It is all gone.

As we mentioned, $1, today, out of every $1 of imports into Mexico, 70 percent is spent in the United States. Seventy cents of that dollar is spent in the United States.

□ 2300

In short, manufacturing jobs in the United States are going to be saved by an expanded trade agreement that encompasses Mexico, gives us the world's largest, richest trading bloc, bigger than EC 92, bigger than Japan's latest version of the East Asia Co-Propsperity Sphere.

We will save jobs, we will produce jobs, good jobs here in the United States. We will promote "made in America."

We could not live, no Member of Congress lives in a vaccuum. We do know that increased economic activity via trade is going to result in some job losses, some shifting of jobs. So I would say that Congress needs to address that by providing for adequate and effective job training and worker adjustment programs.

The President has outlined his willingness to help workers who through no fault of their own have lost their jobs due to shifts and changes in the trading pattern.

We also need to address the environmental and worker rights concerns arising out of this agreement. Again, I think the President's action plan provides us in the Congress with a blueprint to achieve these goals.

There is no doubt in my mind that an expanded arrangment between Mexico and the United States is going to stimulate them to keep a cleaner environment, to promote a cleaner environment. A poverty-stricken Mexico cut off from us, desolate, is not about to think about environmental concerns. How many Third World countries are thinking about environmental concerns these days? But linking them to the United States, to our values, to our culture, to our promotion of environmental quality, we will get greater environmental quality in that part of the world, greater environmental quality in the border areas of Mexico up against Texas.

Extending fast track authority will allow us to negotiate a new North American trade agreement, and that is an agreement that we can make favorable to us. We have every incentive to make a favorable agreement and not an unfavorable agreement. Then Congress has the right to say, and this Member has the right to say yes or no, this a good agreement or it is not a good agreement. But you can imagine us trying to say yes or no to 10,000 different items in an agreement with 535 special trade representatives constituted by 435 Members of the House and 100 Members of the Senate? It would never happen.

We can increase United States exports to Mexico and create more United States manufacturing jobs while preventing larger scale job loss to the Far East. Again, just look at what has happened in our industrial States, in Pennsylvania, Ohio, and Michigan when it comes to exports.

So I believe a vote for fast track is a vote for American workers. It is a vote for made in America and a vote for quality U.S. manufacturing and a vote for a stronger, more export-rich United States economy.

Mr. Speaker, I include an article from Columns and Viewpoints on this issue.

The article referred to follows:

[From Columns & Viewpoints]

TRADE AGREEMENT WITH MEXICO WOULD BENEFIT LEHIGH VALLEY

(By Dexter F. Baker)

For the past five years I have been privileged to serve as the U.S. chemical industry's principal adviser to the federal government on trade issues. During the period no trade issue has been as critical as whether Congress should extend President Bush's fast track negotiating authority beyond June 1, 1991.

"Fast track" allows the president to negotiate trade agreements with other nations knowing that Congress can either approve or reject them in their entirety. Congress cannot restructure an agreement based on local or regional political considerations.

Fast track would simply extend authority presidents have had for close to two decades. Fast track allows the United States to stay in the business of negotiating trade agreements with other nations.

Current congressional opposition to fast track focuses on President Bush's drive to negotiate a free trade deal with Mexico as part of a North American free trade agreement involving Canada, Mexico and the U.S. To accomplish that goal the president needs fast track authority. Opponents of a U.S. trade partnership with Mexico have attacked fast track as a strategy to kill the president's initiative with Mexico.

They argue that a trade agreement with Mexico will accelerate the movement of jobs

south of the border. Unfortunately, low- and semi-skilled jobs have for many years moved to low labor cost economies, including Mexico and Pacific Rim nations. Some of that movement will continue whether or not we negotiate a trade agreement with Mexico.

The Lehigh Valley's economy and employers need the growth that will come from a North American free trade agreement. The world's key economies are grouping into large regional blocs: The European Community is integrating its internal market to become a more formidable economic powerhouse. The Asia-Pacific area is growing more cohesive around Japan. To compete, North America must base its future on the economic strength of a United States-Canada-Mexico trade union, one that will be larger in size than the European Community. A North American free trade agreement will have a buoyant effect on all three economies and will accelerate Mexico's transition to a market-oriented economy which will create growth markets for U.S. exports.

But, if Congress does not extend the President's fast track authority, the upcoming trade talks with Mexico almost certainly will be cancelled. Mexico's President Carlos Salinas de Gortari has staked his political credibility on the success of these talks. Cancellation could sour our political and commercial relationships with Mexico and force Mexico to turn elsewhere for development help.

Using our national creativity and our technological skills, American manufacturers need to do what we do best: produce innovative, high-quality goods and services and sell them to new markets. The alternative is to become protectionist as America did when we imposed prohibitively high tariffs in 1930. I doubt that many Americans want to endure the fallout that could result again from that kind of protectionism.

When the investment climate improves in Mexico—and it will have to if Mexico wants to be part of a North American free trade agreement—low labor cost businesses will be more likely to locate in Mexico, less likely in Southeast Asia. That's good for both Mexico and the United States. The resulting jobs and economic growth will create a Mexican buying boom.

Today, Mexico imports 70 percent of its foreign-produced goods from the United States. Tomorrow, a growing Mexican economy will be capable of buying more and more U.S. goods and services, some of which will be made by Lehigh Valley workers. (Pennsylvania already exports products and services worth more than one-half billion dollars a year to Mexico.) On the other hand, if those same plants are built in Asia, the resulting economic boom will primarily benefit Japan and her Pacific Rim neighbors.

Our company, Air Products, is a good example of how an investment in Mexico also creates jobs in the Lehigh Valley. Since 1980, we've been a partner in Mexico's largest and most successful industrial gas company. We invested in Mexico, not to take advantage of low-cost labor, but because we must situate our industrial gas plants in markets we serve. Mexico's future economic growth, spurred by a North American free trade agreement, will open new markets for our Mexican business. This means we will remit stronger earnings to the United States which we can invest in other opportunities here.

Our investment in Mexico has created Lehigh Valley jobs. Because Mexico is our neighbor, it is more efficient to provide specialized technical and administrative support people from the Lehigh Valley rather than maintain a large support group in Mexico. Last year, 86 Air Products employees made more than 200 trips to Mexico to provide support to our business there. In other words, at least 86 Lehigh Valley-based Air Products employees owe some portion of their employment to the existence of our Mexican investment.

Our Mexican business also requires specialized equipment from the United States. In recent years we have sent approximately $15 million of U.S.-manufactured equipment to Mexico. Most of that equipment was manufactured by Air Products in Northeastern Pennsylvania.

Bethlehem Steel also has growing commercial interests in Mexico for a broad range of products. The improved market access resulting from a successful North American free trade agreement would help Bethlehem Steel market rails to Mexico. Bethlehem Steel has a strong interest in achieving more effective international measures to limit unfair trade practices. Our friends at Bethlehem Steel would like to see a negotiated multilateral steel agreement replace the voluntary restraint agreements due to expire next year. That agreement can be achieved provided fast track authority is extended.

AT&T's business in Mexico is expanding. Mexico's leaders appreciate the importance of a world class telecommunications infrastructure. They are investing heavily to upgrade their network. Mexico's newly privatized telephone company, Telmex, will spend more than $15 billion during the next five years for further network upgrading. AT&T expects that a North American free trade agreement will help it gain a large share of that business. This growth will certainly be good news on Union Boulevard.

The recent financial results of another Lehigh Valley company indicate the potential of increased trade with Mexico. Union Pacific Railroad's freight revenues on traffic exchanged between the United States and Mexico has been growing rapidly, and Union Pacific is currently in the process of tripling the capacity of its rail yard in Laredo, Texas, its major border-crossing point for United States-Mexican traffic.

Easton's Victaulic Co. believes that Mexico has a sizable untapped market for its products. Until now, Victaulic has had a hard time penetrating the Mexican market because of high Mexican tariffs. Victaulic endorses extension of the President's fast track negotiating authority in order to pave the way for gradual elimination of those tariffs.

The bottom line is that a trade agreement with Mexico will spur the growth of healthy new customers for Pennsylvania and Lehigh Valley products. We will be closer to those customers than our competitors from Asia and Europe. And, only we and Canada will have preferential duty-free access to the Mexican market. It shapes up to be a bullish opportunity for the U.S., for Pennsylvania and for the Lehigh Valley.

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 Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. KOLBE, for 60 minutes, today.

Mr. WALKER, for 5 minutes, today.

Mrs. BENTLEY, for 60 minutes, on June 4, 5, 6, 11, 12, and 13.

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FASCELL, for 5 minutes, today.

Ms. PELOSI, for 60 minutes, today and 60 minutes on June 5.

Mrs. COLLINS of Illinois, for 60 minutes, today.

Mr. MCCLOSKEY, for 60 minutes, on May 29.

EXTENSION OF REMARKS

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

(The following Members (at the request of Ms. ROS-LEHTINEN) and to include extraneous matter:)

Mr. GOSS in two instances.

Mr. SCHAEFER.

Mr. MACHTLEY in eight instances.

Mr. LIVINGSTON.

Mr. GALLEGLY.

Mr. SCHULZE.

Mr. WEBER.

Mr. CRANE.

Mr. GEKAS.

Mr. COX.

Mr. BLILEY.

Mr. MICHEL.

Mr. CUNNINGHAM.

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

Mr. BONIOR.

Mr. TORRES.

Mr. VENTO.

Mrs. COLLINS of Illinois.

Mr. GUARINI.

Mr. ERDREICH.

Mr. HOCHBRUECKNER.

Mr. NEAL of Massachusetts.

Mr. WILLIAMS, in two instances.

Mr. KILDEE, in two instances.

Mrs. BOXER.

Mr. MCMILLEN of Maryland.

Mr. HAMILTON.

Mr. DINGELL.

Mr. DELUGO.

Mr. MRAZEK.

Mr. EDWARDS of California.

Mr. WOLPE.

Mr. ENGEL.

Mr. SMITH of Florida.

Mr. ANTHONY.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes p.m.)

the House adjourned until tomorrow, Thursday, May 23, 1991, at 10 a.m.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose or evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 102d Congress, pursuant to the provisions of 2 U.S.C. 25:

Hon. SAM JOHNSON, Third District of Texas

EXECUTIVE COMMUNICATIONS, ETC.

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

1336. A letter from the Secretary of Agriculture, transmitting the 1989 Annual Report on the Food and Agricultural Sciences, pursuant to 7 U.S.C. 3125; to the Committee on Agriculture.

1337. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the collection of certain fees by the U.S. Environmental Protection Agency; to the Committee on Agriculture.

1338. A letter from the Secretary of the Army, transmitting a cost-comparison study of the commissary storage and warehousing function at Fort Leavenworth, KS; to the Committee on Armed Services.

1339. A letter from the Secretary of the Army, transmitting a cost-comparison study of the commissary storage and warehousing function at Redstone Arsenal, AL; to the Committee on Armed Services.

1340. A letter from the Secretary of the Army, transmitting notification of a final decision to retain the commissary storage and warehousing function as an in-house operation at Fort Meade, MD; to the Committee on Armed Services.

1341. A letter from the Secretary of the Treasury, transmitting the Council's Special Report on the Proposed Increase in the Resources of the International Monetary Fund; to the Committee on Banking, Finance and Urban Affairs.

1342. A letter from the Secretary of Education, transmitting notification of Final Funding Priorities for Research in Education of Individuals with Disabilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1343. A letter from the Secretary of Education, transmitting Final Regulations—Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1344. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the 1990 Annual Report of the Federal Energy Regulatory Commission pursuant to 16 U.S.C. 797(d); to the Committee on Energy and Commerce.

1345. A letter from the Federal Cochairman, Appalachian Regional Commission, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1346. A letter from the Chairman, Federal Communications 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.

1347. A letter from the Chairman, Federal Election Commission, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1348. A letter from the Chairman, Federal Maritime Commission, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1349. A letter from the Secretary, Smithsonian Institution, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1350. 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.

1351. A letter from the Executive Director, American Chemical Society, transmitting the Society's annual report and financial audit for the calendar year 1990, pursuant to 36 U.S.C. 1101(2), 1103; to the Committee on the Judiciary.

1352. A letter from the Secretary, Department of Veterans Affairs, transmitting a report covering the disposition of cases granted relief from administrative error, overpayment, and forfeiture by the Administrator in 1990, pursuant to 38 U.S.C. 210(c)(3)(B); to the Committee on Veterans' Affairs.

1353. A letter from the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting the 1991 annual report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to 42 U.S.C. 1817(b)(2) (Doc. No. 102-89); to the Committee on Ways and Means and ordered to be printed.

1354. A letter from the Board of Trustees, Federal Old-Age and Survivors Insurance and Disability Insurance Trust Fund, transmitting the 1991 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, pursuant to 42 U.S.C. 201(c)(2) (Doc. No. 102-88); to the Committee on Ways and Means and ordered to be printed.

1355. A letter from the Executive Director, Resolution Trust Corporation, transmitting the status report for the month of April 1991: Review of 1988-89 FSLIC Assistance Agreements, pursuant to 12 U.S.C. 1441a note; jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

1356. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 5584 of title 5, section 2774 of title 10, and section 716 of title 32, United States Code, to increase from $500 to $2,500 the maximum aggregate amount of a claim that may be waived by the head of an agency under those sections; jointly, to the Committee on Armed Services and Post Office and Civil Service.

1357. A letter from the Attorney General, Department of Justice, transmitting the 1990 annual report on the number of applications that were made for orders and extension of orders approving electronic surveillance under the Foreign Intelligence Surveillance Act, pursuant to 50 U.S.C. 1807; jointly, to the Committees on the Judiciary and Intelligence (Permanent Select).

1358. A letter from the Board of Trustees, Federal Supplementary Medical Insurance Trust Fund, transmitting the 1991 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 1841(b) (Doc. No. 102-90); jointly, to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 656. A bill to provide for coordinated Federal research program to ensure continued U.S. leadership in high-performance computing; with amendments (Rept. 102-66, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. House Resolution 158. Resolution providing for the candidate of two resolutions on the subject of "fast track" procedures for consideration of bills to implement trade agreements (Rept. 102-72). Referred to the House Calendar.

Mr. SWIFT: Committee on House Administration. H.R. 1362. A bill to authorize appropriations for the Federal Election Commission for fiscal year 1992 (Rept. 102-73). Referred to the Committee of the Whole House on the State of the Union.

Mr. HEFNER: Committee on Appropriations. H.R. 2426. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes (Rept. 102-74). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEVILL: Committee on Appropriations. H.R. 2427. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1992, and

for other purposes (Rept. 102–75). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HEFNER:

H.R. 2426. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes.

By Mr. BEVILL:

H.R. 2427. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes.

By Mr. ALEXANDER:

H.R. 2428. A bill to create the office of Delegate for U.S. Citizens Abroad; to the Committee on House Administration.

H.R. 2429. A bill to amend the Immigration and Nationality Act for children born to U.S. citizens abroad; to the Committee on the Judiciary.

H.R. 2430. A bill to amend the Internal Revenue Code of 1986 to expand the types of foreign source income which may be excluded from gross income by individual citizens and residents of the United States living abroad; to the Committee on Ways and Means.

By Mr. CONDIT:

H.R. 2431. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. GONZALEZ (for himself, Mr. WYLIE, and Mr. ANNUNZIO):

H.R. 2432. A bill to strengthen Federal supervision, regulation, and examination of foreign bank operations in the United States, to enhance cooperation with foreign banking supervisors, to improve reporting of bank stock loans, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HENRY (for himself, Mr. HORTON, and Mr. KLUG):

H.R. 2433. A bill to amend the Higher Education Act of 1965 to require the disclosure of athletic activity revenues and expenditures; to the Committee on Education and Labor.

By Mr. KILDEE (for himself, Mr. FORD of Michigan, and Mr. GOODLING):

H.R. 2434. A bill to amend the General Education Provisions Act to authorize the National Assessment of Educational Progress to conduct certain trial assessments in the fiscal year 1994 and to develop certain other trial assessments for administration in such fiscal year, and for other purposes; to the Committee on Education and Labor.

By Mr. KILDEE (for himself and Mr. FORD of Michigan):

H.R. 2435. A bill to establish a National Council on Education Standards and Testing; to the Committee on Education and Labor.

By Mr. MURPHY:

H.R. 2436. A bill to expand the Fort Necessity National Battlefield, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROYBAL:

H.R. 2437. A bill to amend the Rehabilitation Act of 1973 to revise and extend the program regarding independent living services for older blind individuals; to the Committee on Education and Labor.

By Mr. SABO:

H.R. 2438. A bill to amend title 5, United States Code, to provide additional health benefits plan coverage options; to the Committee on Post Office and Civil Service.

By Mr. SANDERS:

H.R. 2439. A bill to provide certain protections to cable television subscribers; to the Committee on Energy and Commerce.

By Mr. SCHUMER:

H.R. 2440. A bill to amend the Truth in Lending Act to require additional disclosures with respect to credit accounts, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WAXMAN:

H.R. 2441. A bill to amend the Public Health Service Act to extend the program of grants regarding the prevention and control of sexually transmitted diseases; to the Committee on Energy and Commerce.

By Mr. WILLIAMS:

H.R. 2442. A bill to amend title 18, United States Code, to improve the administration of the firearms laws, and for other purposes; to the Committee on the Judiciary.

By Mr. WISE:

H.R. 2443. A bill to amend title 5, United States Code, to clarify laws relating to disclosure of records maintained on individuals; to the Committee on Government Operations.

By Mr. BATEMAN:

H.R. 2444. A bill to revise the boundaries of the George Washington Birthplace National Monument; to the Committee on Interior and Insular Affairs.

By Mr. REGULA (for himself, Mr. MURTHA, Mr. SCHULZE, Mr. MINETA, Mr. SPRATT, Mrs. BYRON, Mrs. JOHNSON of Connecticut, and Mr. KASICH):

H.R. 2445. A bill to amend chapter 15 of the National Security Act of 1947 to define critical technologies important to our national security, establish a Critical Technologies Commission, provide for national security impairment cases, and for other purposes; jointly, to the Committees on Ways and Means; Banking, Finance and Urban Affairs; and Rules.

By Mr. RITTER (for himself, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. LAGOMARSINO, Mr. RAVENEL, and Mr. REGULA):

H.R. 2446. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the purchase of long-term care insurance, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PAYNE of New Jersey (for himself, Mr. FORD of Michigan, Mrs. LOWEY of New York, Mr. PERKINS, Mr. MURPHY, Mrs. UNSOELD, Mrs. MINK, Mr. FUSTER, Mr. OWENS of New York, Mr. SERRANO, Mr. JEFFERSON, Mr. SAWYER, Mr. DE LUGO, Mr. ROE, Mr. GALLO, Mr. MARTINEZ, Mr. DORNAN of California, Mr. GORDON, Mr. WOLPE, Mr. CLEMENT, Mr. VANDER JAGT, Ms. LONG, Mr. GUARINI, Mr. FASCELL, Mr. HYDE, Mr. STAGGERS, Mr. SMITH of Florida, Mr. LANCASTER, Mr. JACOBS, Mr. VALENTINE, Mr. MAZZOLI, Mr. COSTELLO, Mr. BOUCHER, Mr. JONES of Georgia, Mr. MCDERMOTT, Mr. OBERSTAR, Mr. TALLON, Mr. SOLARZ, Mr. NAGLE, Mr. QUILLEN, Mr. HARRIS, Mr. HUCKABY, Mr. MATSUI, Mr. WALSH, Mr. CHAPMAN, Mr. ROSE, Mr. DYMALLY, Mr. ALEXANDER, Mr. PICKETT, Mr. HAYES of Illinois, Mr. DELLUMS, Mr. SMITH of New Jersey, Mr. FALEOMAVAEGA, Mr. LAFALCE, Mr. DWYER of New Jersey, Ms. KAPTUR, Mr. HAMMERSCHMIDT, Mr. LIPINSKI, Mr. ATKINS, Mr. GOODLING, Mr. SISISKY, Mr. MONTGOMERY, Mr. SANGMEISTER, Mr. ANDREWS of New Jersey, Ms. PELOSI, Mr. WEISS, Mr. ERDREICH, Mr. LANTOS, Mr. HOYER, Mr. PALLONE, Mr. WILSON, Mr. TAUZIN, Mr. GRAY, Mrs. VUCANOVICH, Mrs. BOXER, Mr. MILLER of Ohio, Mr. VENTO, Mr. PRICE, Mr. COLEMAN of Missouri, Mr. RAMSTAD, Mr. HUGHES, Mr. DE LA GARZA, Mr. POSHARD, Mr. EDWARDS of Texas, Mr. BILBRAY, Mr. SANTORUM, Mr. MFUME, Mr. MCGRATH, Mr. MCNULTY, Mr. APPLEGATE, Mr. WAXMAN, Mr. ROGERS, Mr. GEREN of Texas, Mr. RINALDO, Mrs. COLLINS of Michigan, Mr. CALLAHAN, Mr. ECKART, Mr. BONIOR, Mr. ACKERMAN, Mr. GRANDY, Mr. DIXON, Mr. JENKINS, Mr. BRUCE, Mr. EMERSON, Mr. BLILEY, Mr. BLAZ, Ms. HORN, Mr. ESPY, and Mr. MACHTLEY):

H.J. Res. 259. Joint resolution designating July 2, 1991, as "National Literacy Day"; to the Committee on Post Office and Civil Service.

MEMORIALS

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

132. By the SPEAKER: Memorial of the Senate of the State of Maine, relative to outlawing the use of permanent replacement workers; to the Committee on Education and Labor.

133. Also, memorial of the House of Representatives of the State of Michigan, relative to automobile manufactures installing accessible recovery attachment points on the front and rear of all passenger vehicles; to the Committee on Energy and Commerce.

134. Also, memorial of the Senate of the State of Louisiana, relative to the extension of the "fast track" authority proposal of the President; jointly, to the Committees on Ways and Means and Rules.

135. Also, memorial of the Senate of the State of Iowa, relative to the lack of progress and results of investigations of the 2,285 Americans missing in action in Southeast Asia; jointly, to the Committees on Government Operations, Armed Services, and Foreign Affairs.

ADDITIONAL SPONSORS

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

H.R. 8: Mr. WEISS.

H.R. 12: Mr. JONTZ and Mr. LEVINE of California.

H.R. 53: Mr. ENGEL, Mr. RAMSTAD, Mr. ERDREICH, Mr. GONZALEZ, Mr. SCHUMER, Mr. HENRY, Mr. TAYLOR of North Carolina, Mr. OBERSTAR, Mr. GILCHREST, and Mr. SERRANO.

H.R. 200: Mr. MARLENEE, Mr. LIVINGSTON, Mr. WILLIAMS, Mr. PURSELL, and Mr. ROYBAL.

H.R. 371: Mr. LEWIS of California.

H.R. 381: Mrs. LLOYD, Mr. CARPER, Mr. STUDDS, Mr. CAMPBELL of California, Mr. KENNEDY, and Mr. CLAY.

H.R. 382: Mr. CARPER and Mr. CLAY.

H.R. 384: Mr. MCMILLEN of Maryland, Mr. ENGEL, and Mr. FAZIO.

H.R. 573: Mr. ROE.

H.R. 576: Mr. FAZIO, Mr. MFUME, Mr. GORDON, Mr. AUCOIN, Mr. SCHUMER, Mr. JOHNSON of South Dakota, Mr. STUDDS, Mr. FRANK of Massachusetts, Mr. ANDREWS of New Jersey, Ms. MOLINARI, and Mr. LAGOMARSINO.

H.R. 643: Mr. OLIN.

H.R. 658: Mr. HALL of Texas and Mr. YOUNG of Florida.

H.R. 722: Mr. FRANK of Massachusetts.

H.R. 723: Mr. RHODES and Mr. FRANK of Massachusetts.

H.R. 744: Mr. KOSTMAYER.

H.R. 745: Ms. KAPTUR and Mr. HUBBARD.

H.R. 791: Mr. SERRANO.

H.R. 812: Mr. BORSKI, Mrs. BOXER, Mr. COLEMAN of Texas, Mr. CLINGER, Mr. TRAXLER, Mr. SERRANO, Mr. EMERSON, and Mr. RHODES.

H.R. 828: Mr. LANCASTER, Mr. MCMILLEN of Maryland, and Mr. MARTINEZ.

H.R. 840: Mr. DICKS, Mr. ROSE, Mr. WHEAT, and Mrs. PATTERSON.

H.R. 843: Mr. LANTOS.

H.R. 859: Mr. HENRY, Mr. SOLOMON, Mr. EMERSON, Mr. ZELIFF, and Mr. FAWELL.

H.R. 886: Mr. ECKART, Ms. SNOWE, and Mr. BORSKI.

H.R. 978: Mr. ACKERMAN, Mrs. LLOYD, Mr. ARCHER, Ms. SNOWE, Mr. WILSON, Mr. MCGRATH, Mr. JONTZ, Mr. BORSKI, and Mr. ROSE.

H.R. 1072: Mr. ESPY, Mr. EVANS, and Mr. LANCASTER.

H.R. 1073: Mr. ESPY, Mr. EVANS, and Mr. LANCASTER.

H.R. 1237: Mr. BUSTAMANTE, Mr. COX of California, Mr. GALLO, Mr. LAGOMARSINO, Ms. LONG, Mr. LUKEN, Mr. MAZZOLI, Mr. OWENS of Utah, Mr. POSHARD, Mr. RHODES, Mr. TANNER, Mr. THOMAS of Wyoming, and Mr. VOLKMER.

H.R. 1240: Mr. DOWNEY and Mr. MOODY.

H.R. 1245: Mr. GEJDENSON, Mr. HEFNER, Mr. CARR, Mr. ROSE, Mr. PENNY, Mr. HOBSON, Mr. CLEMENT, Mr. BEREUTER, and Mr. TAUZIN.

H.R. 1251: Mr. ACKERMAN, Mr. DOOLEY, Ms. SNOWE, Mr. SERRANO, Mr. CONDIT, Mr. MARTINEZ, Mr. RICHARDSON, and Mr. WAXMAN.

H.R. 1252: Mr. ACKERMAN, Mr. DOOLEY, Ms. SNOWE, Mr. SERRANO, Mr. CONDIT, Mr. MARTINEZ, Mr. RICHARDSON, and Mr. WAXMAN.

H.R. 1253: Mr. ACKERMAN, Mr. DOOLEY, Ms. SNOWE, Mr. SERRANO, Mr. CONDIT, Mr. MARTINEZ, Mr. RICHARDSON, and Mr. WAXMAN.

H.R. 1293: Mr. WAXMAN.

H.R. 1341: Mr. GLICKMAN and Mr. MFUME.

H.R. 1360: Mr. REED, Mr. KOPETSKI, Mr. PEASE, Mr. MINETA, Mr. ROSE, and Mr. MARTINEZ.

H.R. 1394: Mr. FROST, Mr. NEAL of Massachusetts, Mr. KENNEDY, Mr. GONZALEZ, Mrs. LOWEY of New York, Mr. FLAKE, Mr. DEFAZIO, Mr. MINETA, and Ms. NORTON.

H.R. 1430: Mr. WYDEN.

H.R. 1445: Mr. HATCHER.

H.R. 1450: Mr. WOLF, Mr. NICHOLS, Mr. MILLER of Washington, Mr. THOMAS of California, Mr. MORRISON, Mr. LEWIS of Florida, Mr. NUSSLE, Mr. MORAN, and Mr. BUSTAMANTE.

H.R. 1472: Mr. WISE and Mr. LAGOMARSINO.

H.R. 1473: Mr. KLUG and Mr. BRUCE.

H.R. 1512: Mr. BILIRAKIS, Mr. BRUCE, and Mr. FAZIO.

H.R. 1516: Ms. SNOWE.

H.R. 1527: Mr. TAYLOR of Mississippi.

H.R. 1541: Mr. DICKINSON.

H.R. 1549: Mr. FISH and Mr. KOLBE.

H.R. 1554: Mr. SMITH of Florida.

H.R. 1611: Mr. MOORHEAD.

H.R. 1618: Mr. GALLO, Mr. MINETA, Mr. SMITH of Oregon, Mr. HORTON, Mr. DELAY, Mr. TALLON, Mr. LOWERY of California, Mr. WYDEN, Mr. KYL, Mr. THOMAS of Georgia, Mr. HERTEL, Mr. OWENS of Utah, Mr. SLAUGHTER of Virginia, Mr. BARNARD, Mr. JONES of Georgia, Mrs. LLOYD, Mr. AUCOIN, Mr. KOPETSKI, Mr. ATKINS, Mr. SPENCE, Mr. ALLARD, Mr. SWIFT, Ms. KAPTUR, Mr. LAGOMARSINO, Mr. FROST, Mr. WILSON, Mr. SHAYS, and Mr. SANTORUM.

H.R. 1628: Ms. NORTON, Mr. LANCASTER, Mr. COLEMAN of Texas, Mr. DEFAZIO, Mr. BOUCHER, Ms. SLAUGHTER of New York, Mr. OWENS of Utah, Mr. PAYNE of Virginia, Mr. MORAN, Mr. VANDER JAGT, Mr. TRAFICANT, and Mr. SAXTON.

H.R. 1633: Mr. MAZZOLI, Mr. HOCHBRUECKNER, Mr. MFUME, Mr. PEASE, Mr. PETERSON of Florida, Mr. MOORHEAD, Mr. STARK, Mr. KOPETSKI, Mr. JONTZ, Mr. GILCHREST, Mr. RAMSTAD, Mr. TORRES, Mr. ENGEL, Mr. ROYBAL, Mr. SMITH of Florida, Mrs. BOXER, and Mr. MOODY.

H.R. 1711: Mr. JONTZ.

H.R. 1739: Mr. ECKART, Mr. BEREUTER, Mr. WILLIAMS, and Mr. JONTZ.

H.R. 1779: Mr. FORD of Tennessee, Mr. DIXON, Mr. LEWIS of Georgia, Mr. MINETA, Mr. ESPY, Mr. JONES of Georgia, and Mr. TRAFICANT.

H.R. 1900: Mr. SANTORUM.

H.R. 1955: Mr. PARKER and Mr. ECKART.

H.R. 1956: Mr. PARKER.

H.R. 1970: Ms. SLAUGHTER of New York, Mr. SHAYS, Mrs. BOXER, and Mr. PANETTA.

H.R. 2008: Mr. GORDON and Mr. GILCHREST.

H.R. 2114: Mr. PENNY, Mr. DE LUGO, Mr. WILSON, Mr. FORD of Tennessee, and Ms. PELOSI.

H.R. 2115: Mr. EMERSON and Mr. COOPER.

H.R. 2235: Mr. JONTZ and Mr. NICHOLS.

H.R. 2268: Mr. BRUCE and Mr. MYERS of Indiana.

H.R. 2279: Mr. BENNETT and Mr. EVANS.

H.R. 2280: Mr. JAMES.

H.R. 2299: Mr. FROST.

H.R. 2309: Mr. ABERCROMBIE, Mr. KENNEDY, Mr. HYDE, Mr. LENT, Mr. LIPINSKI, Mr. LAGOMARSINO, and Ms. ROS-LEHTINEN.

H.R. 2361: Mr. BOUCHER.

H.R. 2389: Mr. RUSSO and Mr. WHEAT.

H.J. Res. 73: Mr. FISH and Mr. ENGEL.

H.J. Res. 107: Mr. WALSH.

H.J. Res. 138: Mr. ANDERSON, Mr. ANTHONY, Mr. BUNNING, Mr. COBLE, Mr. COLEMAN of Texas, Mr. DELLUMS, Mr. DINGELL, Mr. DORGAN of North Dakota, Mr. FAWELL, Mr. GALLEGLY, Mr. GEREN of Texas, Mr. GONZALEZ, Mr. GORDON, Mr. HOYER, Mr. LEWIS of Georgia, Mr. MCMILLEN of Maryland, Mr. MONTGOMERY, Mr. NAGLE, Mr. ORTIZ, Mr. RAY, Mr. SISISKY, Mr. SKAGGS, Mr. SKELTON, Ms. SLAUGHTER of New York, Mr. STENHOLM, Mr. STOKES, Mr. TANNER, Mr. WELDON, Mr. WHEAT, Mr. WOLPE, Mr. YATES, Mr. ANDREWS of Maine, Mr. COX of Illinois, Mr. CUNNINGHAM, Mr. EDWARDS of Texas, Ms. HORN, Mr. PETERSON of Minnesota, Mr. SANDERS, Mr. SWETT, Ms. WATERS, Mr. MCEWEN, Mr. JONES of Georgia, Mr. DREIER of California, and Mr. RIDGE.

H.J. Res. 142: Mr. BOEHLERT, Mrs. ROUKEMA, Mr. DELAY, Mr. BALLENGER, Mr. BUNNING, Mr. WALSH, Mr. SHUSTER, Mr. HOUGHTON, Mr. MILLER of Washington, Mr. FISH, Mr. BROWN, and Mr. HAYES of Illinois.

H.J. Res. 188: Mr. CLAY, Mr. DELLUMS, Mr. ESPY, Mr. LEWIS of Georgia, Mr. MARTINEZ, Mr. PERKINS, Mr. RANGEL, Mr. ACKERMAN, Mr. FOGLIETTA, Mr. GUARINI, Mr. TORRICELLI, Mr. JEFFERSON, Mr. SAVAGE, Mr. REED, Mr. VALENTINE, Mr. JONTZ, Mr. ROE, Mr. SANDERS, Mr. ANDREWS of Maine, Mr. KILDEE, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. HAYES of Illinois, Mr. PAYNE of New Jersey, Mr. FEIGHAN, Mr. HALL of Ohio, Mr. HERTEL, and Mr. OWENS of New York.

H.J. Res. 212: Mr. HAMILTON, Mr. HARRIS, Mr. CALLAHAN, and Mr. BEVILL.

H.J. Res. 217: Mr. ATKINS, Mr. MRAZEK, Mr. NAGLE, Mr. DEFAZIO, Mr. FAZIO, Mr. DORNAN of California, Mr. MAVROULES, Mr. JOHNSON of South Dakota, Mr. BATEMAN, Mr. ABERCROMBIE, Mr. MURPHY, Mr. MOAKLEY, Mr. MCNULTY, Mr. MCCOLLUM, Mr. LEVIN of Michigan, Mr. LANCASTER, Mr. LAGOMARSINO, Mr. JONES of North Carolina, Mr. IRELAND, Mr. HUTTO, Mr. GUARINI, Mr. GRANDY, Mr. ERDREICH, Mr. ECKART, Mr. DYMALLY, Mr. MCDADE, Mr. SMITH of Florida, Mr. NATCHER, Mr. HUGHES, Mr. PALLONE, Mr. PAXON, Mr. MILLER of California, Mr. SHAYS, Mr. MARTINEZ, Mr. BONIOR, Mr. LANTOS, Mr. ROEMER, Mrs. JOHNSON of Connecticut, Mr. CARR, Mr. MORAN, and Mr. LEWIS of California.

H.J. Res. 219: Mr. MILLER of Washington, Mr. PAXON, Mr. JEFFERSON, Mrs. BENTLEY, Mr. VOLKMER, Mrs. JOHNSON of Connecticut, Mr. LENT, Mr. RAHALL, Mr. DOOLITTLE, Mr. SERRANO, and Mr. EVANS.

H.J. Res. 233: Mr. POSHARD, Mr. COX of Illinois, Mrs. VUCANOVICH, Mr. PETERSON of Florida, and Mr. SPRATT.

H.J. Res. 239: Mr. MORAN, Mr. WEBER, Mr. NAGLE, Mr. BERMAN, Mr. OBERSTAR, Mr. LEVINE of California, Mr. GREEN of New York, Mr. ENGEL, Mr. WEISS, Mr. BONIOR, and Mr. GUARINI.

H.J. Res. 254: Mr. WHEAT, Ms. NORTON, Mr. TANNER, Mr. MARTINEZ, Mr. NEAL of Massachusetts, Mr. OWENS of New York, Mr. CLEMENT, Mr. MAVROULES, and Mr. RAVENEL.

H. Con. Res. 8: Mr. LAROCCO, Mr. COX of California, and Mr. KLUG.

H. Con. Res. 30: Mr. BREWSTER.

H. Con. Res. 65: Mr. DONNELLY and Mr. YATRON.

H. Con. Res. 89: Mr. ACKERMAN, Ms. SNOWE, Mr. SERRANO, Mr. CONDIT, Mr. MARTINEZ, Mr. CHANDLER, and Mr. WAXMAN.

H. Con. Res. 101: Ms. KAPTUR, Mr. BEREUTER, and Mr. VALENTINE.

H. Con. Res. 120: Mr. RAMSTAD, Mr. JEFFERSON, Mr. DWYER of New Jersey, and Mr. ROE.

H. Con. Res. 135: Mr. FROST and Mr. FAZIO.

H. Con. Res. 152: Mr. RIGGS, Mr. MACHTLEY, Mr. GUARINI, Mr. GILMAN, Mr. MCDADE, Mr. FEIGHAN, Mr. LEHMAN of Florida, Mr. PALLONE, Mrs. VUCANOVICH, Mr. KENNEDY, Mr. BONIOR, Mrs. MORELLA, Mr. LENT, Mr. CARDIN, and Mr. STARK.

H. Res. 131: Mr. ABERCROMBIE, Mr. APPLEGATE, and Mr. FROST.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 960: Mr. HATCHER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

83. The SPEAKER presented a petition of the Association of the Bar of the City of New York, relative to combat exclusion laws; which was referred to the Committee on Armed Services.