

## HOUSE OF REPRESENTATIVES—Tuesday, February 4, 1992

The House met at 12 noon.

The Reverend Dr. Gilbert W. Bowen, senior minister, Kenilworth Union Church, Kenilworth, IL, offered the following prayer: [H04FE2-X1]{H217}prayer

Eternal One, in whose hands are the rise and fall of the nations, we pause to remember who we are, creatures and colleagues of Thy purposes. So deliver us once more from the arrogance that thinks we alone can save the world, the cynicism that thinks nothing can be done, and the indifference that would keep us from doing what we can. Make vivid again the real world, faces and families who hunger not so much for privilege or power as for food, and freedom and future for their own. Soften the pride and deepen the determination of all of us who lead. Stir hope, discipline, and patience in all our people. We pause to be grateful for the heritage and promise which is ours, for the gift of one more day with its challenge to create, and opportunity to serve. Grant us renewed energy, focus, and enthusiasm that we may live it wisely and well, full of love for life, labor, and neighbor. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri [Mr. HANCOCK] come forward and lead the House in the Pledge of Allegiance.

Mr. HANCOCK led the Pledge of Allegiance as follows:

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

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2927. An act to provide for the establishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and for other purposes.

The message also announced that the Senate had passed bills of the following

titles, in which the concurrence of the House is requested:

S. 2. An act to promote the achievement of national education goals, to measure progress toward such goals, to develop national education standards and voluntary assessments in accordance with such standards and to encourage the comprehensive improvement of America's neighborhood public schools to improve student achievement;

S. 12. An act to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes;

S. 1256. An act to direct the Secretary of Health and Human Services to develop and implement an information gathering system to permit the measurement, analysis, and reporting of welfare dependency rates; and

S. 1963. An act to amend section 992 of title 28, United States Code, to provide a member of the U.S. Sentencing Commission whose term has expired may continue to serve until a successor is appointed or until the expiration of the next session of Congress.

The message also announced that, pursuant to Public Law 101-649, the Chair, on behalf of the majority leader, appoints Lawrence Fuchs of Massachusetts, and Nelson Merced of Massachusetts, as members of the Commission on Legal Immigration Reform.

The message also announced that, pursuant to Public Law 101-138, the Chair, on behalf of the Republican leader, appoints Michael Cutchall of Kansas, and Joshua Muravchik of Maryland, as members of the Commission on Broadcasting to the People's Republic of China.

### IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE KENILWORTH UNION CHURCH

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

Mr. PORTER. Mr. Speaker, in honor of the 100th anniversary of Kenilworth Union Church, I am pleased that its minister, Dr. Gilbert Bowen, was here to deliver this morning's prayer before the House.

Dr. Bowen's 22-year leadership of this active and growing church is outstanding. Last year, together with associate ministers Dick Ferris and Betsy Andrews, he led over 2,000 members of their congregation in raising more than \$200,000 in benevolent funds. These funds went to 47 essential social service groups in the community, in the city of Chicago, and around the world. They include: Casa Central, a

nursing home serving the Hispanic community; the Chicago Child Care Society, supporting counseling services for families where child abuse has occurred; Opportunity International, a group of business executives working to help the poor of developing countries through small enterprise development; and the Holy Family Lutheran Church School, an alternative school offering a caring and educational environment for kids in the Cabrini Green housing projects in Chicago. These are only the highlights of Dr. Bowen's enlightened efforts at Kenilworth Union Church—the list goes on and on.

Kenilworth Union Church has also helped to spread its message of goodwill and faith behind the now-withered Iron Curtain. The church is well on its way to realizing the goals that Associate Minister Dick Ferris set in his report this year. He said:

I have a dream that someday every person in our church will be somehow involved with the giving of his or her talent through a volunteer activity \* \* \*. I have a dream that our differing backgrounds would only serve as a stimulus for growth and understanding, appreciation and interest, and never as cause for suspicion \* \* \* or fear.

The activities of Kenilworth Union Church are a shining example of many community-based organizations which are seeking to aid their fellow human beings—both next door and around the world.

Mr. Speaker, I am very proud to represent a congressional district that includes a spiritual leader of Dr. Bowen's dedication and standing. We have all been inspired by his words today. I want to thank him and Marlene Bowen for coming to Washington, and I also want to thank Dr. Ford for helping to make Kenilworth Union's centennial celebration a memorable and fulfilling one.

### THE UNITED STATES-JAPAN RELATIONSHIP

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

Mr. SMITH of Florida. Mr. Speaker, the United States-Japan relationship is one of our most important bilateral alliances in this post-Communist era. We have fundamental differences over economic and foreign policy, differences which should be settled without rancor; but nearly once a week the civil dialog between us is somehow sidetracked by some ignorant expression of Japanese racism or ill-informed worker

□ 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.

bashing by a high official of their Government. These insults must stop. They serve only to inflame tensions on both sides of the Pacific.

The Bush administration, however, is utterly mistaken when it apologizes for these Japanese insults, when it confuses our desire to defend American jobs with bashing Japan. Our legislation to dismantle Japanese trade barriers is not anti-Asian. It is anti-Japanese protectionism. It is profree trade. It is pro-American worker, and it speaks volumes about the Bush administration, that they do not understand the difference.

#### A POSTAL SNOW JOB

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

Mr. BROOMFIELD. Mr. Speaker, our colleague, the gentleman from Missouri [Mr. HANCOCK] has just gotten a letter from one of his constituents, a postal employee who is justifiably outraged by the postal snow job he just got from his employer.

The postal employee recently received this glossy 44-page booklet promoting the Postal Service's sponsorship of the Winter Olympics. He says all 740,000 of this fellow employees got the same booklet—by priority mail.

That is more than \$2 million for postage alone—all of it spent on something any postal employee could have learned by picking up the sports section of his local newspaper.

Wasteful spending like this is just one more reason Congress should create a bipartisan commission to study the U.S. Postal Service.

More than 100 of our colleagues have agreed with me and are now cosponsors of my resolution to create such a commission. I urge other Members concerned by postal mismanagement to sign on as well.

#### TAX WITHHOLDING, A RUDE SURPRISE FOR TAXPAYERS

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

Mr. SLATTERY. Mr. Speaker, many Americans have faced high pressure sales people who offer them special deals if they only will act quickly.

The President has offered the American people a special tax deal and he wants Congress to act quickly, but before we act quickly I think it is important for us to do as wise consumers do, and that is to read the fine print of the deal.

The reduction in tax withholding proposed by the President will result in a rude surprise for taxpayers after the election, when many of them discover that they owe a tax payment to the Federal Government. This change will

also cost the Government the use of \$5.2 billion in withheld funds, which will increase Government borrowing.

The proposed increase in personal exemptions will benefit higher income taxpayers more than low- and middle-income families. For example, an increased deduction of \$500 would be worth \$155 to a family earning \$150,000, but only \$75 to a family earning \$30,000. Families without taxable income would not benefit at all from this proposal.

The President also would create a new tax credit for first time home buyers, regardless of the taxpayer's income or the value of the home purchased. This indiscriminate tax benefit would cost \$5.2 billion over 5 years.

Mr. Speaker, let us proceed with caution. We must not increase the Federal deficit by handing out tax benefits to people who do not need them in an election year merely to get their votes.

#### □ 1210

#### LET JAPAN TAKE A CRACK AT DEFENDING HERSELF FOR A CHANGE

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

Mr. WELDON. Mr. Speaker, the leaders of the Japanese Government have continued their leather-tasting ways, as Prime Minister Miyazawa inserted foot into mouth yet again.

American workers do not work on Monday and Friday? The work ethic is lacking? I would submit that the only thing lacking here, Mr. Speaker, is Mr. Miyazawa's intelligence and good taste. The only thing that does not work Mondays and Fridays is Mr. Miyazawa's gray matter. If American workers are so lazy, and American products are so deficient, then Mr. Miyazawa should have nothing to fear from free trade and open markets. Throw open your borders, Mr. Prime Minister, and let's see how our products stack up.

I am getting a little tired of Japan's condescending and insulting attitude. I say this: If Mr. Miyazawa has such disdain for American products, then no more American warplanes, no more American ships, and no more American soldiers and sailors. Remember, Mr. Miyazawa, all of those products are also made in the United States of America. Let Japan take a crack at defending herself for a change.

#### THE ANSWER TO UNEMPLOYMENT IS JOBS

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

Ms. DELAURO. Mr. Speaker, today we consider an emergency extension of

unemployment benefits that will bring some relief to millions of Americans put out of work by the recession.

The President has agreed to support this legislation. We should applaud his commitment to the unemployed, and I hope we can sustain this spirit as we work to forge a plan for economic recovery.

Today's unemployment bill, however, is only the beginning. It is the least we can do. We must also have a comprehensive package that helps working people and turns this economy around.

The package the President has offered simply will not do the job. It revolves around a tax cut for the wealthy that would give \$19,000 to people with incomes exceeding \$200,000. That will do nothing for the people I have talked to in the unemployment lines.

We need real tax relief for the middle class.

We need an industrial policy that concentrates on our tremendous resources and helps us compete in the world market.

We need tax incentives for business to help them grow.

And we need to front load the funding for the transportation bill to get people off the unemployment lines and back to work.

Let us hope the President will work with us toward the rapid achievement of these goals, and ensure that there is no need for more emergency extensions of unemployment benefits.

#### JAPANESE INSULTS PROVIDE INCENTIVE FOR GREATER PRODUCTION BY AMERICAN WORKERS

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

Mr. GEKAS. Mr. Speaker, Members of the House, at another time in world civilization history the Japanese political leadership underestimated the will of the American people, the determination of the American workers, the genius of the American inventor and developer, and the result, also, is history, when they were able to provoke the greatest mass movement of mass production and technological advance that the world has ever known.

Mr. Speaker, I congratulate the Prime Minister of Japan for what he said and did very recently, because he now has provoked the American giant into another era, in my judgment, of mass production, technological advance, and worker competence like the world has never known. We can consider what insults Japan has made to the American worker as an incentive for greater production by the American worker.

### WE NEED TO PROVIDE HEALTH CARE FOR ALL AMERICAN WORKERS, INCLUDING THE UNEMPLOYED

(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, today is a sad day in the Louisville area. One of our revered companies, in business for over 74 years, is shutting down; Standard Gravure will end its operations today, dismissing 244 workers, most of whom are in their fifties with very little chance for job opportunities.

Mr. Speaker, I am a cosponsor of legislation, sponsored by the gentleman from Kansas [Mr. GLICKMAN], which would give workers such as these an opportunity for up to 60 months to purchase health insurance coverage. One of the most fearsome aspects of being out of work is that you lose your health care.

A few nights ago, the President, from this podium, talked about his plan for health care in America. A step forward, perhaps, but not nearly enough.

We need to do much more than simply provide health insurance opportunities to uninsured or underinsured Americans. We need to provide health care for workers such as those at Standard Gravure and all over the country. Unless we get to that core question, we will not be doing right by the workers of America.

### THE STATE OF THE UNION AND UNEMPLOYMENT BENEFITS

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

Mr. FLAKE. Mr. Speaker, today we assemble to confront the immediate needs of the growing number of unemployed Americans. We will once again vote to extend the benefits for those who have been out of work so long that they have exhausted their standard 26 weeks of unemployment benefits. Everyday 2,600 Americans lose their jobs and therefore, must turn to unemployment benefits to provide for themselves and their families.

The State of the Union failed to honestly confront the needs of the unemployed and to adequately provide a plan to lead the Nation to recovery. The centerpiece of this economic package was an income tax deduction which averages about \$1 a day. It is ridiculous to suggest that this token amount will spur our sluggish economy. Moreover, because the unemployed have no income, a dollar a day savings in income tax does not even begin to address the unemployment plight. Instead, today's unemployed need assistance in finding employment, paying the stack of unpaid bills, making the mortgage, putting food on the table, and clothing

their children. It is crucial to continue to point out that today's unemployed were, in fact, contributing members of the American work force and to no fault of their own, lost their jobs.

I sincerely hope that the next time the House votes to address the needs of the unemployed, the vote will not be to extend benefits but rather to provide jobs. Providing jobs is the primary challenge before the Congress and the President. The Congress will continue its efforts to provide the most effective strategy to lead the economy on the road to recovery.

### GET LOST, BOAT TAX

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

Mr. GOSS. Mr. Speaker, a lot gets lost in the legislative shuffle, but America's recreational boaters are not going to let us lose legislation repealing the boat decal tax.

The Nation's 4.1 million recreational boaters now know they have been unfairly singled out to pay for deficit reduction. No reason, no extra services—just because the Federal spending monster needed an infusion of cash.

Mr. Speaker, now, to bad legislation we have added bad implementation. Those boaters who try to purchase their decals are having trouble getting through to order one, or they order one but never get it, the computer is broken or they get so disgusted that they do not even put their boats in the water and do not use them. The Coast Guard is now moonlighting as a collection agency for the Internal Revenue Service. It is diverting attention from its true mission of ensuring safety in our waters and interdicting the flow of drugs. And, to add insult to injury, this program has come nowhere near raising the kind of revenue we were promised as unfair as it is. Mr. Speaker, 411 of our colleagues agree with America's boaters that the so-called recreational boat user fee was a mistake. A mistake that will not go away until we repeal it. Let us do it.

□ 1220

### SUPPORT THE FREEDOM OF CHOICE ACT

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

Mr. ANDERSON. Mr. Speaker, 2 weeks ago, the Supreme Court agreed to hear a landmark case testing a woman's fundamental right of choice. Groups on both sides of the abortion issue have suggested that the Supreme Court might use this Pennsylvania decision as a vehicle to overturn Roe versus Wade. Even if the Court does not

take this extreme course, they will most certainly narrow Roe further. For the first time in American history, the Supreme Court may revoke a fundamental right afforded by an earlier court.

Only 6 years ago, the Supreme Court overturned a similar Pennsylvania law restricting abortion access. A plurality held at that time, quote, "States are not free \* \* \* to intimidate women into continuing pregnancies." Six short years ago, the Supreme Court reaffirmed the constitutional protection of a woman's right to have an abortion.

America now has a new Supreme Court. Only two Justices remain who are known to support Roe.

Polls have shown an overwhelming majority do not wish to see the right of choice taken away. Congress must now act. We must take steps to protect a woman's fundamental right to decide her own future. Please join me in support of the Freedom of Choice Act to keep reproductive decisions where they belong, with the woman, not with politicians.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). The Chair will remind our guests not to respond positively or negatively to any statements made on the floor.

### LET THE SUN SHINE IN

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

Mr. BOEHNER. Mr. Speaker, I stand here today as a Member who is sincerely concerned about our future and the future of this great body.

Mr. Speaker, last year it was check bouncing by Members of Congress, it was unpaid bills in the House restaurant, and now allegations of serious wrongdoing in the House Post Office, allegations of drug sales in the post office, allegations of theft of money in the post office, allegations that Members of Congress and officers of this House were getting loans in the post office.

Mr. Speaker, we must let the sun shine in. Let us let the bright light of public scrutiny look at our operations in this body. Let us appoint a special counsel to find out what happened in the House Post Office, to inform Members. Let us allow the United States Post Office to take control of the post offices in our building. Let us order an independent outside audit of how this place operates so that the public can see. Even the Members cannot see it today.

In addition, Mr. Speaker, let us have the Freedom of Information Act so

that these kinds of practices can never happen again in this body.

#### WHERE ARE THE JOBS?

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

Mr. APPELGATE. Mr. Speaker, I am reminded of President Bush's 30 in 8 speech, 30 million new jobs in 8 years. George Will points out that Mr. Bush only has 29,912,000 yet to go. In fact, we have lost between a million and a million and a half good jobs.

Listening to the President's State of the Union speech, it is not going to get any better. As a matter of fact, he wants to send hundreds of thousands of more jobs to Mexico. His bad trade policy is costing us hundreds and hundreds of thousands of jobs. His and his predecessor's out of balance, big budget deficits are killing America's ability to be able to perform and to be able to compete. That is costing hundreds of thousands of jobs.

So, Mr. Speaker, it is no wonder that the President supports unemployment compensation benefits now, so that he can take care of his victims. But more important, Mr. President, where are the jobs?

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair.

#### THE TRUE LEGACY OF LIBERALISM

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

Mr. DUNCAN. Mr. Speaker, I have frequently said that big government really helps only the bureaucrats who work for it and big business. A good example of this was reported a few days ago by the Kansas City Star and the Associated Press.

Mr. Speaker, the U.S. Department of Agriculture spent \$200 million in its market promotion program, giving much of it to big business. Pillsbury was given almost \$3 million. Sunkist got nearly \$10 million. Gallo wines got approximately \$5 million. The Dole companies received about \$3 million. Nabisco, Quaker Oats, Burger King, Welch's, Ocean Spray, Hershey, M&M Mars, and Del Monte were other profitable companies which benefited from this handout.

Mr. Speaker, this is money spent for advertising overseas. It is surely something we cannot afford when our Government is broke and over \$4 trillion in debt. When Government gets too big, only big businesses are able to comply

with all the rules, regulations, redtape, and qualify for all the lucrative Government contracts.

These programs also benefit bureaucrats with larger staffs, and offices, and more paper work and power to justify their existence.

Mr. Speaker, in the end Government benefits primarily the wealthy and those with power and influence. This is the true legacy of liberalism, welfare for the rich. The small businesses which are able to survive get the leftover crumbs while the taxpayers get the shaft.

#### AMERICA'S POLITICIANS DROWNING IN FRIED RICE

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

Mr. TRAFICANT. Mr. Speaker, Japan's Prime Minister Miyazawa made us all mad. He said that American workers are lazy, and we all know that is not true. But the truth is it is not the American workers who have not lived up to their responsibilities. It is the American politician, from the White House down to the Congress, who have allowed American jobs to go overseas.

Mr. Speaker, the Japanese officials bash us and rip us off with illegal trade. The truth is we have an American Government constituted with a bunch of wimps that allow jobs to go overseas, and even the Japanese officials detect it.

I am going to vote for this unemployment bill, but let me say this: The American workers do not want any more unemployment compensation. They want Congress to look at their jobs, and, if we do not do that, this country is going to drown in fried rice.

#### SUPPORT FOR NATIONAL GRAPEFRUIT MONTH

(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, today, Congressman TOM LEWIS and I are introducing a resolution to encourage investment in U.S. agricultural products, specifically grapefruit. This legislation calls for the proclamation of February 1992 as "National Grapefruit Month." There are several reasons for this action, the most important, however, is to support American citrus producers.

The United States was the first nation to make its grapefruit industry into a commercially viable operation and is today the world's leading producer and exporter of grapefruit, contributing significant revenues to the U.S. economy. Grapefruit is a highly nutritious fruit that supplies 100 percent of the U.S. recommended daily al-

lowance for vitamin C and is a good source of vitamin A, potassium, folate, and dietary fiber.

I encourage all Members to join us in sponsorship of this resolution, which is intended to call increased attention to the valuable contributions that fresh grapefruit and grapefruit juice can make to the American diet and to create support for those American producers who provide this valuable nutritional resource.

#### SUPPORT THE EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION BILL

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

Mr. WISE. Mr. Speaker, I rise today in support of the unemployment extension bill that will be on the floor. I wish that it were one of the 23 pieces of legislation that I presented last week in an economic growth package, whether it be trade, middle income tax fairness, education, infrastructure, building America. But while this Congress and administration move toward finding those solutions, it is important to provide relief to the people that desperately need it now, the 13,000 West Virginia families that qualify for extended unemployment benefits. Mr. Speaker, I walked the streets of Charleston yesterday and heard first hand the problems from small business people about the hundreds of workers laid off at the Dixie Narco plant who have no money to spend in any of the shops, or the Ravenswood workers, the oil and gas workers, or those who are out of work across our State. This bill will provide 13 additional weeks of extended unemployment benefits on top of the bill that passed previously, and so that will help pay the mortgage, make the car payment, keep that child in school.

Finally, Mr. Speaker, this is not a welfare bill. This is a bill for working Americans who are temporarily out of work and who are demanding that this Congress and this administration get us back to work again; give us some help so that we can keep body and soul together until that happens.

□ 1130

#### CATHOLIC SCHOOLS WEEK 1992

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

Mr. DORNAN of California. Mr. Speaker, I would like to reaffirm unanimous consent from my colleagues on both sides of the aisle so I can talk about something uplifting and pleasant, something worthy of honor in these very strange times. That is a week that I missed last week because

we had a short week. Catholic Schools Week 1992 was last week. Out of deference and respect and honor to the Dominican Sisters, the Christian Brothers, the Sisters of the Sacred Heart, and those unbelievable Jesuit priests who educated me, I would like to say something about parochial schools across this country.

They have an unbelievable 95 percent graduation rate from high school, and of those 95 percent, 83 percent go on to college. I think this is something to be very proud of, the intense education, the discipline and the morality that is taught in our parochial, and for that matter, all of our private, rabbinical, and Protestant private schools across this country.

I just would like to talk about two schools for an example, in Orange County, CA; not the district I represent, where there are great schools, but southern Orange County, a parallel between the old and the new.

The mission school at beautiful San Juan Capistrano was started by blessed Junipero Serra in 1776, the same time our country began, was reconstituted in 1928, has 405 young boys and girls in that school. Up the highway a piece at Rancho Santa Margarita High School, Msgr. Michael Harris is the principal there, with 1,360 students starting in their fourth class, opened up September 3, 1987; an excellent high school. Msgr. Paul Martin down there at the mission school, what an example for all of America in education. Thank you, Monsignor Martin and Monsignor Harris.

#### ROMER RAINS ON BUSH'S BLUE-SKY BUDGET

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

Mrs. SCHROEDER. Mr. Speaker, it is a rare day in Washington when we get to witness a spontaneous, honest, and public debate on the issues. Yesterday was one such rare day. Colorado Gov. Roy Romer took President George Bush to task for larding his 1993 Federal budget with blue-sky numbers.

If the President's budget were a stock offering, the SEC would raid the White House and shut it down.

Governor Romer even forced the President to admit that the defense budget was one big jobs program. "What bases do you want to close" was the only arrow in the President's quiver when the Governor called for deeper military cuts.

One would have thought that the President, who just last year was scolding Congress for opposing base closures, would have said we will close every base in the United States and overseas that is not necessary for the defense of the country.

#### INDEPENDENT COUNSEL NEEDED FOR HOUSE POST OFFICE SCANDAL

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

Mr. ALLEN. Mr. Speaker, it seems that one way to make the Postal Service worse is to let the Congress operate it.

It is time to take immediate and decisive action to get to the bottom of alleged drug dealing and money laundering by employees of the House Post Office. The leadership must subject the House to the same scrutiny as the other branches of Government by appointing a truly independent counsel to investigate this mess.

It seems that not a week goes by when some scandal does not rock Capitol Hill. Americans are rightfully disgusted with the way Congress is doing business. Just last year, it was discovered that Members were bouncing checks from the House bank without penalty and not paying for their meals. Let's eliminate these many special privileges for Congress. Only after a tremendous public outcry did the leadership finally close the bank.

It is time to take action to restore the faith of the American people in this institution. Mr. Speaker, I urge you and the majority leadership to call for an immediate investigation by an independent counsel and to take action to turn the House Post Office over to U.S. Postal Service.

#### CONGRESS IS RESPONSIBLE TO PROVIDE FEDERAL WORKERS BASIC EMPLOYEE RIGHTS

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

Mr. MCCLOSKEY. Mr. Speaker, can you imagine being employed by the Department of Defense for 14 years as an explosives worker without receiving health benefits, or working for 21 years for the Forest Service and not earning a single day of retirement?

This is a travesty in our Federal agencies. Some workers have been employed in a temporary capacity for 20 years or more. They do not receive one single benefit. They do not get health insurance; they do not get life insurance; they do not get any retirement rights; and on the job they get no statutory appeals rights. They cannot plan for their future, and in essence have no job security. Their 20th year of service is treated the same as their first. This exploitation of temporary workers is little different from sweatshop conditions at the turn of the century.

I urge my colleagues to support my Temporary Employee Benefits Equity Act, which would provide permanent position benefits to temporary workers

once they have completed 4 cumulative years of service in a 6-year period. We cannot impose labor and medical standards in the private sector if we treat our own Federal workers as expendable fodder.

The benefits provided by the Temporary Employees Benefits Act include health and life insurance, participation in Federal retirement and adverse appeals rights. My legislation also mandates that the Federal Government will pick up its fair share of premiums for Federal employee health benefits after 1 year of continuous temporary employment.

I well understand the potential cost of this bill in these fiscally difficult times. However, Congress is considering mandating pay or health insurance on the private sector—surely we should do the same for our own employees. The fact that a temporary worker has been employed for 20 years without any rights is heinous and must not be allowed to continue.

Congress has a moral responsibility to provide Federal workers the most basic employee rights.

#### GOV. ROY ROMER—A REAL CLASS ACT

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

Mr. MCEWEN. Mr. Speaker, Colorado Gov. Roy Romer is a real class act. Whenever Governors get together and they invite teachers in or someone in and try to deal with difficult problems, Governors make difficult decisions as to how to apportion money. If they want to take advantage of that moment, they can sucker punch the Governor and say, "Why did you not give more to schools, or do more for this or that person?"

The same sort of experience happened yesterday. The President invited in Governors to talk about the difficult problems addressing us and his proposal for a solution. Roy Romer said:

Before everyone leaves, we need the cameras here, please. I have a little show I want to give.

So then he looked at the cameras and said to the President:

By the way, you are going to save some money on defense because of what you did in the 1980's. We are going to get some money back, and rather than giving it to tax relief for working Americans, and do not give it to the homeless, and we certainly do not want to use it for health care, and we certainly do not want to reduce the deficit with it. Mr. President, I think you ought to give it to me, the Governors. I think we need that money.

The President said, "Where are you going to get it? How are you going to do it?" Of course, by that time the show was over. He did not have any solutions. He was just playing to the camera.

So his friend from South Dakota jumped up and said, "I think we should increase taxes." So there we were. Mr. Speaker, I think the performance by the Governor was a real sucker punch. The next time he wants to show off in front of the cameras I think he ought to have some solutions and not just mud in the eye of the President.

#### ANOTHER WAR WE WILL WIN

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

Mr. VOLKMER. Mr. Speaker, for the second time in recent weeks we have heard a Japanese official criticize the American worker. I am tired of hearing this and I want to set the record straight. It was the American worker who rallied quickly in 1941 to provide the ships, planes, tanks, and weaponry against the imperialistic Japanese nation and defeated it. It was the American worker who provided the technology, know how, and weaponry that won the war last year in the Persian Gulf. It's the American worker who toils in the fields and on the assembly lines daily to feed the world and produce the American goods that provide the highest standards of living enjoyed around the world, even in Japan. It is the American worker who is called upon to sacrifice while our Nation lends a helping hand to people of other nations. Mr. Speaker, the American worker doesn't start wars. He finishes them. And along the way he learns that work and family can coexist.

Maybe the Japanese Prime Minister and lower House speaker should take a new look at the American worker. They will see the American worker is the reason why this Nation is the world's leader. And in doing so they will see past the foot protruding from their mouth.

Mr. Speaker, it's the American people that make this country great. The American people won the war in the 1940's and we will win this one, too.

#### RESTORE FUNDING FOR THE BLUE RIBBON SCHOOL PROGRAM

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

Mr. JOHNSON of Texas. Mr. Speaker, yesterday, the Department of Education announced it will restore funding for the Blue Ribbon School Program through the President's America 2000 initiative. This is great news for the kids in Texas and the Nation.

Congress eliminated funds for the Blue Ribbon Program—one of the few Federal programs that works. A blue ribbon award recognizes schools where students, teachers, and parents have come together to foster excellence in our education system.

I received more than 800 letters from students in Dallas and Collin Counties, in my district, wanting to know why this program was cut. It was their letters that made the difference. What a great lesson for our school kids—they now know that government of, by, and for the people really works.

I would like to thank Secretary Alexander for funding this great program, and my colleague, PORTER GOSS, for leading this effort in the House.

#### DEPORTING HAITIANS IS WITHOUT PRECEDENT IN AMERICAN HISTORY

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

Mr. OWENS of New York. Mr. Speaker, the administration's plan to forcibly deport 14,000 Haitians and return them to the terror of the police state controlled by Haitian military thugs is a racist act with deadly genocidal consequences. This condemnation of 14,000 human beings is without precedent in American history.

If we look at the front page of the New York Times today, we will see a 4-year-old Haitian boy being fingerprinted as he was forcibly returned by our Government. This is an act of intimidation, at least, and it may be worse, a preparation for future retaliation.

Refugees in much greater numbers have been allowed to enter into this country. Fourteen thousand is not a large number. Not 14,000, but 61,826 Hungarians were admitted to this Nation at the time of the Soviet invasion of Hungary. Not 14,000, but 488,796 anti-Castro Cubans had been admitted to this country between the time that Castro came to power and 1981.

□ 1240

Mr. Speaker, this Nation has the capacity to take humane action. The Congress has the obligation to make the administration do the right thing. Let us make the administration do what is just and merciful in the tradition of the American people.

#### IN-HOUSE INVESTIGATION NEEDED OF CONGRESSIONAL POST OFFICE

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

Mr. KLUG. Mr. Speaker, I want to make two points that some of my colleagues had echoed earlier about the recent scandal in the House Post Office.

First of all and foremost, as we should have learned from the House Dining Room and also learned from the House Banking Account, until these records are available to the press and

ultimately to the public we are going to continue to have repeats of these same kind of scandals.

Many of my constituents in Wisconsin, and frankly I think most voters across the United States, would be shocked to know that these records are not only hidden from the public and from the press corps, but they are also hidden from most Members of Congress.

My second point is to echo the request of the gentleman from Illinois [Mr. MICHEL] earlier this week to ask for an independent counsel. Now, while it is true the U.S. Attorney's Office may be looking at the allegations of drug trafficking and the U.S. Attorney's Office may be looking at allegations of money laundering, what the U.S. Attorney's Office is not equipped to do is to look at allegations that previous attempts by employees of the House Post Office to blow the whistle had been ignored, and in fact there are allegations that specific charges of money laundering and drug trafficking were ignored by higher-ups. And that is why we need an independent counsel to get to the bottom of this.

While Congress will be willing later in this week to take a look at allegations of sweetheart deals and underhanded methods involving hostage releases in Iran 6,000 miles away, we will not bother to take a look at allegations involving an office less than 600 yards from this very Chamber.

#### MESSAGE TO JAPAN: WE HAVE NOT YET BEGUN TO FIGHT

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

Mr. DEFAZIO. Mr. Speaker, today I am introducing legislation that should be noncontroversial. I want to give America's tree growers a tax incentive to sell their product to American lumber and plywood mills, instead of Japanese trading companies.

Too many tree growers in the Pacific Northwest and elsewhere are today selling their timber to the far-ranging buyers and scouts for the Japanese economic empire. The foreign trading companies who search the world over for cheap natural resources to fuel the Japanese industrial machine.

But I am determined to do whatever it takes to keep our vital natural resources here at home.

A nation that doesn't make anything, doesn't survive for long as an economic power. Our so-called friends in Japan understand that point perfectly. And do you know what, Mr. Speaker? They wonder why we don't do something to protect ourselves against their economic aggression.

There are some who warn against a trade war with Japan. But our own president is one of the foremost apolo-

gists for the Japanese Government's predatory trading practices. The trade war began years ago, and most of our fellow citizens know that we're losing by default.

So to the Japanese Government leaders who have questioned our work ethic and called our people lazy, I say this: We have not yet begun to fight, but we will.

#### ARAB BOYCOTTING OF ISRAEL CANNOT BE CONDONED BY STATE DEPARTMENT

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

Mr. GREEN of New York. Mr. Speaker, while reviewing the President's budget for 1993, I was shocked to see that the State Department has proposed eliminating a provision of current law that prohibits the State Department from complying with the Arab boycott of Israel. The State Department is proposing to delete the "Prohibition on contracts with firms complying with Arab League boycott of Israel or discriminating on basis of religion," and also the "Prohibition on issuance of passports for travel to Israel only."

This message from the State Department could not do more to sanction the Arab boycott of Israel if the Arab League had written it itself, and I am committed to ensuring that the State Department position does not prevail.

What this says is that the State Department thinks it is OK to do business with firms that comply with the Arab boycott of Israel. Also, the State Department is implying that we should play along with the Arab countries' denial of entry to anyone with an Israel stamp on their passport.

Since the end of the Persian Gulf conflict, the Arab League's central boycott office in Damascus has added more than 100 new companies to its blacklist because of their alleged business associations with Israel, while removing only 10. If anything, the State Department should be insisting on an end to the Arab League's economic boycott of Israel. Instead it has practically signed on as a supporter of it. This is rotten diplomacy in the middle of the peace talks.

#### A COMMONSENSE DOMESTIC ENERGY POLICY IS NEEDED

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

Mr. TAUZIN. Mr. Speaker, I rise today to predict war. Only 1 short year since our successful defense of Middle East oilfields, America is more and more dependent upon those same oilfields—and, thus, more and more likely

to militarily defend them again when that becomes necessary—as it surely will.

On Monday, it was reported that the United States active rig count—the measure of our domestic drilling activity—has sunk to the lowest number on record. On Monday, only 653 drilling rigs were active—down from 4,530 active rigs in 1981. For Louisiana that has meant depression and despair. For America it means we are hostage again to foreign oil.

Today one-third of all the world's oil tankers come to America. Today, two-thirds of our trade deficit goes to foreign oil. Soon Americans will spend \$135 billion per year on oil imports—three times the cost of Desert Storm. Today, as we debate the unemployment benefit extensions, our jobs continue to leave for foreign oilfields. Our dollars go there too, and with them our independence and economic well-being.

How long before we send more American young lives to die in desert sand? How long before we wake up and end this now rapid destruction of our domestic energy capacity. How long must we wait for a commonsense domestic energy policy?

#### A 6000-PERCENT INCREASE IN SPENDING SINCE PRESIDENT WASHINGTON

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

Mr. DELAY. Mr. Speaker, the Los Angeles Times, on January 30, had some interesting statistics on Federal Government spending since President George Washington's budget 200 years ago. His budget called for only \$4.5 million in spending and he had a surplus. President Benjamin Harrison's budget 100 years ago was \$385.5 million and he too had a surplus.

This year's budget is \$1,516,700,000,000. And there won't be a surplus. There will be a \$351.9 billion deficit.

Mr. Speaker, Federal spending for each American in President Washington's day amounted to a measly \$1.07. Yes, a \$1.07. Federal spending for each American in President Harrison's day 100 years ago amounted to a still measly \$5.72.

I hope everyone is sitting down now. Federal spending for each American in our day will be almost 6,000 times greater than 200 years ago. Spending for each American to pay for the 1993 budget will be \$5,924.61.

Mr. Speaker, we have been listening to the big-spending, high-taxing liberals in Congress long enough. We need to make deep cuts in taxes and in the bloated Federal Government right now. And we need to do it by March 20 which is only 45 days from now. Let's roll up our sleeves now and get to work.

#### AMERICA NEEDS TO TAKE CARE OF ITS OWN AND NEEDS TO DO IT NOW

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

Mrs. BOXER. Mr. Speaker, George Bush promised Americans 30 million new jobs. Since he has been President, we have lost 300,000 good jobs, and he still has no jobs plan. So what does he do? He blames Congress.

Well, if it was not for the Democrats, George Bush would still be playing golf in some far-off nation.

He called our first unemployment compensation bill garbage. His administration called the recession no big deal.

Well, it is not a big deal to George Bush's millionaire friends, who have seen their income increase 90 percent in the past 10 years while the middle class struggles.

Where is the strategy for the defense workers and all our workers? They are frightened, and they should be, because when our President had a chance to present his strategy, he had no strategy.

He called his plan Operation Domestic Storm. I call it Operation Domestic Sprinkle, because he sprinkles election-year promises all around.

In California we have lost 500,000 jobs in the last 18 months. One million people are out of work. Sprinkle down will not do it. We need to take care of our own, and we need to do it now.

#### TOTALITARIANS IN BURMA MUST BE QUARANTINED

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

Mr. ROHRBACHER. Mr. Speaker, Aung San Suu Kyi has been awarded a Nobel Prize, but what is happening to her people?

The brutality in Burma is reaching new levels of horror and outrage.

The totalitarians in Rangoon have gone berserk. Gens. Ne Win and Saw Maung have sent 18,000 to 20,000 troops to attack the last remaining outposts of freedom in Burma's Karen State near Thailand.

Especially disturbing are reports of Red Chinese advisers among the Burmese troops. The same regime that our Government chose to have high-level meetings with last week.

On the other side of the country, Burmese Muslims are being murdered and brutalized. The twisted and xenophobic Burmese thugs are pursuing a religious purification campaign against non-Buddhists. Next to be persecuted may be what is left of Burma's Christian community.

It's time to quarantine this outlaw regime. As we honor Aung San Suu Kyi

let us keep faith with her cause and her people.

□ 1250

#### CELEBRATING 90 YEARS OF THE JEWISH NATIONAL FUND

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

Mr. PASTOR. Mr. Speaker, this year marks an important anniversary for the State of Israel and all those who support the Jewish homeland. Ninety years ago in Basel, Switzerland, the Fifth Zionist Congress founded the Jewish National Fund [JNF]. Established 46 years before the creation of Israel, the JNF bought and developed land in Palestine in an effort to fulfill the nearly 2,000-year-old dream to reestablish the Jewish homeland.

From the stony Galilee to the arid Negev Desert, the JNF has developed vast tracts of land and converted wasteland into thriving agricultural, recreational, and housing centers. Its work with international organizations, U.S. universities, including the University of Arizona, and the U.S. Department of Agriculture's Forest Service, has provided valuable scientific advances that have worldwide implications.

With the planting of 190 million trees, the reclamation of 250,000 acres of land, and the construction of thousands of miles of rural roads to its credit, the JNF looks forward to a new century where it will address new concerns for the State of Israel.

The hard work and enduring spirit of the Jewish National Fund truly exemplify Theodore Herzl's inspiring words: "If you will it, it is no dream." Today, I join with my fellow supporters of Israel to recognize that dream and praise the 90 years of growth and prosperity the Jewish National Fund had brought to Israel.

#### NO QUID, NO QUO

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

Mrs. BENTLEY. Mr. Speaker, it seems like Yank bashing is big in Japan. Yesterday, Prime Minister Kiichi Miyazawa said Americans lack a work ethic.

This statement reminds me of the Pygmalion effect—say something long enough, people begin to believe it.

When it comes to importing our goods, the Japanese say our products are inferior. Their snow is different, therefore they can't use our skis; their stomachs are different, therefore they can't eat our beef or our rice; their economy is special, unique, therefore they cannot withstand unrestricted trade into Japan.

Trade is nothing more than a quid pro quo situation—a what for a what—this is the way Americans do business—free and open—and we do it well.

Down with this Pygmalion, Japmalion rhetoric. Americans do work hard—hard enough to rebuild and protect Japan for the last 45 years.

Americans don't need any more rhetoric—because Japanese rhetoric is like all of their other exports—well made and cheap via dumping. Maybe it's time America changed its motto to no quid, no quo—you don't buy our products, we won't buy yours. The proof is in the pudding, not the rhetoric.

#### THE PLIGHT OF HAITIAN REFUGEES

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

Ms. PELOSI. Mr. Speaker, I rise to associate myself with the remarks of my colleague, the gentleman from New York [Mr. OWENS], when he referred to what happened over the weekend when we saw the beginning of the forced repatriation of Haitian refugees.

This action follows the attendance of world leaders at the United Nations to discuss the significance of its role in the postcold war world. The United Nations has shown its ability to play an important role in advancing the cause of peace worldwide.

How ironic then, Mr. Speaker, that only this week, the Bush administration has already acted against the better wisdom of U.N. officials, the U.N. High Commissioner on Refugees, by deporting Haitian refugees, fleeing uncertainty, violence, and death, back to Haiti. This action is a travesty.

The Haitians who fled their country, like other refugees, have been looking to the United States as a beacon of hope and freedom. How can we ignore their plight? I urge my colleagues to support the initiatives of our colleague, Representative CHARLES RANGEL, to grant the Haitian refugees temporary protected status until there is a resolution of the crisis in Haiti.

Our colleague, the gentleman from New York [Mr. OWENS] mentioned how many refugees were received and accepted from other countries in the past couple of decades. Not only were they welcomed to the United States, they were airlifted to the United States in many cases. How can we turn these refugees back to Haiti?

#### JAPANESE PRIME MINISTER'S ARROGANT REMARKS

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

Mr. EWING. Mr. Speaker, like all Americans, I have to say that I am

deeply offended by the irresponsible, inflammatory, and arrogant remarks of the Japanese Prime Minister yesterday.

American workers have a strong work ethic and certainly are not lazy. Hard work is what built our country into the strongest economic power in history.

If the Japanese Prime Minister believes his workers are so superior to Americans, why won't he open Japanese markets to our products? Japan will not even allow a single bag of American rice into their country. Lower those barriers, allow fair trade, and we'll find out whose workers make a better product.

I wonder if the Japanese Prime Minister thinks the United States service men and women who are defending his nation, at an enormous cost to American taxpayers, are lazy? Does he think America's Desert Storm veterans are lazy? After all, Japan had a lot at stake there too.

Yes, we know Japan is productive. They are productive with plants and equipment built with American taxpayer dollars after World War II. Japan would not be where it is today without the generosity of the American people.

Mr. Speaker, despite his backpeddling of this morning, the Japanese Prime Minister has slapped the American worker in the face. It will not be soon forgotten.

#### IN SUPPORT OF EXTENDING UNEMPLOYMENT BENEFITS

(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, this afternoon we will have an opportunity to pass an unemployment compensation bill under suspension of the rules and with the full support of the White House. It is unfortunate that this willingness to cooperate has been so long in coming.

No one can deny that there are families across this country suffering from the ongoing effects of this recession. In my own district, which used to be recession proof, unemployment is rising. Individuals are being laid off, and the real estate market is continuing to contract after a decade of uncontrolled supply-side growth. There are 465,000 people who had to apply for the first time for jobless claims last week. That means that now there are 9 million people across this country who are currently unemployed. Industrial production and retail sales keep slipping and the index of leading indicators points down. I feel that this will not end soon.

Last November, we were finally able to pass an unemployment benefit extension bill for American workers who could not find work in this depressed economy and whose benefits had run

out. Today, we have an opportunity to be proactive and ensure that those parents who are searching for work to support their families will be able to at least support those families, stay out of the cold, and I urge all of my colleagues to join in supporting this unemployment extension bill today.

#### OUR ECONOMIC FUTURE

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

Mr. KENNEDY. Mr. Speaker, the President says the key to our economic future is to approve a lobbyist wish list of tax cuts. He says we need to spur consumption, even if it has no purpose. And if it means allowing the deficit to spin out of control, he says, "don't worry about it—that's the next generation's problem."

For over a decade now, Republican Presidents have been telling us that the way to solve our problems is to buy another car, buy another TV, buy another refrigerator. And oh yes, we did. But the trouble is that now the cars are built in Japan, the TV's in Korea, and the refrigerators in Germany.

Japan's Prime Minister says the problem is the American worker. Wrong. It is the American political leadership, which does not admit our problems and challenge our people to solve them.

Why doesn't the President challenge Detroit to build a car of the future that gets 100 miles per gallon? Why doesn't he challenge corporate executives to stop lining their pockets and start increasing productivity? Why doesn't he challenge citizens to save 5 percent of their earnings so American businesses can invest with American dollars? Why doesn't he set up a new trust fund to reduce the deficit? And why doesn't he ask the wealthiest and most powerful Americans to do their fair share to end homelessness and poverty and create jobs?

If our leaders tell it to the people straight, then they will rise to the challenge and our responsibility to the country we love.

□ 1300

#### AMERICANS WANT COMPREHENSIVE STRATEGY TO GET ECONOMY MOVING

(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, last night I had the 12th in a series of 22 listening sessions in my community, and oh, did I listen. I just want to report to my colleagues that my constituents are suffering, they are in pain, they are out of work, and they

want us to do something. Yes, they want a comprehensive strategy to get this country moving again.

A cement finisher in Yonkers just got married 2 years ago. He had hoped to work, along with his wife. He had hoped to build a bright future. She is working; he is out of work. He wants to work. There is no work.

A banker came to a meeting in the middle of the afternoon. Usually I just have seniors at those meetings. He wants to work. There is no work.

Then I met an aeronautical engineer in Rye who told me his story. He wants to work. There is no work.

We have got to pass the extension of unemployment insurance today, but yes, we then have to get to work on a great package so that we can get this economy moving again, not just tinkering around the edges, but a real, comprehensive strategy.

#### PRESIDENT SHOULD REVERSE DECISION TO RETURN HAITIAN REFUGEES

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

Mr. WEISS. Mr. Speaker, neither the years of death and oppression in Haiti, nor the terrible memory of European Jews forced back into the arms of Hitler's Germany, has jolted the President's conscience in the case of Guantanamo Bay and the Haitian refugees.

Despite the fact that things had deteriorated to a point where the U.S. Ambassador had to be removed;

Despite the fact that less than 2 weeks ago, the Haitian police attempted to kill the new Prime Minister and force an end to any negotiated settlement;

And despite the fact that Amnesty International and Americas Watch recently reported that the illegal junta was responsible for the deaths of hundreds of economically impoverished supporters of President Aristide.

The Bush administration has persisted in doing the minimum to protect the Haitian refugees and the maximum to wash their hands of the whole affair. It is a policy unlike any we have seen in this hemisphere and one that we in Congress cannot stand by and watch.

Mr. Speaker, I call on the President to forget politics and race, and at long last to take a stand for justice and humanity by reversing his decision to send the Haitian refugees back to the jaws of hell.

#### JOB OPPORTUNITIES TO BENEFIT SOCIETY [JOBS] ACT OF 1992

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

Mr. BENNETT. Mr. Speaker.

To be jobless in this society is to be cast onto troubled seas. To be jobless in an America that flaunts wealth and affluent lifestyles is to be tormented by aspirations always out of reach. There is nothing, nothing in this America more destructive and spirit corroding than to want to work, to look for work and to be forever without work. If there was ever a precious human right, it is the right to a job.

These words from Nation magazine writer John Jacobs poignantly describe the plight of the jobless in our country.

Sadly this recession, now into its 18th month, is creating new victims every day. Americans across the country are losing their jobs, not because they are lazy or ineffective, but because so many businesses cannot afford to keep operating. The same people who for years have committed themselves to excellence in the workplace are losing their jobs through no fault of their own. It is a sense of hopelessness that these workers must have when told that the doors to their economic livelihood are being locked shut.

Well, my colleagues, I have read and heard one too many stories of the worker losing his job after 20 years toiling in a factory, of the woman who must live with her children on the streets because the recession has stolen her job, of the merchant who lost his life savings in a business that just couldn't survive. To those and so many like them I want to give a sense of hope and pride, but more importantly, economic sustenance.

For that reason, I am today introducing the Job Opportunities to Benefit Society Act of 1992. Nicknamed "JOBS '92," this legislation would establish a State grant program through the Department of Labor to provide Federal funding of employment programs in States where the unemployment rate equals or exceeds 5 percent. In addition, the legislation includes a provision which says that any grant funds not expended by the Secretary of Labor at the end of each fiscal year shall be converted to the U.S. Treasury for purposes of deficit reduction. This will not be a wasteful government expenditure, but one that spends money for a specific purpose and dedicates the balance to the critical need to reducing this country's deficit.

JOBS '92 is not a welfare program—it puts people back to work—a place most unemployed Americans want to be. There are so many services these workers could provide; rebuild and repair American infrastructure, build homes, convert former defense plants for other manufacturing needs, clean and police national parks, staff day care centers—the possibilities are endless. All the States have to do is come up with a plan for employing the jobless and we can put America to work again.

But, the need is now. An economic recovery is nowhere in sight and the current unemployment rate of 7.1 percent is the highest it has been since

this recession started 18 months ago. Today 8.9 million workers are without jobs. Studies indicate that jobless workers experience a higher rate of heart disease, lung disease, mental illness and other maladies and that children of unemployed workers also have increased chances of illness and disease.

So you see, not only is unemployment harmful to our Nation's economic health, but it also impairs the personal health of our fellow Americans. Hasn't the suffering gone on long enough? It time to act with courage and compassion for those who are such a vital part of our society. I ask you to support JOBS '92 and return hope to the hopeless and jobs to the jobless.

#### ANSWERING OUR JAPANESE CRITICS

(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, I say, "All right, America, take a deep breath and count to 10."

Let us suppress the national urge to punch the Japanese leaders in their noses for their insulting remarks about America. It certainly is appropriate to raise issues about fair trade and burden sharing. But let us keep things in perspective.

Instead of taking a sledgehammer to a Subaru, let us address the very real need in America for a national health care plan.

Instead of taking a blood oath never to own a Sony product, let us agree that our Nation needs an industrial policy to help American companies create and keep good jobs here at home.

And instead of planting a rumor that sushi bars are fronts for Japanese economic intrigue, let us roll up our sleeves, stop talking about education and do something to put every eligible child in America in Head Start, and every qualified American student in college.

The best way to answer our critics in Japan and around the world is to get down to business and to demonstrate once again that the United States has neither lost the will nor the courage to lead.

#### H.R. 4095, EMERGENCY EXTENSION OF UNEMPLOYMENT BENEFITS

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

Mr. HAYES of Illinois. Mr. Speaker, the emergency extension of unemployment benefits, I believe, is in line with the broad view of public expressions and outcries. The economy is not getting any better. American workers are in dire straits.

The current recession shows no signs of lessening. Unemployment in December stood at 7.1 percent, with 8.9 million workers out of work—nearly 1.5 million of them have been out of work for more than 26 weeks. This recession has already lasted 2 months longer than any previous recession since the Great Depression.

H.R. 4095 provides 13 additional weeks of extended unemployment benefits in all States. When these 13 weeks are added to the weeks of extended benefits currently provided, a total of 33 weeks of extended benefits will be available in high unemployment States, and 26 weeks of extended benefits in other States.

The emergency unemployment benefits made available by this legislation will help to provide food for the tables of those workers who will run out of benefits within 2 weeks. I firmly support this effort. However, we must go further. American workers must be guaranteed much more than unemployment benefits when the economy is in a downturn. They must be guaranteed jobs, because the quality of life in America weighs heavily on economic security and independence.

At this critical stage of this Nation's economy, useful jobs for everyone and the right to earn enough to provide adequate food and shelter can be accomplished by putting Americans to work rebuilding the infrastructure of this country. There is much benefit for this Nation by taking this approach.

I realize that there is broad support for this legislation. I hope that this same support will shift to creating jobs for those who are unemployed.

#### THE AMTRAK POO-POO CHOO-CHOO

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

Mr. KOPETSKI. Mr. Speaker, I wish I could come here and comment upon the needed unemployment bill and the plight of Haitians, but instead, the poo-poo choo-choo is back.

Members will recall that on July 17, 1991, an Amtrak train discarded its human waste in downtown Oregon City, forcing Oregon City residents to pay for the cleanup of Amtrak's dirty, filthy action.

At the time I asked Amtrak to adopt a voluntary policy of not dumping human waste in urban areas. I see no reason why Amtrak cannot voluntarily end the practice of dumping human waste in urban areas effective immediately. If we cannot resolve this in a civil, civilized manner, we will do it legislatively.

Mr. Speaker, Amtrak has done it again, this time on December 26, 1991, in Woodburn, OR, again in my district, and the circumstances were the same. It was at noon time. They dumped it in front of some farm workers and resi-

dents there in the community. Has Amtrak done anything? No.

This action by Amtrak is an act of war, Mr. Speaker, no less than an act of war and we accept the challenge.

Amtrak, you are in deep doo-doo over this one.

#### THE PLIGHT OF THE HAITIAN REFUGEES

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

Mr. ENGEL. Mr. Speaker, I feel that I cannot sit idly by and not raise my voice in opposition to the policies of sending the Haitians back to Haiti where they surely will find persecution and maybe even death. Our country, the wonderful United States of America, has opened its doors for those fleeing persecution for many, many years. The Haitians are certainly no different and deserve the same kind of consideration.

If the President of the United States and the administration were afraid to open the floodgates and have too many refugees come, they could have clearly kept the refugees until democracy was restored in Haiti, as it surely will be, or the refugees who have been in Guantanamo for many, many months could have been allowed to come to the United States with the signal that no one else would have been allowed to come right away.

This Congress cannot sit idly by and allow these people to be sent back to persecution. Mr. Speaker, I raise my voice in strong, strong opposition to the repatriation of these Haitians and the persecution they will face when they return home.

#### THE AZERBAIJANI SANCTIONS ACT OF 1992

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

Mr. OWENS of Utah. Mr. Speaker, today I am introducing, along with my colleagues, the gentleman from California [Mr. LEVINE], the gentleman from Wisconsin [Mr. SENSENBRENNER], the gentleman from California [Mr. CAMPBELL], and the gentleman from New York [Mr. McNULTY], the Azerbaijan Sanctions Act of 1992.

Last Friday, Azerbaijani forces, supported by tanks, automatic weapons and artillery, attacked Armenian villages in the disputed Nagorno-Karabakh region.

□ 1310

In the ensuing battles, dozens have been killed; but bloodshed is not new to this region. For over 70 years, the 180,000 Armenians who make up over 90 percent of the population of Nagorno-

Karabakh have been oppressed and denied their fundamental human rights by Azerbaijan.

For months now, Azerbaijan has blockaded Armenia and Nagorno-Karabakh. Food and medical supplies have dwindled, and heating oil and gas are scarce, at times nonexistent.

This morning, I spoke by telephone with a friend in Yerevan. Everyone is cold. There is no heat. The temperature is at zero grade centigrade. No one is freezing to death, but all are constantly cold and only warm at night when they go to bed. Innocent men, women and children, and many elderly barely exist under the greatest hardship and deprivation.

All this, Mr. Speaker, because Azerbaijan controls railroad and fuel line access to Armenia. It is mean, it is spiteful, it is cruel.

In his now famous Princeton speech last month, Secretary of State Baker criticized Azerbaijan for its aggressive policy toward Armenia.

Our bill will add teeth to Secretary Baker's censure by denying MFN, U.S. foreign assistance, and other trade benefits that are being accorded to or considered for newly independent former Soviet Republics. The President under our bill could lift those sanctions only if he certifies that Azerbaijan has ceased the blockade and use of force against Armenia and Nagorno-Karabakh.

#### CUT DEFENSE AND SAVE THE ECONOMY

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

Mr. AUCCOIN. Mr. Speaker, 1 week ago the President came here and said he would sign today's unemployment bill. Well, it is about time. Almost 96,000 Oregonians are out of work today. In Douglas County, in the heart of the timber country, the unemployment rate there is over 10 percent. In Lane County, nearly 300 people get their final unemployment check every week.

In Jackson County, over 150 workers each week face mortgage payments, food bills, skyrocketing medical costs, without another unemployment check.

It is about time, Mr. President, and while you are at it, let us also get real about getting this economy moving again.

If we are really going to reduce unemployment, if we are really going to restore our competitive might, if we are really going to be a leader in the world of the 1990's and into the 21st century, there is only one way to do it. cut defense spending by 60 percent over the next 5 years and you have got \$1.1 trillion by the year 2,000 to invest in America, to create jobs, to restore fairness in our tax system, and to put our kids in the best classrooms anywhere

in the world, and it is time you joined us in doing it.

The SPEAKER PRO TEMPORE (Mr. McNULTY). Members are reminded to address their remarks to the Chair.

#### WE NEED A PRESIDENT WHO PUTS PEOPLE BACK TO WORK

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

Mr. GEJDENSON. Mr. Speaker, the President came to this Congress in his State of the Union Address and now recognizes the need for extended unemployment benefits. The President came to this realization as he saw his own poll numbers drop and the possibility that he might soon be unemployed, Mr. Speaker; but for the people of eastern Connecticut, we are already feeling the impact of the President's program. Four thousand workers in eastern Connecticut have been given notice that they may soon be laid off.

The President came to this Congress and gave his State of the Union and told the workers of eastern Connecticut to drop dead, as Jerry Ford told New York City to drop dead in its time of need.

We need a President who engages the economy, who tries to help the workers of this country and not a President who leaves them in their time of need.

Mr. Speaker, we need a program to put all Americans back to work, to give defense workers time to get through the transition, not to have them abandoned by a President who watches the polls and not the workers who will be going to those polls.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore (Mr. McCLOSKEY) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,  
February 3, 1992.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit two sealed envelopes received from the White House at 4:43 p.m. on Monday, February 3, 1992 as follows:

1. Said to contain a message from the President whereby he transmits the annual report of the Federal Labor Relations Authority for FY 1990 to the Congress; and
2. Said to contain a message from the President whereby he transmits the annual report of U.S. Participation in the United Nations to the Congress.

With great respect, I am  
Sincerely yours,

DONALD K. ANDERSON,  
Clerk, House of Representatives.

#### REPORT OF ACTIVITIES OF UNITED STATES PARTICIPATION IN THE UNITED NATIONS DURING 1990—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1990, the second year of my Administration. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress; 22 U.S.C. 287b).

GEORGE BUSH.  
THE WHITE HOUSE, February 3, 1992.

#### ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY, FISCAL YEAR 1990—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the 12th Annual Report of the Federal Labor Relations Authority for Fiscal Year 1990.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

GEORGE BUSH.  
THE WHITE HOUSE, February 3, 1992.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McCLOSKEY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which vote is objected to under clause 4 of rule 15.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

### EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4095) to increase the number of weeks for which benefits are payable under the Emergency Unemployment Compensation Act of 1991, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4095

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

#### SECTION 1. INCREASE IN AMOUNT OF EMERGENCY UNEMPLOYMENT BENEFITS.

##### (a) INCREASE IN BENEFITS.—

(1) Subparagraph (A) of section 102(b)(2) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) is amended to read as follows:

“(A) IN GENERAL.—Except as otherwise provided in this paragraph—

“(i) IN GENERAL.—

“(I) In the case of weeks beginning during a high unemployment period, the applicable limit is 33.

“(II) In the case of weeks not beginning in a high unemployment period, the applicable limit is 26.

“(ii) REDUCTION FOR WEEKS AFTER JUNE 13, 1992.—In the case of weeks beginning after June 13, 1992—

“(I) clause (i) of this subparagraph shall be applied by substituting ‘20’ for ‘33’, and by substituting ‘13’ for ‘26’, and

“(II) subparagraph (A) of paragraph (1) shall be applied by substituting ‘100 percent’ for ‘130 percent’.

In the case of an individual who is receiving emergency unemployment compensation for a week which includes June 13, 1992, the preceding sentence shall not apply for purposes of determining the amount of emergency unemployment compensation payable to such individual for any week thereafter beginning in a period of consecutive weeks for each of which the individual meets the eligibility requirements of this Act.”

(2) Subparagraph (A) of section 102(b)(1) of such Act is amended by striking “100 percent” and inserting “130 percent”.

##### (b) CONFORMING AMENDMENTS.—

(1) Subsection (e) of section 101 of such Act is amended by striking “in a 20-week period or 13-week period, as defined in section 102,”

(2) Subparagraph (B) of section 102(b)(2) of such Act is amended by striking “An individual’s” and inserting “Except as provided in subparagraph (A)(ii), an individual’s”.

(3) Subsection (c) of section 102 of such Act is amended—

(A) by striking “20-week” in paragraph (1) and inserting “high unemployment”, and

(B) by striking “20-Week” in the subsection heading and inserting “HIGH UNEMPLOYMENT”.

(4) Section 102 of such Act is amended by striking subsection (d).

(5) Subsection (e) of section 102 of such Act is amended to read as follows:

##### “(e) SPECIAL RULES.—

“(1) MINIMUM DURATION.—A high unemployment period shall last for not less than 13 weeks.

“(2) NOTIFICATION BY SECRETARY.—When a determination has been made that a high unemployment period is beginning or ending with respect to a State, the Secretary shall cause notice of such determination to be published in the Federal Register.”

(6) Paragraph (1) of section 102(g) of such Act is amended by striking “20-week period

or 13-week period” and inserting “high unemployment period”.

(7) Paragraph (2) of section 102(g) of such Act is amended by striking “20-week period” and inserting “high unemployment period”.

(8) Section 106(b) of such Act is amended by striking “paragraph (3), (4), or (5)” and inserting “paragraph (3) or (4)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks of unemployment beginning after the date of the enactment of this Act.

#### SEC. 2. EXTENSION OF PROGRAM.

Sections 102(f)(1)(B), 102(f)(2), and 106(a)(2) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) are each amended by striking “June 13, 1992” and inserting “July 4, 1992”.

#### SEC. 3. TEMPORARY INCREASE IN AMOUNT OF CORPORATE ESTIMATED TAX PAYMENTS.

(a) GENERAL RULE.—Subparagraph (A) of section 6655(d)(3) of the Internal Revenue Code of 1986 (relating to temporary increase in amount of installment based on current year tax) is amended by striking the table contained in such subparagraph and inserting the following:

In the case of a taxable year beginning in:	The current year percentage is:
1992 .....	93
1993 through 1996 .....	95.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1992.

#### SEC. 4. EXTENSION OF TIME FOR PAYMENT OF ADDITIONAL FUTA TAXES.

(a) IN GENERAL.—Notwithstanding any other provision of law, if a qualified taxpayer is required to pay additional taxes for taxable years beginning in 1991 with respect to any employment in any State by reason of such State being declared a credit reduction State, such taxpayer may elect to defer the filing and payment of such additional taxes to a date no later than June 30, 1992.

(b) INTEREST.—Notwithstanding subsection (a), for purposes of section 6601(a) of the Internal Revenue Code of 1986, the last date prescribed for payment of any additional taxes for which an election is made under subsection (a) shall be January 31, 1992.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED TAXPAYER.—The term “qualified taxpayer” means a taxpayer—

(A) in a State which has been declared a credit reduction State for taxable years beginning in 1991, and

(B) who did not receive notice of such credit reduction before December 1, 1991 from either the State unemployment compensation agency or the Internal Revenue Service.

(2) CREDIT REDUCTION STATE.—The term “credit reduction State” means a State with respect to which the Internal Revenue Service has determined that a reduction in credits is applicable for taxable years beginning in 1991 pursuant to the provisions of section 3302 of the Internal Revenue Code of 1986.

(d) TIME AND MANNER FOR MAKING ELECTION.—An election under this section shall be made at such time and in such manner as the Secretary of the Treasury shall prescribe.

#### SEC. 5. TREATMENT OF RAILROAD WORKERS.

##### (a) EXTENSION OF PROGRAM.—

(1) GENERAL RULE.—Sections 501(b)(1) and (2) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) are each amended by striking “June 13, 1992” and inserting “July 4, 1992”.

(2) CONFORMING AMENDMENT.—Subsection (a) of section 501 of such Act is amended by

striking “June, 1992” and inserting “July 1992”.

(b) ENLARGEMENT OF BENEFITS.—Section 501 of such Act is amended by adding at the end the following:

“(d) ENLARGEMENT OF BENEFITS.—

“(1) GENERALLY.—During the period that begins on the date of the enactment of this subsection—

“(A) subsection (c) of this section shall be applied by substituting ‘130’ for ‘65’;

“(B) section 2(c) of the Railroad Unemployment Insurance Act shall be applied—

“(i) by substituting ‘13 (but not more than 130 days)’ for ‘7 (but not more than 65 days)’ in the table; and

“(ii) by substituting ‘but not by more than 130 days’ for ‘but not by more than sixty-five days’ in the second proviso; and

“(C) section 2(h)(1) of the Railroad Unemployment Insurance Act shall be applied by substituting ‘13’ for ‘seven’.

“(2) PHASE-OUT.—Effective on and after June 14, 1992, paragraph (1) of this subsection shall not apply. Notwithstanding the preceding sentence, in the case of an individual who is receiving the extended benefits under section 2(c) of the Railroad Unemployment Insurance Act for persons with 10 or more but less than 15 years of service, or extended benefits under this section, for any day during the week ending June 13, 1992, paragraph (1) shall apply for purposes of determining the amount of extended benefits payable to such individual for any day thereafter in a continuous period for which the individual meets the eligibility requirements of this section and the Railroad Unemployment Insurance Act.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

##### GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 4095, the pending legislation.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of the bipartisan compromise on the extension of unemployment benefits, H.R. 4095, a bill to extend the Emergency Unemployment Compensation Program.

This is the sixth time in less than a year that I have stood before this body arguing for an extension of unemployment benefits for millions of unemployed workers and their families. Unfortunately, it probably will not be the last time this year that the House of Representatives must deal with this critical issue. H.R. 4095 is a good bipartisan package that deserves the support of all Members of Congress.

Mr. Speaker, H.R. 4095 is the product of bipartisan negotiations with the minority leader, Mr. MICHEL, and was approved in the Committee on Ways and Means last week. It is a fiscally responsible compromise which the President supports and will sign immediately.

H.R. 4095 would make a number of changes to the Emergency Unemployment Compensation Program enacted last year. First, it would extend the expiration date of the program from June 13, 1992, to July 4, 1992. Second, it would provide an additional 13 weeks of benefits to unemployed workers through June 13, 1992. Third, it would allow Michigan employers to delay payment of the Federal Unemployment Tax Act penalty tax that was due on January 31, 1992, until June 30, 1992, without penalty, but with interest on the delayed payment. Fourth, it would modify estimated tax payment rules for large corporations so that the safe harbor available for estimated tax payments would be 95 percent in taxable years 1993 and 1994, instead of 94 percent.

I also want to point out that the bill I am presenting today contains a provision that is within the jurisdiction of the Energy and Commerce Committee and is included at their request and with their support. This provision deals with railroad unemployment insurance benefits, and would extend 13 weeks of unemployment benefits to rail workers with fewer than 15 years of service in the same way it does for other workers.

Mr. Speaker, at this time I would like to submit for the RECORD a letter to me from the President assuring me that H.R. 4095 is consistent with the 1990 Budget Enforcement Act in each of the fiscal years 1992 through 1995:

THE WHITE HOUSE,

Washington, DC, January 28, 1992.

HON. DAN ROSTENKOWSKI,  
Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.  
DEAR DANNY: You recently introduced H.R. 4095, which proposes an extension of Federal unemployment benefits through a declaration of a budget emergency. As you know, I will propose a fully funded extension of these benefits in my State of the Union address tonight and in my Budget submission tomorrow.

I am pleased that, working together with you and Republican Leader Bob Michel, we have been able to reach agreement on an amendment to your bill that should allow for quick action in your Committee. I fully support that agreement. It is my hope that the Ways and Means Committee will approve the measure today and that the full House and Senate will quickly follow suit. Given that there are American workers whose benefits are expiring, I hope the bill will be on my desk to sign prior to the Congressional recess scheduled for February 7.

I am informed by the Director of the Office of Management and Budget that, according to our estimates, the compromise is consistent with the Budget Enforcement Act (BEA) in each of the Fiscal Years 1992 through 1995. Because OMB estimates that the compromise is fully funded in each of the five budget years, no sequester would be triggered by enactment of the compromise.

Again, thank you for your cooperation in seeking a bipartisan solution to this problem.

Sincerely,

GEORGE BUSH.

The Office of Management and Budget estimates the aggregate cost of the extension would be \$2.7 billion. Balances in the extended unemployment compensation account of the unemployment trust fund would continue to be drawn down to cover the cost. The bill would be financed by the surplus pay-as-you-go funding from legislation enacted last year of about \$2.2 billion, and \$500 million from the change in the corporate income estimated tax. The letter goes on to note that because OMB estimates that the bill is fully funded in each of the 5 budget years, no sequester would be triggered by its enactment.

Mr. Speaker, this bill provides much-needed unemployment benefits to millions of our fellow citizens. In talking to citizens on the northwest side of Chicago, there is no higher priority—no larger concern—than job security. Thousands of people in Chicago stood in line in subfreezing weather to apply for 500 positions at the new Sheraton Hilton. Now that the Committee on Ways and Means has completed its hearings on the economy and the President has set forth his economic growth program in his State of the Union Message and in his fiscal 1993 budget, we are ready to act. The extension of unemployment benefits is the first step, but it will be followed quickly by a package to put our economy back on track.

Now is the time for partisan bickering to stop and for us to act. The administration and the States are ready to extend these benefits without interruption. I strongly urge my colleagues to pass H.R. 4095, so that it can be enacted as quickly as possible. Passage of this bill is the least we in Government can do to ease the pain of millions of unemployed Americans—struggling to pay their bills and make ends meet—until they can return to work.

□ 1320

Mr. Speaker, I want to thank my colleague, the gentleman from Illinois [Mr. MICHAEL], for having cooperated with us in this effort, and hope that we can see this legislation to fruition, concluding today.

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

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

Mr. Speaker, it has been clear since Congress returned last week that this bill would be passed by Congress and signed into law by the President.

While I would like to avoid being run over by a train, I would nonetheless like to make one observation that Congress and the administration will ignore at their own peril.

The unemployment insurance system is supported by the Federal Unemploy-

ment Tax Act [FUTA]. Proceeds from this tax flow into several Federal accounts, one of which we are now spending down to pay for the extended benefits Congress enacted last November.

The money to support the benefits provided in today's bill will also be taken out of this account. Importantly, not a single dollar of the taxes raised by this bill go into that account to replenish it. The taxes in the bill are purely a budgetary offset. The account itself will be depleted.

In October 1990, the account contained \$7.6 billion. By this September, even without the benefits provided in this bill, the balance will decline to \$3.7 billion. The benefits provided in this bill will force the balance down to \$1 billion.

Members of the Ways and Means Committee were proposing legislation to fatten up the account by increasing the FUTA payroll taxes when there was a balance of \$7 billion or so. Their argument then was that the account balance was too low. Can anyone doubt that they will propose new taxes when the balance is \$1 billion or less?

Make no mistake, passage of this bill means that we will be back in this Chamber within a year to consider a proposal to increase the trust fund balance by increasing the FUTA tax.

Just as the Nation is coming out of a recession, in other words, Congress will be voting to increase the anti-employment tax in the Federal Tax Code. To say that this will be unwise policy is a dramatic understatement.

For many, a vote for this bill is an easy one to cast. It will not be so easy when Members are called upon to pay the piper and raise taxes on employment a few short months from now.

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

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. DOWNEY], the chairman of the subcommittee.

Mr. DOWNEY. I thank the chairman for yielding this time to me.

Mr. Speaker, I want to thank the chairman and our minority leader, the gentleman from Illinois [Mr. MICHEL], for their leadership which has been shown in this extension of unemployment benefits. Mr. Speaker, it is recognition, I think, that the unemployed need our help and that this extension should not be a partisan matter.

But it is with a sense of sadness, Mr. Speaker, that I rise today in support of this; sadness, I should say, because this recession has only gotten deeper; a further sense of sadness because there are only more jobless Americans. Indeed, some 630,000 of them will exhaust benefits if we do not provide them this necessary extension.

Mr. Speaker, if there is anyone who doubts this, I call your attention to the subcommittee hearings that the Committee on Ways and Means held and

the testimony of one of my fellow Long Islanders, a fellow by the name of Herbert Stickler, which was both moving and sad testimony.

He talks about the fact that now that he is on benefits, he no longer has health insurance because he lost his job and does not have enough money to purchase the medicine that he needs to stay alive.

Fortunately for him, his doctor is willing to make some of his medicine available to him at cost so he can stay alive as a result of it.

I think this story is probably typical across our country. Families stay together, homes can be maintained, apartment rents can be paid, if extended benefits are paid.

Mr. Speaker, no one wants extended benefits; people want jobs. But in lieu of jobs, these benefits are absolutely essential.

I want to read, if I may, Mr. Speaker, from a letter I received from a woman in Massachusetts. She writes:

Dear Mr. Downey, very few families are untouched by unemployment. My son, who is 39 years old and has 20 years of experience as a wall and ceiling worker, has not worked for over 18 months. He searches constantly, even going to job sites. He has kept up his spirits, but the other day he said he felt there was "no light at the end of the tunnel."

Mr. Speaker, this is frightening to hear a loved one say. I am sure thousands of families hear this statement as we slide further into what we feel is not a recession, but a depression.

Mr. Speaker, there are thousands of people like that lady from Massachusetts, and this temporary fix, as necessary and as important as it is to keep life and limb together, is not the answer. The answer is a growing economy. But with respect to unemployment, the specific answer is that we need to make permanent changes to the unemployment compensation law.

Mr. Speaker, to that end the chairman, the gentleman from Illinois [Mr. ROSTENKOWSKI] and I, and others who are interested in this matter, will hopefully be presenting the Congress with the legislation in the next couple of months, because, mark my words, when the final extension is done in July we are going to be back extending these benefits again and we are going to have a devil of a time explaining to some people why their benefits—those who have exhausted their first 26 weeks in June get 26 weeks of benefits, and if you exhaust them between June and July 13, and then after July, none. We have to fix this fund permanently.

Mr. Speaker, I thank the gentleman for yielding.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the respected Republican leader of the House, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the distinguished gentleman from Texas [Mr. ARCHER] for yielding this time to me.

Mr. Speaker, passage of H.R. 4095 today shows that Congress and the administration can work together in a timely fashion to respond to the problems of the country. Last year Members may very well recall that Congress and the administration were at odds over the issue of extending unemployment benefits. There were those who insisted on declaring the spending for extended benefits an emergency, adding to the already burgeoning Federal deficit.

□ 1330

Mr. Speaker, we felt this was the wrong signal to send. It was our belief that the additional spending should not add to the deficit, but rather be offset in some manner.

Agreement was finally reached in November, after we worked closely with the chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], and Senator DOLE to get that job done. The final agreement, with amendments enacted in December, put in place an extended unemployment program of 20 weeks for high unemployment States and 13 weeks for all other States, and the program costs then were fully offset. Then, of course, when Congress reconvened on January 22, it became clear that additional assistance for unemployed Americans was warranted. Certain individuals qualifying for extended benefits in November would begin exhausting their benefits in mid-February.

The gentleman from New York [Mr. DOWNEY], the acting chairman of the Human Resources Subcommittee, scheduled hearings on January 22. I was privileged to be invited to appear before that august body along with the gentleman from Illinois [Mr. ROSTENKOWSKI]. We both testified, and, working with the members of the Committee on Ways and Means and the administration, we were able to quickly craft a compromise to provide 13 weeks of benefits between enactment of the bill before us today and July 4.

Now what happens after that time, the distinguished gentleman from Texas [Mr. ARCHER] was just inquiring, and I am not altogether sure. Hopefully conditions will improve, but we have got to get through this day, and then we will see what happens in the future. The cost of the legislation is offset with a surplus pay-as-you-go funding from legislation enacted last year and with a modification of the estimated tax payment rules for large corporations.

I would like to commend both the chairman and subcommittee chairman for expediting this very important piece of legislation. This is the manner in which all major issues affecting the common good of the American people ought to be dealt with. Politics should be set aside in the best interests of the

country and the American people. The President called upon us to do just that with regard to legislation promising economic growth and giving the economy a shot in the arm, as he recommended to the Congress in his State of the Union Address.

Incidentally, just today that distinguished Committee on Ways and Means is beginning their consideration of the President's proposals by hearing the administration witnesses, and it is quite obvious to me that the committee intends to move expeditiously and, hopefully, to meet the target set by the President. We hope that can be brought about.

Mr. Speaker, we have addressed a symptom of our economic problems with this unemployment benefit bill. Now let us also address some of the causes of these problems with economic growth legislation, as I indicated, by the March 20 date, if at all possible. The bill we are considering today I guess is something like an aspirin to relieve the pain. It eases the symptoms, but it certainly does not cure the illness, and now what we have to do is try to accurately diagnose the origins of the pain and treat its causes with the right kind of cure.

I would urge my colleagues to vote for the extended benefits in this bill, and then let us roll up our sleeves and move on to the next job of solving the underlying economic problems and get that job done expeditiously, too.

I thank the distinguished gentleman from Texas [Mr. ARCHER] for yielding to me, and I thank again the distinguished chairman, the gentleman from Illinois [Mr. ROSTENKOWSKI], and subcommittee chairman, the gentleman from New York [Mr. DOWNEY], for bringing the legislation to the floor as expeditiously as they have and in such manner as they have.

Mr. DOWNEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, I rise in strong support of this legislation to provide 13 additional weeks of benefits to unemployed Americans. I want to compliment the committee and its distinguished chairman, Mr. ROSTENKOWSKI, for bringing this legislation to the floor so expeditiously in order to ensure continued assistance to those workers whose benefits were scheduled to expire in mid-February.

I want to particularly thank the chairman for accommodating the substantive and jurisdictional concerns of the Committee on Energy and Commerce during the processing of H.R. 4095. The cooperation you have provided to our committee, to me, and to the gentleman from Montana [Mr. WILLIAMS] both this year and last is greatly appreciated.

As a direct result of this cooperation, this legislation provides railroad workers with additional extended unem-

ployment benefits. It is only logical that these workers should receive the same treatment and benefits that are to be provided to other unemployed workers.

I should mention that this equity argument prevailed the last time around as rail workers were included in the legislation that was enacted last November.

The reason I have requested this time is to explain that railroad workers are covered by a separate program under the Railroad Unemployment Insurance Act. That act is within the jurisdiction of the Energy and Commerce Committee. We have worked closely with the Ways and Means Committee to develop acceptable language which carries out the equitable principles I have just outlined and to make sure that railroad employees are not shortchanged.

Basically, the agreed upon language provides an additional 13 weeks of extended unemployment benefits to workers who have less than 15 years of rail service and extends last year's emergency program, from June 13, 1992 to July 4, 1992, for certain rail workers with less than 10 years of service.

Mr. Speaker, this can properly be described as a conforming provision to the bill and I urge my colleagues' support for it and for this essential legislation.

COMMITTEE ON WAYS AND MEANS,  
Washington, DC, January 28, 1992.

Hon. JOHN D. DINGELL,  
Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you may be aware, the Committee on Ways and Means today approved H.R. 4095, a bill to extend the emergency unemployment compensation program. I plan to report the bill tomorrow, and with the Speaker's consent, expect to place H.R. 4095 on the suspension calendar next week.

I want you to know that during our markup session, I raised, with the support of our colleague Minority Leader Bob Michel, the issue of extended unemployment benefits for certain rail workers. Respecting the jurisdiction of your Committee, we did not officially include the provision in H.R. 4095. However, our Committee is prepared to include an extension of 13 weeks of benefits to workers on the railroad unemployment insurance program who have fewer than 10 years of service in the industry, if you concur. Please advise me as soon as possible if this is acceptable to you. If so, I will be glad to include this provision in the bill placed on the suspension calendar next week.

With warm regards, I am  
Sincerely yours,

DAN ROSTENKOWSKI,  
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, January 30, 1992.

Hon. DAN ROSTENKOWSKI,  
Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of January 28, 1992 expressing your interest, and that of Minority Leader Bob Michel, in covering railroad employees under H.R. 4095, a bill to extend the emergency unemployment compensation program. I appreciate

both your concern for the interests of unemployed rail workers and the steps you have taken to respect the jurisdiction of the Committee on Energy and Commerce over railroad unemployment insurance benefits.

Following receipt of your letter, the majority and minority staffs of our respective Committees met to formulate legislative language to address this issue. I have enclosed a copy of their work product, which I am prepared to support fully, together with a preliminary Congressional Budget Office staff estimate.

Chairman Al Swift of our Subcommittee on Transportation and Hazardous Materials would like to receive an appropriate period of time on the floor to explain this provision and its relationship to our Committee's jurisdiction. With the understanding that this is agreeable to you, I am pleased to support your inclusion of the enclosed language in the version of H.R. 4095 to be taken up on the suspension calendar during the week of February 3, 1992.

Sincerely,

JOHN D. DINGELL,  
Chairman.

Mr. ARCHER. Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. DOWNEY. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, today, we will pass the additional extension of unemployment benefits, and the legislation includes my amendment, which the gentleman from Washington [Mr. SWIFT] has just mentioned, to provide these extended benefits to railroad workers. We included this same amendment of mine in legislation that became law a few months ago.

Mr. Speaker, my amendment is actually to the Railroad Unemployment Insurance Act which is in the jurisdiction of the Committee on Energy and Commerce. It is an important step for the Congress to provide equity to the men and women who work on our Nation's railroads, just as we are providing it to all other workers. My amendment, which is now accepted and will be part of this legislation, provides coverage for railroad workers with 10 to 15 years of tenure, as well as continuing the benefits we provided in the legislation that we passed into law a few months ago, last November.

Mr. Speaker, I was glad to be able to work with my colleagues on the Committee on Ways and Means, as well as the Committee on Energy and Commerce, to assure that we treat American's railroad workers just as we treat all other unemployed workers, and I thank the gentleman from New York [Mr. DOWNEY] for yielding this time to me.

Mr. DOWNEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Mr. Speaker, I rise in support of this bill to provide an additional 13 weeks of extended unemployment benefits to those workers and their families who desperately need assistance. Given the lingering economic

recession and the rising unemployment rate, extending emergency benefits to unemployed workers is necessary and justified. I commend Chairman ROSTENKOWSKI and the committee for their hard work and timely attention to this matter.

The emergency extension of benefits, however, illustrates a need for Congress to seriously examine reforming the entire unemployment compensation system. It is important to remember that the unemployment compensation system was created for two expressed purposes: To assist unemployed workers and their families in a time of need, and to help this Nation out of an economic recession. The concept behind establishing a trust fund for unemployment benefits was to ensure that money would build up in the trust during periods of economic growth and low unemployment. During periods of high unemployment and economic stagnation, the reserves in the trust fund would be spent down, pumping resources and spending power back into the economy. Clearly, there is something fundamentally wrong with the system when, during one of the longest recessions in recent history, a \$7.7 billion surplus currently exists in the extended benefits portion of the trust fund.

I introduced legislation during the last Congress and this Congress to take the unemployment trust fund off budget. When the committee recently held hearings on this bill, moving the unemployment trust fund off budget was favorably discussed. I believe that adopting this approach would allow the surplus contained in the trust fund to be used for its intended purpose—funding needed unemployment benefits for workers and their families.

I am grateful that Chairman ROSTENKOWSKI and the committee have taken such quick and decisive action to extend unemployment benefits. Once again revisiting this issue illustrates the need to fundamentally reform the unemployment compensation system. I am hopeful that the committee will closely examine the option of moving the unemployment trust fund off budget. Taking this step would more appropriately serve unemployed workers and our Nation's economy.

Mr. DOWNEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY], a member of our subcommittee and supporter of this bill.

Mrs. KENNELLY. Mr. Speaker, as an original cosponsor of H.R. 4095, I would like to express my strong support for further emergency extension of unemployment benefits. We are all well aware that the recession has not yet ended. Almost 290,000 Americans joined the ranks of the unemployed in December, bringing the national total to nearly 10 million people without jobs. We already have 950,000 people receiving

the emergency benefits we enacted last November. In just 10 days, 600,000 of them will have run out of benefits.

In my own State of Connecticut, over 107,000 people are out of work. And it is not getting better: With changes in the world unemployment, extended benefits will have to fill the gap, and we have to get ready for job training and retraining.

That is why the bill before us today is so important. Even if the economy were to take a sudden turn for the better today, it would take quite some time for the effects to be felt in the employment market. We must not abandon out-of-work Americans when they need us most. It is our responsibility to give them a fighting chance while they face the daunting task of looking for work and making ends meet.

I urge my colleagues to support the bill.

□ 1340

Mr. DOWNEY. Mr. Speaker, I yield 2 minutes to the gentleman from Madison Heights, MI, Mr. LEVIN.

Mr. LEVIN of Michigan. Mr. Speaker, the gentleman from New York is referring to the Madison Heights office. He has heard my story about visits to the Madison Heights office, and I try to do that periodically to see what is really going on. You find it out there. You see people, white collar workers, blue collar workers, workers from all walks of life who have been laid off for an extended period of time.

This bill is going to help over 50,000 people in Michigan. It is going to add 13 weeks of coverage for those who simply cannot find work. This is a program for those who have worked hard and do not want to be off the job, so I am very pleased with that. I hope we will act permanently in the future.

Chairman DOWNEY and others, the gentleman from Ohio [Mr. PEASE], and I have been working on permanent reform of this bill, and it is long overdue.

I also want to thank the gentleman from Illinois [Mr. ROSTENKOWSKI] for his willingness to let us amend the bill so we can help employers of Michigan who are going to incur a terrible penalty here because of the terrible recession in Michigan. With the chairman's help and also with the help of the gentleman from Michigan [Mr. VANDER JAGT], we took an idea originally introduced by Senator CARL LEVIN from the Senate and we provide until June 30 for the payment without penalty of the additional tax that is going to be assessed employers in Michigan because the unemployment fund is very much depleted because of this terrible recession.

As I close, I can see gentlemen here, the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Michigan [Mr. BONIOR], the gentleman from New York [Mr. DOWNEY], and Mr. ROSTEN-

KOWSKI and others who have worked together to try to bring to the attention of the American public that the long-term laid off are looking. They want work. They cannot find it. We should do more than thumb our nose at them.

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

Mr. HOYER. Mr. Speaker, I thank the chairman of the subcommittee, and I want to rise in support of this legislation. The good news is that we have agreement on the passage of this legislation, so it will pass quickly. I congratulate Chairman ROSTENKOWSKI and the administration for working out that compromise. We have very little time before the people we first sought to help will run out of benefits.

The bad news is that we need this bill. The bad news is that America is not back to work. The bad news is we are talking about 7.1 percent unemployment, and far higher figure of those who have given up on entering into the workplace.

Last November, when the President signed legislation that extended unemployment benefits for the long-time unemployed. We hoped that the recession would begin to spiral downward. This unfortunately has not come to pass.

Almost every week, we hear of major corporations who are being forced to lay off thousands of workers in order to stay afloat. The automotive industry, computer industry, banks, oil companies—no industry, no matter how large, is immune from the harsh realities of a recession.

The Bureau of Labor Statistics has estimated that at some point during the past year, one out of every five workers experienced unemployment for a given period of time. White collar workers are falling victim to the recession in numbers so great that many are afraid to spend, for fear of losing their jobs.

Other workers, discouraged by the bleak prospect of finding a job, have given up or are accepting jobs way beneath their level of education and experience, just to have a job.

Spending for the construction of homes and offices has declined, and spending overall fell 9.3 percent in 1991, the most rapid decline since World War II.

Mr. Speaker, the recession continues, and we are here today, to help those people who continue to bear the brunt of the recession.

This legislation is critical because it says we have not forgotten those who are in real pain. In the next 45 to 60 days we will be working on a program to get America back to work, to regenerate, to reinvest, and to reinvigorate our economy. That will be the real test. This is a step to take, important, and critical. A caring Nation should do no less, but we must do more.

I rise in strong support of the legislation.

Mr. DOWNEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. BONIOR] the majority whip.

Mr. BONIOR. Mr. Speaker, I'm glad the President approves of this bill.

It is about time.

This bill provides a lifeline for millions of Americans rocked by the continuing recession.

I wish this meant the President has seen the light. I am afraid it is just that he has felt the heat.

Of course we would not have to be doing this bill at all if the Reagan-Bush administration had seen the light about voodoo economics.

Or when it came to the trickle-down theory.

Or when the President turned his back twice on jobless Americans.

If he had seen the light, then, maybe 2,200 Americans would not be receiving pink slips each day.

But if the President had really seen the light he would have delivered a very different State of the Union speech.

Even Jack Kemp called it full of gimmicks.

Gimmicks for the middle class when it came to jobs.

Gimmicks when it came to health care.

Gimmicks when it came to tax cuts. Capital gains again?

An idea that gives most of its benefits to people making over \$200,000 a year.

As Kevin Phillips put it: Pretzels for the middle class, caviar for the rich.

Yes, it is time to do unemployment benefits again. Let us get this bill on the President's desk before he changes his mind.

Then, let us move on an agenda that can really get the economy moving again.

Let us reject the politics of the past—the policies that gave us this deep and cruel recession.

Let us create an agenda for the middle class.

Let us rebuild by focusing on the working people of America—and let us put America back to work.

Mr. ARCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON], a valuable member of our committee.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Texas, and I rise in strong support of this legislation to extend unemployment compensation benefits. I am very pleased that the Congress is sending to the President a funded extension-of-benefits bill. Indeed, it was one of the sadder chapters in our history last year that we could have sent forward two bills that were fiscally irresponsible at a time when the people were des-

perately in need of support and assistance, and finally a triumph for the Congress and for the President's good sense that we were able to get through a funded extension of unemployment compensation benefits. It is indeed a credit to the committee, but a credit to the body that there is a consensus on both the need for extension and the need to fiscally responsibly support that extension through funding.

I also want to comment that this is, while a triumph for all of us, a disappointment as well, because we are understanding that this is a different kind of recession. We are understanding that this is a dislocation that it will take many months, possibly some years, to recover from, and that many of the people needing extended benefits are people who have worked all their lives, who have bought a home, who have children in college, who are America's success stories, and yet they are the people not only losing their jobs but using up their retirement savings, losing their homes, at a time in their lives when it is not possible for them to rebuild their futures.

So there is a very serious challenge that has come to the Congress from this recession. It is the challenge of re-writing our unemployment compensation system to support the kind of unemployment that is likely to become more common in the decade ahead.

I am disappointed that we have not had the time to work with States to get them to allow those who are unemployed to work part time without benefit reduction, an extraordinarily important survival technique for this particular recession. I am very disappointed that the Congress is not engaging itself in how we should allow forgiveness of mortgage payments on a temporary basis for those who clearly are going to regain their footing, so that during this downturn they will not lose their homes and permanently disadvantage themselves on the course of not only life but ultimately of retirement.

I am disappointed that we are not providing a greater and more substantial reform of our unemployment compensation system reflecting the knowledge that we have gained through this extraordinarily painful experience for America of the kind of dislocation that our economy is likely to experience repeatedly in the future.

This is a good thing to do. We are doing it in a timely fashion. Democracy ought to be capable of that. But there is a larger challenge ahead, to re-write not only our unemployment compensation legislation, but the kind of job training economic support programs that are the real meat and potatoes of successfully negotiating change. Since that is going to be a larger part of our lives, I hope that larger challenge will not be neglected by the committee or the Congress.

□ 1350

Mr. DOWNEY. Mr. Speaker, I yield the balance of my time to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, 7 days after the President's State of the Union speech, we deliver on our promise to extend unemployment benefits for American workers.

We compliment the President for finally recognizing the depth of the recession and for supporting a good extended benefits law for Americans who have lost their jobs through no fault of their own.

Today, we keep their hopes alive for the near term. But you may be asking, what about the long term? Last week the President described his ideas as big enough to meet the task—but the program doesn't measure up. It contains:

A record-shattering \$400 billion deficit;

No program to create jobs or dismantle Japanese protectionism;

A menu of special interest tax gimmicks and loopholes designed to cushion the rich rather than aid the middle class;

No comprehensive reform of the health care system; and

No long-term strategy to improve the economic foundation of the country.

In other words, the President asks us to relive Reaganomics, prolong the pain of the middle class, and rely on more of the budget gimmickery that created these huge deficits at the outset of the 1980's.

From reports we are getting throughout the country, the people see this program for what it is, and they are deeply disappointed in the President's decision to tinker at the margins.

We are personally committed to prompt passage of an economic recovery program. In the coming days, Democrats will not obstruct, but we will try and improve the President's package.

We have a vision of what policies this economy needs to assure American success in the 1990's and beyond—in education, health care, trade, tax fairness, and investment. We want people to have unemployment benefits when they are needed but, most of all, we want workers to have good-paying, stable jobs that will provide rising living standards for every American family.

Mr. FAZIO. Mr. Speaker, I rise today in support of H.R. 4095, emergency extension of unemployment benefits, a bill which will extend much needed relief to an estimated 2 million American workers and their families.

Last August and October, Congress attempted to pass legislation that would extend emergency benefits to American workers. Both times, we were shot down by the President.

Finally, in November, after an all-night marathon vigil here in Congress on behalf of American workers, and an increase in the national unemployment rate, we were successful in getting this legislation through—legislation

which gave unemployed workers up to 20 weeks of unemployment benefits beyond the 26 weeks available under the regular unemployment program.

But, today unemployment is still over 7 percent. Nearly 9 million Americans are out of work and unable to find jobs, and almost 1.5 million of these workers have been out of work for more than 26 weeks. And the benefits that we extended in November are about to run out this month.

So, we have developed a new unemployment benefits extension bill—H.R. 4095—which will give workers another 13 weeks of extended benefits. And this time, the administration is not blocking our effort.

This means that, in high unemployment areas like California, workers will receive a total of 33 weeks of extended benefits. And those workers who qualified for extended benefits in November will be able to get them extended before they expire in a couple of weeks.

Mr. Speaker, I urge my colleagues on both sides of the aisle to once again do the right thing for the millions of unemployed American workers and their families. I urge their support for this bipartisan bill which will help middle-income workers who are struggling to meet their basic, everyday needs as they attempt to work their way out of this recession.

Mr. MATSUI. Mr. Speaker, the legislation before us today to provide an additional 13 weeks of unemployment benefits is extremely important to millions of unemployed Americans and I urge its swift passage. At the same time, we must also take a long and serious look at how to improve the unemployment insurance program to avoid the patchwork of benefit extensions that presently exists.

No one denies the value of further extending unemployment benefits to the long-term unemployed, but repeatedly offering a temporary fix is not the response to either the Nation's problems or the flaws in the Nation's unemployment insurance program. For Congress to truly address this problem we must implement permanent, significant reforms in the Nation's unemployment program.

Unemployment across the country continues to rise. The unemployment rate in California during the month of December was 7.7 percent. Unemployment in California has remained above 7 percent for the third straight month. During 1991, an average of 43,000 Californians exhausted their State unemployment benefits each month. This monthly figure in California is greater than the total 9-month exhaustion rate for most States. During the last week of December alone, 136,000 Californians made emergency unemployment claims.

The States are struggling to work within an ineffective program that is not designed for the problems it faces today. The present unemployment insurance system is ill equipped to serve the numbers of people needing continued benefits. Cuts made in the unemployment program during the 1980's have devastated the extended benefits program, rendering it unable to meet the needs of the long-term unemployed. The result is a continued patching and painting of benefits to keep people on their feet.

Stories abound of Americans valiantly attempting to find work, only to be thwarted by

lack of opportunity. This country is made up of ambitious, hard working citizens who want to work. We should not deny them this opportunity. We must pass this legislation today, and then we must work to meet the challenge of stimulating real growth in the economy through the creation of jobs and increased investment in our Nation's infrastructure.

I urge my colleagues to join together and pass this temporary relief to unemployed Americans. What we are doing today is right and it is necessary, but it is not the solution. The bipartisan support displayed today is encouraging, and I urge my colleagues to demonstrate the same bipartisan spirit when the Ways and Means Committee moves ahead this spring with legislation to permanently make improvements in the Nation's unemployment insurance program.

Mrs. LLOYD. Mr. Speaker, I rise in support of H.R. 4095, the emergency extension of unemployment benefits. This legislation is essential given the current, tough economic climate.

Every day we read of new announcements by major corporations of their plans to reduce their work forces. Individual and business bankruptcy filings continue to soar. This has made many folks who have lost their jobs, and are struggling to find gainful employment, uncertain and anxious. People who would do anything for their children are finding it increasingly difficult to send them off to school in the morning ready to learn, because they may not have had enough food in the house for breakfast. Families whose breadwinners are unemployed or underemployed are struggling to pay their bills and make all those expenses that today's typical family has to meet, while companies continue to downsize and jobs are disappearing to foreign competition.

In December, the unemployment rate climbed to 7.1 percent. This means that nearly 9 million Americans are unemployed and 1.6 million have exhausted their unemployment compensation benefits. As high as these numbers are, it is also estimated that another 1.1 million men and women have become so discouraged that they have given up looking for work and are no longer counted officially among the unemployed. Taken together, these figures represent a significant portion of the U.S. work force that is steadily losing ground and struggling.

The Emergency Unemployment Benefits Act provides a lifeline to workers whose jobs have disappeared during the recession. The measure extends the life of the Emergency Unemployment Compensation [EUC] Program until July 4, 1992, and provides 13 weeks of additional benefits to the long-term unemployed. Tennesseans who already qualified for the initial 13 week extension, which is due to expire in mid-February, will now be eligible for another 13 weeks of benefits. This will provide immediate assistance to families who have worked hard all their lives and need help to get back on their feet and make it through these difficult economic times.

These folks are not looking for a handout. They are taxpayers who have supported this Nation. Many have fought to defend our personal freedoms on foreign shores. They have sent their sons and daughters off to do the same without hesitation. They are looking to the Congress and the administration to pro-

vide job training and retraining programs and adequate funding for educational needs. But in the meantime, action must be taken to stave off the proverbial wolf at the door which has forced many families to choose between essentials which they cannot afford to do without. I urge my colleagues to join with me in supporting the Emergency Extension of Unemployment Benefits Act.

Mr. FORD of Michigan. Mr. Speaker, it's better late than never. I was glad to see that since the last time I came to this well to urge my colleagues to support an extension of unemployment benefits, President Bush has finally realized what everybody else in the United States already knew—our country is in the worst recession since the Great Depression and millions of Americans need a helping hand.

The President's record on job creating is the worst I have seen in 27 years in Congress. There simply are no jobs available in my district. I was interested to see that Vice President Quayle recently stopped his limousine on the way to the Bob Hope Celebrity Golf Tournament long enough to point out to the press a "Help Wanted" sign at a Burger King restaurant. The Vice President claimed that this was a sign of economic recovery. Mr. Speaker, I don't know whether Vice President Quayle can support his family working at Burger King, but most people in my district can't.

I am glad that the President has finally realized that something is wrong in America, but I'm still not sure he really understands what it is. Few places in the country have been hurt by the recession as badly as my district and my State of Michigan. Hundreds of thousands of people in Michigan have lost their jobs and simply cannot find work. Families are losing their houses. Some cannot even earn enough to feed their children.

What my people want is a job. Unless we can convince the President not only to have compassion for those in need, but to actually find a way to provide jobs in our country, we will be back in this Chamber extending unemployment benefits again and again. Our country needs a program to provide job training and education, and to get our citizens back to work. We need to offer our people a career and a better life, not just a way to scrape by.

On top of our already dismal unemployment rate, General Motors is currently considering closing a factory in my district that would eventually cost Michigan an additional 14,610 jobs.

Last week, when the hard-working Americans watched the State of the Union address, they heard their President talking once again about a cut in the capital gains tax, saying, "When you aim for the big guy, you end up hitting the little guy." Mr. Speaker, I'm not sure what President Bush thinks the little guy is concerned about; I'm not sure if he ever even met a little guy, but I can tell him that the average person in the 15th Congressional District of Michigan is not worried about the capital gains tax rate. They're worried about feeding their kids, dealing with their mortgages, and trying to pay their bills. A cut in the capital gains tax rate is not an economic program.

Once again, as I have done on every occasion in the past, I am pleased to strongly sup-

port legislation to extend unemployment benefits to our jobless American workers. I am especially pleased that I no longer have to fight to make George Bush see the need for this extension.

H.R. 4095, the bill that we are considering today, would allow jobless workers to apply for an additional 13 weeks of extended unemployment benefits. My State of Michigan, which has suffered badly during this past year, and currently offers up to 20 weeks of extended unemployment benefits, would have that number boosted to 33 weeks.

The bill before us today would also include a provision to help employers in Michigan. Because of the recession, the State of Michigan did not have enough money in its unemployment trust fund to repay a loan owed to the Federal Government. Many small businessmen in my district have had a hard time coming up with this money by the deadline of January 31. Language inserted in this bill by the Committee on Ways and Means would extend this deadline until June 30, 1992, without a late penalty.

I am also pleased that this measure has been paid for. The money needed for this extension is obtained without violating the budget agreement.

Mr. Speaker, my constituents are hurting like never before. I support this proposal to offer them help and urge my colleagues to pass the bill.

Ms. NORTON. Mr. Speaker, we are still suffering a ferocious, unceasing recession, 18 months of it, 2 months longer than any economic downturn since the Great Depression. Surely it could have been shorter had the Bush administration been on the domestic job and applied remedies much earlier.

Americans crave for jobs, not unemployment benefits. What we offer today is a 13-week extension of those benefits. As critically necessary as this extension is, it is a pale ghost of what is needed. It effects only a small portion of the unemployed.

Above all, this extension is no substitute for an economic stimulus program. What we offer today is a tourniquet that may stop the bleeding but leaves the problems in place. The larger concerns are unattended—the unemployed who do not qualify and the state of the economy itself. There is no lifeline for them.

The District, once thought to be recession proof, is now recession prone. In the third quarter of last year, the District was 12th highest among the States and 15th highest among the cities in unemployment. Baltimore, New York, Hartford, Detroit, and Philadelphia were higher still. And the Sun Belt cities—Miami and Los Angeles, for example—came in with rates even higher than the District's.

This is a national recession that has taken no prisoners. It has shattered the District's economy. The freeze on Federal jobs announced by the President will exacerbate economic conditions here. To add to this economic cruelty, prices in the District far outpace the national average.

It is no wonder that this recession is worse everywhere. It is more than a cyclical downturn. We are feeling the cumulative effect of long-term neglect of the American economy. We are paying now for a dozen years during which we have literally disinvested in Amer-

ica—in education and training, in the infrastructure, in the health of children and adults, in short, in what makes the world go around in a global economy. We must now play catchup, the hardest way to run any race.

Left in the dust have been the great urban areas. The District and other cities receive in Federal aid less than half of what they were getting in 1980.

H.R. 4095, the emergency extension of unemployment benefits, does not pretend to address these economic problems. It is relief, not remedy. It is a life raft that rescues a few Americans from almost certain drowning. The real work of getting to shore lies ahead of us.

Mr. GREEN of New York. Mr. Speaker, unemployment in New York City has reached 9.3 percent, leaving thousands of jobless New Yorkers in a state of economic despair. In addition to the high level of unemployment, the current economic situation is very unsettled and any sign of recovery has been anemic, at best. Thus, I rise to express my strong support for H.R. 4095, legislation that will extend the emergency unemployment benefit compensation program and provide economic relief to many of our Nation's unemployed.

With 8.9 million Americans out of work and a relentless unemployment rate of 7.1 percent, I think it is imperative that Congress act to extend the emergency benefits program. That unemployment benefit extension program has served as a vital lifeline to those that have lost their jobs as a result of the current recession.

The New York State Department of Labor has advised me that there are more than 185,000 individuals receiving extended benefits in New York and over 15,000 reside in my congressional district. In addition to helping those who are unemployed, the benefits program will help slow the deterioration of the overall economy. In the past, the targeted benefit payments—which are spent on bills, groceries and clothing—have made a major contribution to shortening the length of recessions by increasing consumer spending.

The legislation under consideration provides for an additional 13 weeks of extended benefits. New Yorkers whose benefits expired any time after February 28, 1991 would be eligible for an additional 13 weeks of benefits on top of the 13 weeks authorized under the legislation we adopted in November 1991. The legislation also extends the temporary benefits program through July 4, 1992.

I should also like to note that the extension legislation, which costs \$2.7 billion, will not bust the budget because it will be paid for with fiscal year 1992 monies that were never spent and through the modification of quarterly tax payments made by large corporations.

While I enthusiastically voice my support for this much needed legislation, I must give voice to another message. I say to the leadership, this is not enough. You must allow Members to vote on a comprehensive unemployment reform bill.

Unfortunately, all of the unemployment benefit measures that we have voted on throughout this session are temporary in nature. They all fail to reform the unemployment insurance system which has proven to be unresponsive to the needs of our Nation's jobless. Over the past 15 years there has been a steady and significant erosion in the unemployment insur-

ance system. An erosion that must be addressed by Congress.

I also hope that Congress will move quickly to enact a responsible economic growth bill that will help spur our stagnant economy, create vital jobs and tackle our \$399 billion budget deficit.

In closing, I encourage my colleagues to support the emergency extension and to commit to reforming the unemployment insurance system. After all, the American people want long-term solutions to our Nation's economic problems and deserve far more than a short-term, temporary fix.

Ms. PELOSI. Mr. Speaker, today, the House will consider a bill to provide 13 additional weeks of extended benefits to unemployed workers. Last November, we provided extended benefits for workers who had been out of work so long that they had exhausted their unemployment benefits. Congress passed the legislation three times before the President acknowledged that there was an unemployment problem in this Nation and finally signed the bill into law.

The recession is now in its 18th month, 2 months longer than any recession since the Great Depression. Almost 9 million workers are out of work. The people of this country are well aware of the troubled economic times in which we live. People who became eligible for the extended benefits in November will run out of benefits this month if we do not act.

Mr. Speaker, for many of the people who have exhausted their unemployment benefits and remain jobless, the passage of H.R. 4095 is necessary for survival. H.R. 4095 would give the unemployed workers of my State of California a total of 33 weeks of extended benefits. But, more must be done. We need more than stopgap emergency measures that address immediate concerns. We need a solid program for long-term economic recovery.

Mr. Speaker, a lack of leadership from the White House allowed this recession to grow as large as it is. We need a real jobs program. I support extending unemployment benefits as one piece of the economic recovery puzzle. The other pieces must be put in place if people are to ultimately find lasting jobs.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 4095, the emergency extension of unemployment benefits. We face an unemployment emergency. For millions of people, the consequences of the recession show no signs of abating. The short-term horizon for America's jobless continues to be bleak. We must act to ameliorate the painful effects of persistent high unemployment rates on America's families and individuals.

This recession, coupled with the threat to the United States economy posed by the Japanese, has been devastating for Michigan. Michigan already has one of the highest unemployment rates in the Nation and there is little relief in sight. GM recently announced a layoff of 74,000 employees nationally. Michigan will be particularly hard hit by this decision. An extension of unemployment benefits is critical for the more than 420,000 jobless in Michigan.

This extension of unemployment benefits bill recognizes the plight of the unemployed. Today's bill will extend the safety net for Michigan's unemployment for another 13 weeks. It

will also extend to July 4, 1992, the deadline for workers to file for these extended benefits. This latest extension brings unemployment benefits for Michigan workers to a total of 59 weeks.

We need to get our workers back on their feet. We cannot afford to leave our most valuable resource unprotected. We cannot afford to swell the homeless ranks. We owe our jobless our support until they can again be self-sustaining. I urge my colleagues to support this bill.

Mr. RIDGE. Mr. Speaker, last September this House moved to provide extended jobless benefits to the long-term unemployed. For those Pennsylvanians who had exhausted their regular benefits, our effort then was but the very least we could have done, should have done, to lend help, to extend a hand.

I had hoped then that by this year, at this time, at this moment, I might be here speaking of an economy on the rebound and of the men and women of my State finding jobs, of them going back to work. Sadly, that is not the case.

It is true that many see signs that a recovery is at hand. This time, I hope they are right. But for thousands of unemployed Pennsylvanians, hope for recovery will not pay the bills nor will it put food on their family's table.

So today, we again recognize our debt to those working Americans who have lost their job through no fault of their own by moving swiftly to pass another extension of unemployment benefits. Through our actions here, we will ensure another 13 weeks of assistance to those who have used up their regular or emergency benefits.

This important legislation will provide some additional income protection, some purchasing power, to workers while they struggle through this recession. It is not a handout. It is the Government simply fulfilling its obligation to those workers and their employers when they placed their funds in our hands. The need is now and the funds should be released.

Let me close by noting that back in September, I said that this body had better start thinking of ways to give people a job rather than a check. That message is no less urgent today. The President has given us a deadline for an economy recovery package. It is now incumbent on this Congress to meet it. For if there's still no hope for recovery or work after these additional 13 weeks, then we have done little to effect the plight of these families.

Mr. GAYDOS. Mr. Speaker, we are here to consider H.R. 4095, a bill to extend unemployment compensation an extra 13 weeks for the long-term unemployed of this Nation. I wholeheartedly support this measure that financially assists the unemployed and their families as they continue their long search for some type of new employment. However, the most interesting aspect of this proposal, unlike the previous ones, is it appears as if we have the President's support without having to indulge in any partisan haggling. Well, the most I can say is that it is about time the President realized the economic woes that are crippling the hard working men and women of our country and I am happy that he finally does understand the importance of extended unemployment benefits. On the other hand, my constituents and I are interested in knowing why the

administration was so adamantly opposed to the previous attempts to extend benefits and what made him see the light.

In the months before the State of the Union Address, we were all told to wait for the unveiling of the President's domestic plan that would pull America out of its economic doldrums. I must confess, I was hoping to witness the unclenching of a great vision into the future.

Then, along with millions of other Americans, I was disappointed when I heard the rehashing of the same conservative domestic policy proposals, mainly the capital gains tax cut, that helps the wealthy, overburdens the middle class, increases the deficit and further reduces this Nation's industrial capacity. Although I agree with our President in extending unemployment benefits, I believe his economic proposals for short- and long-term growth are unfair and unrealistic. It is obvious to me that this country needs the development of a more comprehensive approach aimed at strengthening our economic capacities, and above all protecting domestic industries and creating jobs.

In the days following the President's address to Congress, my constituents took the time to let me know what they thought of the various tax credits, tax breaks, and regulatory freezes. Their sentiment can be described in one word: Disappointed. Mr. Speaker, I think I can say that the 8.9 million unemployed men and women in the United States are not looking for capital gains tax cuts, tax credits, withholding gimmicks, or any other pathetic attempt to appease them. They are searching for one thing: Jobs.

The working men and women of this country are not as naive as the administration might think, or hope. The American public is well aware that if the components of the Bush plan are enacted, they will be taken to the bank again to support the wealthy who get the disproportionately favorable breaks of supply-side economics. This is a question of fairness and the middle class has been paying for lunch and dinner for far too long and it must stop.

Mr. Speaker, President Bush's cutting of the capital gains tax, enables those earning over \$200,000 per year to receive an \$18,000 tax break. That is like giving them a nice, mid-size luxury car when they receive a tax refund. Accordingly, 80 percent of the capital gains tax cut helps those making over \$100,000. What is the price tag of this gift: \$12 billion.

Back home in McKeesport, many people have asked me, "Joe, what is in this budget for me?" Well, I tell them, the Bush proposal will give you an extra \$75 a year for each one of your dependent children. But, if you make \$150,000, you can get \$150. It is very hard for me to tell my older constituents and veterans that they will be losing billions in Medicare and veterans benefits over the next 5 years. In essence, the elderly will be paying for a portion of the President's tax breaks for the wealthiest of all Americans. In light of this, how can we not raise the question of fairness?

In my eyes, it is shameful to believe that these perks for the rich will trickle down to the regular, indebted, unemployed workers of our Nation. Is it not obvious that the President wants the American, working class taxpayer to fork out \$12 billion to fund the capital gains

tax cut when it is not even assured that it will increase investment and create jobs. So much for the vaunted conservative ideal of protecting the American taxpayer. This proposal will increase the deficit by up to \$120 billion over the next 10 years and put in jeopardy any type of future growth in jobs and economies. Our children will pay dearly for this travesty.

The early 1980's predictions of noted economists, government officials and even Members of Congress regarding supply-side economics were correct and the American people know it. Anybody here with an understanding of macroeconomics knows that the concerns were with a slowed economic growth because of falling revenues and rising deficits. Supply-side economics has been the trend for the past 12 years and during this time our Nation has increased its national debt by over \$3 trillion. Since 1988, the United States has incurred over \$1.7 trillion escalation in national debt to coincide with the very nominal growth in gross domestic product in 1987 dollars. This stalls economic growth. It is obvious that supply-side economics is misguided, its smoke and mirrors have helped the wealthy, forgotten the middle-class and poor, and placed our country into the position of being the No. 1 debtor nation in the world.

Over the years, the McKeesport area of Pennsylvania—my district—has grudgingly suffered through unfair economic policies that have lowered income, eliminated jobs, and destroyed industries. Even now, the North American Free Trade Agreement [NAFTA], and the General Agreement on Tariffs and Trade [GATT] negotiations threaten to take even more jobs from the Monongahela Valley region. Mr. Speaker, I must ask, where does it end?

This country needs to take strides in investing in its own infrastructure, education, and economy; not give it away for the sake of free but unfair trade and then cut trade adjustment assistance for workers displaced by faulty policies. In his speech, after spending over 15 minutes on his foreign policy initiatives, the President gave a mere 10 second plug to the \$151 billion Surface Transportation Act; potentially, the largest jobs producing bill in the past number of years. Where are his priorities? We must make him realize that his policies are wrong. Steps must be taken to protect Americans, create employment and to legislate fair trade practices to safeguard our industries and jobs.

This Congress must set out on a course to right the wrongs of the supply-side policies of the past 12 years. We must return to the ways of expanding the middle class and pulling people from poverty all over this great land rather than expanding the wealth of the richest of Americans and increasing foreign aid appropriations. I should not have to remind my fellow Members that this country was built on interdependence and support, not ignorance and neglect.

In closing, I want to again express my support for extending unemployment benefits to those who have been pushed to the streets of America because of flawed economic policies. But in doing this I must warn those who adhere to destructive supply-side measures, that if our outlook and economic policies do not change, we will be bankrupt and voting for un-

employment extension every 4 months. We must make America economically strong again to pave the way into the 22d century.

Mr. OLIVER. Mr. Speaker, I rise today in strong support of H.R. 4095, a bill to increase the number of weeks of emergency unemployment benefits compensation. I asked to be an original cosponsor of this legislation, as well as the previous bills which this House passed, and I applaud President Bush for his newfound concern for the unemployed workers of our country.

It's about time George Bush realized that the workers of western Massachusetts, and of this Nation, have been hurting through no fault of their own. The working people of America did not get the huge tax breaks of the 1980's which sent our budget deficit soaring and weakened our economy, and it certainly wasn't the unemployed workers in my district who sat on their hands while savings and loan executives treated deposits like monopoly money—building useless overpriced hotels everywhere.

What is more, these are not lazy, illiterate workers. The people I hear from in western Massachusetts are highly trained and educated—blue- and white-collar workers—who desperately want to work but simply have not been able to find jobs in the current recession.

I only wish that we could be sure the President is not just experiencing an election year, or a New Hampshire primary season, conversion. I suggest that those who have any doubt about his real intentions should read the fine print.

In his budget, President Bush proposes to eliminate trade adjustment assistance, which provides benefits to workers who have been laid off because of increased imports of foreign goods. Even as he negotiates the free trade agreement with Mexico, even as he professes to care for the unemployed workers, President Bush is trying to remove another support for people trying to stay afloat in our economy.

Mr. Speaker, I think we have a responsibility to help these people. And instead of trying, like George Bush, to eliminate assistance for displaced workers, I plan to find ways to make it easier for our workers to get the increased skills and education they need to find new jobs.

People in my district, like people across the country, need unemployment benefits and more jobs. I am pleased that we have been able to move swiftly on this legislation, and I look forward to passing broader legislation to provide meaningful long-term assistance for the working men and women of western Massachusetts and the entire country.

Mr. PASTOR. Mr. Speaker, once again we are faced with legislation to provide relief to hundreds of thousands of people who are jobless in our country.

At the national level, the economic recession is unsettling. The pace of recovery from our economic ills is slower than past economic cycles due to slumps in real estate, financial services, and spending in the Federal, State, and local sectors of the economy.

Unemployment in December rose to 7.1 percent, with 8.9 million individuals officially counted as unemployed and nearly 1.5 million of those workers having been out of work for

more than 26 weeks. Since people who are working part-time, and those discouraged workers who have given up looking for jobs are not counted in the Government's official unemployment statistics, the jobless situation is more dismal than reported.

Nearly all of the December increase in unemployment occurred among persons who had lost their jobs for the first time, primarily those who had no expectation of being called back to work. The long-term unemployed—those without a job for 15 weeks or more—accounted for about one out of every three unemployed persons in December, up from one in five at the onset of the recession.

For years, Arizona has been blessed with good economic times and low unemployment. However, the current jobless situation in Arizona is troubling. For the first time ever since August 1983, Arizona's unemployment rate is higher than the national average. More job seekers, particularly spouses and older children who started looking for work to boost family income during tough times, unexpectedly pushed the jobless rate to 8.6 percent in December. This means that over 133,000 Arizonans are out of work. In Yuma County, in my district, the unemployment rate is an astounding 30.9 percent. Help wanted signs are prevalent throughout the county's hotels, restaurants, and stores.

Today, we have an opportunity to help these Arizonans and their fellow Americans who are the unfortunate victims of our economic recession. We need to pass H.R. 4095, the emergency unemployment benefits extension bill, and provide an additional 13 weeks of extended benefits to the long-term unemployed. To do less would be an injustice to those who have been the backbone to our country's economic strength.

I urge all my colleagues to vote for this important bill.

Ms. SLAUGHTER. Mr. Speaker, last November, Congress reached out to millions of workers who, through no fault of their own, had exhausted their regular unemployment insurance benefits.

We had tried twice before to extend unemployment benefits, only to have our efforts stopped by the President. At long last a compromise was reached near the end of last session, and we provided a 13- or 20-week period of additional benefits to all States, depending on each State's level of unemployment.

Since our actions in November, the unemployment situation has, unfortunately, become more severe. We are now in the 18th month of the current recession. That is 2 months longer than any recession has lasted since the Great Depression. The latest figures show that the unemployment rates for both my home State of New York and the Nation have increased to the highest levels of this recession.

There are an estimated 658,000 New Yorkers out of work. This number represents a statewide unemployment rate of 7.8 percent, up from 5.4 percent this time last year. In my district, the Rochester metropolitan area, unemployment jumped a half a percentage point during the month of December. Within the Rochester city limits, the unemployment rate currently stands at 7.2 percent, while in another part of my district, Genesee County, unemployment has soared to 10.5 percent.

These figures are alarming, and the impact they have on real families is much worse than the story the statistics tell. Many of today's unemployed workers have been without a job for much of the recession. Those who became eligible for a 13-week extension of benefits in November will run out of benefits before the end of February. Accordingly, it is time for us to reach out again.

H.R. 4095 will supply this needed help by providing an additional 13 weeks of benefits to workers in all States. When these 13 weeks are added to the extended benefits currently provided, a total of 33 weeks of extra insurance coverage will be available to workers in those States of highest unemployment. Eligible unemployed New Yorkers will have 26 weeks of extended benefits available to them. The bill also gives workers an extra 3 weeks to apply for the extended benefits created under the November Emergency Unemployment Compensation Act.

Mr. Speaker, a second extension of unemployment insurance benefits represents a recognition by Congress of how difficult this recession has been on those who have been affected. I urge swift passage and implementation of the assistance provided for in H.R. 4095 so that hope may be returned to the millions of families who continue to need our help.

Mr. ENGEL. Mr. Speaker, I rise today in support of H.R. 4095, a bill to provide additional unemployment benefits to people who have lost their jobs as a result of the ongoing recession.

H.R. 4095 would provide jobless workers in all States with an additional 13 weeks of extended unemployment benefits on top of the new benefits that were approved in November. This legislation will help people get through the tough times that we are currently experiencing.

The President has recently discovered that this country is experiencing a severe recession which shows no signs of ending. Last year, it took the President 4 months to agree to an extension of unemployment benefits. I am glad that the President is not opposing this bill which will ensure that people who have lost their jobs through no fault of their own will be able to continue to pay their mortgages, put their children through school, and put food on their tables.

I want to remind people that unemployment insurance is not welfare or a Government hand out. People pay into the unemployment insurance fund so that they can have a safety net should they lose their jobs.

Mr. Speaker, unemployment insurance is only a stopgap measure designed to get people through a temporary period when they do not have a job. We must pass an economic package which will help end the recession. In the meantime, we must pass this bill so that people adversely affected by the recession can continue to pay their bills.

Ms. SNOWE. Mr. Speaker, I rise to express my support for H.R. 4095, legislation before us today to provide an additional 13 weeks of benefits to the unemployed.

In Maine the unemployment rate for December was 7.2 percent. Over 31,000 jobs have been lost in the last 2 years. The extension today will provide additional assistance to those individuals who are in need of our help.

Mainers who are on unemployment are not there because they want to be. They would prefer to get up each morning and go to work—not to the unemployment office. We need to help these people, and I am pleased the administration and Congress were able to reach agreement on this legislation. But we need to do more and we need to do it now.

Americans and Mainers want jobs and we need to pass an economic stimulus package to provide those jobs. We must put aside our partisan differences for the sake of all Americans and push a good package through this body that will stimulate the economy and provide jobs before the benefits provided in this package run out. That is what the unemployed really need and deserve.

Mr. WEISS. Mr. Speaker, I am in strong support of H.R. 4095, the emergency extension of unemployment benefits.

On November 14, 1991, the Congress passed, and the President eventually signed, legislation to extend unemployment assistance for American workers whose benefits have expired. We enacted this package of benefits only after a 3-month delay by the President and many of our colleagues across the aisle who did not believe it was necessary.

Now, 3 months later, we are into the 18th month of this recession, the longest suffered by this country since the Great Depression. The recovery that the President kept promising never materialized, and we watch as the number of people losing their jobs continues to climb. The Nation's official unemployment rate now stands at 7.1 percent. The ailing American economy and the pain felt by so many Americans has grown so severe that finally, even the President has acknowledged it.

We welcome the President's support for this legislation, but we need more. It is not enough to provide temporary assistance; we must take actions that will reinvigorate the economy and make further benefit extensions unnecessary. Unfortunately, the President's plan will not do so. His proposals will do little, if anything, to turn the economy around. We need action now that will put people back to work, rebuild America, and pump money into the economy.

With nearly 9 million Americans unable to find work, we must pass this unemployment extension bill; but we must also take immediate actions so that these people find productive, well paying jobs.

People are hurting, and this bill is not more than temporary, but necessary, relief. I urge my colleagues to support this legislation.

Mr. BRUCE. Mr. Speaker, I rise today to express my strong support for H.R. 4095, the emergency extension of unemployment benefits. The committee, this Congress, and the administration should be applauded for its swift, decisive action, in bringing this measure to the floor.

Our Nation continues to be gripped by a recession that has caused 8.9 million Americans to join the ranks of the unemployed. In my home State of Illinois, we have seen the unemployment rate jump dramatically to 9.3 percent. More importantly, we have seen educational opportunities missed, health care needs unattended, and homes lost.

There are some who will try to tell us that the American worker is lazy, that they have no motivation to work. We know this is simply not

the case. Workers in my State and across this Nation want to work. They want to contribute to the productivity of America and they want to provide for their families. But this economy does not have a job for them.

I strongly support this legislation, but we have a responsibility to do more. We must undertake trade policies that fairly protect American jobs and we must adopt an economic plan that will put Americans back to work. The President has offered a number of proposals to this Congress, but I find little in his plan that will provide real economic stimulus.

This recession is the longest the United States has endured since the Great Depression. It has created hardship for millions of families and has fostered uncertainty in the economic future of our Nation.

It is apparent that the American people need these benefits. But more importantly they need a commitment from this Congress to do whatever is necessary to lead the Nation to a healthy economy. Today, Mr. Speaker, I am urging my colleagues to join with me in supporting H.R. 4095. But after this vote and in the coming weeks and months, This Congress must take further action to provide jobs for American workers and economic security for their families.

Mr. STOKES. Mr. Speaker, I rise today in strong support of H.R. 4095, the emergency extension of unemployment benefits bill. This bill is must-pass legislation as our Nation's economy continues its 18-month slide deeper and deeper into recession. I commend the gentlemen who have brought this bill to the floor, Chairman ROSTENKOWSKI and Congressman DOWNEY, for their dedication to providing assistance for the millions of Americans who are out of work because of Reagan-Bush economic policies.

This recession, brought about by 12 years of hollow promises of trickle-down economic benefits for middle and lower-income people, has left the United States economy crippled. We have experienced over a decade of bloated military spending, far in excess of the spending necessary to meet any threat to the United States; 12 years of huge tax breaks for the rich, at the expense of middle- and lower-class taxpayers; and 12 years of corporate greed and sleaze, most accurately reflected in the outright thievery of savings and loans owners and directors. The increase in the Federal debt, and the annual budget deficit over those 12 years is almost beyond comprehension. Together, Presidents Reagan and Bush are responsible for adding over \$3 trillion to our national debt of \$4 trillion.

Tragically, the African-American community frequently bears the brunt of this type of foolish and unsound national policy. For example, the 1990 unemployment rate for blacks in Cleveland was 20.7 percent while the corresponding rate for whites was 9 percent. Unemployment for both groups increased throughout 1991 to the point that Cleveland was cited as having one of the worst unemployment problems of major American cities.

The current recession, now in its 18th month, is the longest recession since the Great Depression. Unemployment rose to 7.1 percent in December, and over 8.9 million Americans are out of work. Of those 8.9 million Americans who are jobless, nearly 1.5 mil-

lion of them have been without work for more than 26 weeks. Major corporations, such as General Motors and IBM, announce new rounds of layoffs nearly every week. These layoffs are not temporary, but are part of permanent restructuring, and these jobs are likely gone forever. This is the legacy of the Reagan-Bush years.

Last November, this House passed, for the third time, legislation to provide extended unemployment benefits to American workers who had exhausted their 26 weeks of benefits under the regular unemployment compensation system. The President, to his lasting credit, finally realized that the economy of the United States was in recession, and dropped his opposition to extending unemployment benefits.

Unfortunately, those workers who qualified for 13 weeks of additional benefits under the bill enacted in November will run out of benefits in 2 weeks. It is imperative that we pass legislation immediately to provide these workers with an additional benefits extension. With the economy showing no signs of recovery, we cannot leave our unemployed workers to the vagaries of a shrinking economy, with no prospects for immediate growth, and little hope of finding work anytime soon.

Mr. Speaker, we must stand up for the American people, and provide them with extended benefits until the Congress can pass economic growth measures designed to create jobs, and put money back into the hands of those who will spend it and stimulate the economy. What we do not need now is a President who proposes another series of tax cuts for the wealthy, and provides scant help to the great mass of Americans in the middle- and lower-class.

I urge all my colleagues to vote for passage of H.R. 4095, and demonstrate to America's workers that we are serious about helping them fight off the recession. It will take time to put fair, reasonable, and effective economic growth policies into place. The Democratic party is committed to enacting these measures into law as soon as possible. However, we must continue to provide extended benefits to Americans out of works, until good jobs can be created for them to go back to work.

Mr. BORSKI. Mr. Speaker, I rise in support of H.R. 4095, to extend unemployment compensation to the long-term unemployed.

H.R. 4095 is the first recession-relief measure of 1992 and it is the most positive step we can take early in this new year to show struggling Americans we will not turn our backs on them.

It is time to forget those rosy reports from the White House we have heard for a year and look at the muddy reality of today.

The current recession shows no sign of lessening. Unemployment in December stood at 7.1 percent. There are nearly 9 million Americans out of jobs, and the most shocking statistic of all, 1.5 million of those out of work have been that way for over 26 weeks.

My own city of Philadelphia understands these numbers all too well. As of November 1991, Philadelphia's unemployment rate stood at 7.6 percent.

These staggering numbers represent the kind of Americans who deserve our help. They are not lazy people or welfare cheats. They

are Americans with the kind of work ethic this country was built on. Financial help is what they need and what Congress must give them.

This measure will provide an additional 13 weeks of extended relief to the unemployed. That is 13 more weeks of help to people who remain financially and emotionally crippled by this recession. It is 13 more weeks in which we hope to see signs that the recession is easing. It is also 13 weeks in which we can prove to Americans that Congress, unlike the President, has not turned away from the people we represent.

The President has not lived up to his promises and now Congress must take the bull by the horns.

We were promised a State of the Union Address with major policy announcements that will set the tone for change in America. We were promised an economic plan that would loosen the recessionary belt that is being pulled much too tightly around Americans.

We were promised a lot.

Very little was delivered.

In fact, the President failed to deliver the most important message America's unemployed people wanted to hear: Jobs—where are they and when can people go back to work?

Instead of the word "jobs" we heard about tax breaks to improve the lifestyle of the rich and famous.

Mr. Speaker, the President has fought us too long and too hard on the issue of relief for those without a place to work and we are right back where we were months ago. We are voting on a Band-Aid instead of cure for what is ailing America.

It is time Congress does what the President has failed to do.

We must pass H.R. 4095. It's title, the emergency extension of unemployment benefits clearly describes why it must be passed.

We are in a state of emergency regarding the Nation's unemployment rate and Congress must be the rescue crew that is ready to revive those who are in need of our immediate attention.

Mr. GALLO. Mr. Speaker, I wholeheartedly endorse this 13-week extension of unemployment compensation benefits in order to protect our unemployed American workers for as long as this recession persists.

Passage of this bill today demonstrates that this Congress is capable of putting aside its partisan differences to meet the needs of the American people.

This is a good start for 1992, but we have a long and difficult road ahead of us.

Now, of equal importance, we must continue to act as a Congress, in a bipartisan fashion, and enact an economic program by March 20 that addresses both the need for a short-term jump start and for a long-term investment incentive policy.

The Japanese and their comments about American workers notwithstanding, I know that the millions of unemployed American workers collecting unemployment would rather be working, productive members of the work force, than recipients of these benefits.

Our immediate concern must be with these unemployed workers, but our top priority must be to put these Americans back to work.

And the best way to move this economy forward and create jobs is by adopting the Presi-

dent's economic package with all deliberate speed. It is not acceptable to do nothing and try to blame someone else for the inaction.

Mr. Speaker, let's pass the unemployment extension today and get to work immediately on an economic package for our Nation. We owe it to the American people to act now.

Mrs. ROUKEMA. Mr. Speaker, I am pleased to rise today in support of H.R. 4095, a bill to extend for up to 13 additional weeks, benefits to unemployed American workers. In my State of New Jersey, where the unemployment rate exceeds the national rate, families are suffering—this relief is urgent.

During the 1980's, New Jersey generally experienced lower rates of unemployment than the Nation as a whole. It is my State's misfortune to find that in this recession, however, the reverse is true. New Jersey's seasonally adjusted unemployment rate for the month of December 1991, was 7.4 percent, up from 7.1 percent in November. The national rate during December was three-tenths of a percentage point lower, or 7.1 percent.

Mr. Speaker, there are approximately 100,000 unemployed individuals in New Jersey who currently collect unemployment benefits. The bill before us will provide up to an additional 13 weeks of benefits to many of those individuals. Also, since this measure opens an additional 3-week window of opportunity in which newly unemployed individuals can apply for benefits, from June 13 to July 4, approximately 9,000 additional unemployed New Jersey workers are expected to qualify for up to 20 weeks of benefits. Thus, Mr. Speaker, this measure is desperately needed to provide an economic cushion to those in New Jersey and across the Nation who are being hit hardest by this recession.

Mr. Speaker, I trust that we will approve and send this essential legislation to the President—who has committed his support for these extended benefits—at the earliest opportunity. We must assure those individuals and families who are suffering most during this recession that their Government will do all that it can to help them through this very difficult period.

Mr. KENNEDY. Mr. Speaker, I rise in strong support of this important legislation. No bill that we take up this session will be more urgent. Our country has been gripped by a terrible recession for over 18 months now—the longest by 2 months since the Great Depression. Close to 15 million Americans are currently unemployed or underemployed. Men and women are struggling against terrible odds to feed and clothe themselves and their children. If this bill can help them put food on the table until they get back on their feet, we will have performed a vital service.

The President's new-found spirit of cooperation is a welcome change from last fall, when he rejected two congressional efforts to help the unemployed before finally signing a bill. I only hope that the President will be just as willing to work with Congress to do what it takes to put people into jobs, not just help those without them. Americans want paychecks, not unemployment checks. The President must realize that tax cuts for the wealthy and accounting gimmicks will not move the country forward. We need investment—in our people, in our businesses, and in our infra-

structure—to put people back to work and regain our competitive edge.

I regret that this bill did not address a serious problem affecting the unemployed in the State of Massachusetts. There, upwards of 1,000 unemployed have been declared ineligible for extended Federal benefits because, contrary to State law, they worked for at least 3 weeks and earned at least \$1,200 during the prior year. I am told that one former AT&T worker lost out on \$6,000 worth of Federal unemployment insurance benefits just because he earned \$1,265 for a couple weeks work as a bartender. That's a painfully unfair outcome, and one that we must try to avoid. I look forward to working with my colleagues from Massachusetts to do what we can to rectify this problem at the earliest possible time.

Mr. EWING. Mr. Speaker, I rise in support of H.R. 4095, which will again extend the Emergency Unemployment Compensation Program. Because this recession continues to drag on I feel it is absolutely necessary that we pass this legislation. It will bring needed help to those who have been struggling for some time now to make it through these difficult times.

My home State of Illinois has been hit very hard in just the last few months. Unemployment in October was 7.7 percent, and now stands at 9.2 percent. This is a dramatic increase in a short period of time and the Illinois economy has gone from bad to worse. There are more and more Illinoisans chasing fewer and fewer jobs. I think most of my colleagues will remember the recent national news coverage of several thousand people standing in line during a fierce snow storm just to apply for a job at a new hotel in Chicago. Many of these people have been unemployed for a long period of time, and will directly benefit from passage of this legislation.

My area of the State, east-central Illinois, until recently has been considered the least affected area of the State. However, we have been very hard hit this winter and have several pockets of very high unemployment. Let me give my colleagues some figures. In Kankakee County we have 11.5 percent, in Vermilion County we have 13.4 percent, and in Edgar County we have 12.8 percent. Many of these are manufacturing jobs which will not be replaced quickly. This legislation is extremely important and absolutely necessary.

I support H.R. 4095 not only because the recession has hit Illinois hard, but because it has hit many other States hard. This legislation is necessary to help thousands of families from all walks of life to get through these tough times.

I want to thank the President and the Congressional leadership for working in a bipartisan spirit to bring this legislation before Congress today.

I hope that we will work in the same bipartisan spirit over the next 6 weeks to enact an economic growth package which will get our economy moving again and create new jobs for the unemployed. This must be done prior to the March 20 deadline set by the President. While passage of this legislation will help get unemployed Americans through these tough times, it will not create new jobs. If we do not pass the President's economic growth package, and soon, the economy will continue its

dive and we will be back in July passing another unemployment benefits extension bill.

Again, I strongly support this legislation to further extend unemployment benefits. I urge my colleagues to support it as well.

Mr. SWETT. Mr. Speaker, I rise today in support of H.R. 4095, which extends unemployment insurance for the millions of Americans left jobless by this crippling and disheartening recession.

We can do nothing less in these trying economic times than offer some small solace in the form of extended unemployment insurance to the hardworking people in New Hampshire and across the country who have lost their jobs and exhausted their benefits.

I am pleased to say that I have voted to extend jobless benefits to unemployed people in New Hampshire on every occasion that the issue has come before Congress.

Mr. Speaker, having said that, I must also express my disappointment that it took the combination of an upcoming Presidential election and a sharp plunge in the President's popularity polls to get him to turn his attention away from foreign affairs and toward home where the American people are suffering.

While the President was concentrating on foreign affairs, hard working Americans were forced to suffer through a recession that left millions without jobs and without hope.

The people I represent in New Hampshire have been hit particularly hard. Sadly, the State now leads the Nation in per capita personal bankruptcy filings, while the unemployment rate has jumped to 7.8 percent.

The factory worker in Nashua, the construction worker in Concord, and the computer operator in Keene are not to blame for this recession, yet it is they who are paying the price for the failed policies and corporate greed of the 1980's. It is not right. These are the people who make America great. They helped generate all those profits in the 1980's—they paid their unemployment insurance and it is our duty to do what we can to help these workers through this difficult time.

Mr. Speaker, under the disinterested watch of the business as usual administration, the American dream has gone astray, and the promise of a better life for future generations is in danger of being broken.

It is important that we agree to extend unemployment benefits today, but what is more important is that we in Congress create a long-term comprehensive plan to revitalize the economy. Judging from the State of the Union Address, the American people have reason to doubt whether our President is up to the task.

Mr. Speaker, if we act boldly to implement an aggressive and comprehensive plan that harnesses the skills, spirit, and determination of the American people, then we can and will succeed.

Mr. Speaker, I ask my colleagues to join me in once again supporting the extension of jobless benefits.

Mr. MARKEY. Mr. Speaker, I rise in strong support of this crucial second extension of unemployment benefits during the 102d session of Congress. H.R. 4095 is not simply a welcome supplemental benefit; it is a necessary and timely one. These 13 extra weeks will mean the difference between survival and catastrophe for millions of Americans, including

hundreds of thousands of Massachusetts residents.

The legislation that we passed last November was meant to rescue those people who had exhausted their regular State benefits and still could not find work. We had hoped that the 13 or 20 weeks of Federal supplemental compensation would give Americans who were trying desperately to find work that extra time needed to support themselves again. We had hoped that it would be enough time for the unemployed to pick themselves up again and rejoin the ranks of those with secure jobs.

However, we are living in a nation—in its longest recession since the 1930's—with almost 9 million people out of work and maintaining an official unemployment rate over 7 percent, although a more accurate method of calculation would show it to be significantly higher. We did not know when we passed the last extension of benefits that the President's economic plan wasn't even going to be unveiled until January 28 of the following year, not right then in November when millions were already suffering.

In my own State of Massachusetts, over 8.4 percent of the work force are on the official unemployment rolls. In the month of December alone more than 110,000 people in the Commonwealth of Massachusetts applied for unemployment benefits. This is a region which has been ravaged by this 18-month-long recession. This extension of Federal benefits is essential for the men and women of Massachusetts if they are to outlast this affliction of recession.

While the passage of this bill is essential, a technical problem in the law may mean that many of our Nation's unemployed will be prevented from receiving their complete extension. This technical problem results from the interaction of State and Federal benefit calculation rules for claimants who are in their second year of benefits. This technical problem can affect unemployed individuals across the Nation, but particularly in the 15 States of Massachusetts, Washington, Michigan, California, Maine, Pennsylvania, Alaska, Connecticut, Mississippi, New Jersey, Oregon, Puerto Rico, Rhode Island, Vermont, and West Virginia. Ironically, the problem of benefit cut-off only arises for those individuals who found some work during their first year. I will be working hard in the weeks ahead with congressional leadership and Members from those States most immediately affected.

The 13-week extension of the Federal supplemental compensation embodied in H.R. 4095 is our obligation to the millions of Americans who are still struggling to rediscover their dignity through stable employment in the United States. I ardently support this legislation and call upon my colleagues to swiftly pass H.R. 4095.

Mr. DELAY. Mr. Speaker, I rise in opposition to this bill. I fully realize my position is not popular. The easy vote is to support the deal in the back room. Once again, Congress will vote to increase taxes and spending. What's worse is that Democrat majority which controls the House of Representatives continues to prevent any votes on legislation to correct the problems in our sick economy.

For more than 1 year now, I have come to the well of this floor to urge consideration of pro-growth economic legislation.

For more than 1 year, the Democrats have refused to even allow a single vote on the issue.

Before I will agree to spend another dollar of taxpayers' money on treating the symptoms of a sick economy, I demand the opportunity to vote on a cure.

I have spent countless hours speaking on the floor of this House outlining the growth package I believe this economy needs. Many other Members of this body have their own proposals.

Why have unemployed Americans been denied a vote on my Economic Growth and Jobs Creation Act?

Why have unemployed Americans been denied a vote on any economic growth package?

My unemployed constituents want a paycheck, not a Government check. They want jobs.

This bill is a poor substitute for a Band-Aid. One of the biggest problems in our economy is the fiscal irresponsibility of Congress. Our budget deficit is projected to be \$399 billion this year.

Yet to fund this additional spending we use accounting gimmicks. If we wanted to be responsible today, we would cut spending elsewhere in the budget to pay for these increased benefits, but we don't.

Further, the distinguished ranking Republican member of the Ways and Means Committee, Mr. ARCHER, accurately points out that soon the Democrat majority will be calling for another payroll tax increase.

One year ago, the Extended Unemployment Compensation Account had a balance of more than \$7 billion. This legislation will leave it with about \$1 billion. Several members sought a tax increase when they thought that \$7 billion was too low. You can be certain they will return shortly. Those who make the easy vote today for increased benefits will be called upon shortly to raise the FUTA payroll tax.

The legislation before us today does absolutely nothing to create jobs for these people. The Democrat majority won't even guarantee a vote on a growth package in the future. Our economy has been in trouble for a long time and it is irresponsible for the Democrat majority of this House to ignore efforts to correct the problems.

I urge my colleagues to oppose extending benefits until the Democrat leadership guarantees consideration of economic growth legislation on the floor of this House.

Mr. COX of Illinois. Mr. Speaker, I rise today in support of extending unemployment benefits to those Americans who most need them—Americans who have been out of work for more than 26 weeks. It is crucial that we act now so these men, women, and their families can receive these extra benefits they desperately need.

As we all know, the current economic recession has made unemployment a pressing problem in this Nation and we, as the Congress, must do what we can to help those Americans who are out of a job. Significant numbers of Americans are currently out of work and I do not see any immediate signs of an end to the present economic situation. In Illinois, for example, Department of Labor statistics show a substantial increase from November to December 1991, in the number of

persons who were unemployed due to the loss of a job. In Rockford, IL, the economic heart of my district, unemployment stands at 10.4 percent. The overall average in Illinois is 9.2 percent. In addition, these numbers also show a decrease in unemployed persons reentering the work force. Once becoming unemployed, Americans are finding it more difficult to get a job before their unemployment benefits expire. In addition Americans are also facing rising costs for necessities. They must pay health care and utilities, as well as buying food and clothes. These benefits are essential for these workers to meet the daily needs of their families.

In realizing that getting a job is becoming more difficult, we must also realize that this Congress must take some responsibility in helping the unemployed until jobs become available. We cannot send mixed messages to the jobless. This legislation is not a long-term solution, but it is the responsible approach to avoiding short-term economic despair for thousands of Americans. These extended benefits will aid unemployed workers as they move toward obtaining full and productive employment.

In November, this Congress extended regular unemployment benefits for an extra 13 to 20 weeks. Many workers who qualified for this original extension are still unemployed. If we do not act soon, their benefits will run out in the middle of this month. By extending jobless aid through July 4, 1992, we are giving these unemployed Americans a chance to qualify for assistance and an incentive to continue their contribution to our economy.

As we speak of helping the unemployed, we must also speak of fiscal responsibility. When I look at any piece of legislation, I am first faced with the question: How do we pay for this? I am happy to see that this legislation is budget neutral thanks to responsible leadership on both sides of the aisle.

With this in mind, I strongly urge my colleagues to support this important legislation. We must make these additional extensions available to those unemployed Americans who desperately need them.

Mr. BLACKWELL. Mr. Speaker, I am pleased to rise in this noble Chamber to offer my support for H.R. 4095, the emergency extension of unemployment benefits.

I am especially troubled over the rapid growth rate of unemployment in the Second Congressional District of Pennsylvania which I represent. The district now suffers with an all-time high unemployment rate of approximately 8 percent, and this percentage is subject to change overnight without warning and without any given set of criteria for determining who will be targeted. There is no consideration for a person's economic status or family size, thus, these circumstances trouble me and cause me to suffer a great deal of uneasiness.

There is no question, we are indeed in a recession, and we as lawmakers must take responsible steps to work our way back to a stable economy through legislative means or, for that matter, through whatever lawful means necessary. We as lawmakers have been elected to public office by those who have faith and confidence in our leadership ability—and we must deliver.

No doubt, an expression of support of H.R. 4095 is clearly a move in the right direction,

although it does not solve the problem. Mr. Speaker, my colleagues and I certainly do have a tough job ahead of us in bringing the economy of this country back to stability. I will certainly do my part.

Mr. GEREN of Texas. Mr. Speaker, I rise today in support of H.R. 4095, the emergency extension of unemployment benefits. Like many of us here today, I have spent a great deal of time in my hometown lately, outside of the Washington Beltway, in real America, where the pain of our changing economic and political landscape is felt daily and most deeply.

In the case of my own hometown, the end of the cold war has been economically devastating. As I stand here, there are nearly 43,000 men and women who have lost their jobs through no fault of their own. Most are former defense workers who must dig themselves out of the rubble left by political events on the other side of the world. Others are victims of our struggling economy. All of them are shell shocked by the lack of economic opportunity available to them.

There is very little suspense today behind this debate on H.R. 4095. The American people know we will extend unemployment benefits for an additional 13 weeks and unemployed workers in this country will be able to make it another day. But what about all of the days to follow?

Mr. Speaker, when we finally approve H.R. 4095 today, our work will be far from finished.

Just how much longer will Congress and the administration extend emergency unemployment benefits while ignoring the need for new economic opportunities to help unemployed Americans rebuild their future? Just how much longer will Congress and the administration turn a blind eye to the economic reforms that this country so desperately needs?

Mr. Speaker, we need to renew our commitment to America's future. We need economic incentives to encourage American business to create new jobs that will take advantage of this country's highly skilled work force. We need incentives to encourage businesses to invest in areas that are hurting, and we need incentives to encourage our highly skilled workers to remain in these areas.

But incentives for American business are only part of the formula for American economic renewal. We must also look beyond our own borders and reform the way we do business with our trading competitors. That means telling the Japanese and our other economic competitors the facts—either they open up their markets to us or we will deny them access to ours. And words are not enough. We must follow up tough talk with tough action, with trading policies that will level the playing field for American workers.

And once the doors of fair trade are open, we need worker retraining programs that will prepare our workers for the fierce international competition they will face. We have the most capable and hard-working men and women in the world right here in America. Their toughest competitor should not be the out-of-date retraining policies within their own country.

Mr. Speaker, the clock is ticking for the 43,000 unemployed workers in my hometown. An additional 13 weeks of unemployment benefits should only be the beginning of our ef-

forts to get them back on their feet. These benefits will keep food on their tables and the wolf from the door, but they won't help to create one new job.

They won't get north Texas back to work, and they won't get America back to work. For that, we have much work left to do.

Mr. LEVINE of California. Mr. Chairman, I rise today in strong support of extending unemployment benefits to the millions of laid-off workers who are the real victims of the current recession.

In my own State of California, we lost 660,000 jobs since the recession began in 1990. Many of our key industries such as high technology, agriculture, and aerospace have been particularly hard hit by the recession.

And, because of the stagnant national economy, those who have lost their jobs in these and other sectors have found it extremely difficult to find work.

Passage of this legislation will temporarily ease the pain of the unemployed. Hopefully, it will allow them to keep their homes, put food on their table, and pay some of their bills.

I am also pleased that the President, rather than fighting against this extension, and turning his back on the recession's victims as he did last year, has said that he will sign this bill.

But passage of this benefits bill is no solution to the problem. While it will ease some pain, it will do nothing to get Americans back to work and deal with our economy's underlying ills.

Congress and the President must get serious about enacting a legislative program to prepare our economy for the challenges of the 1990's and the 21st century.

While the President did offer some useful ideas in his State of the Union speech which Congress should enact quickly, he failed to offer any sort of plan to prepare our workforce or our business sector for the challenges of the post cold war world.

Since he seems to be without any useful ideas, I thought I would take a moment to offer a few of my own. First, and most important, we need to get serious about retraining our displaced workers. Many, and probably most, of the jobs lost in the current recession will be lost forever. They are victims of the restructuring we can expect to see more, not less, of in the future.

In order to cope with these changes in our economy, workers will need to become life long learners. Just as we invest in our children's education, we must be willing to invest in training and retraining our workers. If the United States is to compete in the high technology, knowledge-intensive economy of the future, we must ensure that we have the best trained, best educated workers anywhere in the world.

Similarly, we need a Federal Government committed to encouraging job creation and improving our international competitiveness. Once again, in this key area the President was silent in his State of the Union Message.

We cannot continue to do business as usual in the post cold-war world. We need to reorder our priorities and restructure our Government to prevail in the global economic competition of the 21st century just as we prevailed in the cold war.

I have proposed a number of ways to help accomplish this goal. Among them are:

Reprioritizing Federal R&D spending: We currently devote 70 percent of Federal R&D spending to the military. At the very least that percentage should be equalized, and ultimately, reversed.

Reorganize, the Federal bureaucracy: The Commerce Department should be reorganized into a department of industry and trade, with an advanced civilian technologies agency, a civilian counterpart of DARPA as a key part.

Technology Corporation of America: Just as the Radio Corporation of American [RCA] played a key role in making the United States the preeminent force in developing radio technology we need a TCA to provide desperately needed capital and assistance in the development of new products and technologies.

Invest in America: We need to orient our Federal spending priorities to invest in our country's future rather than squandering Federal dollars as we did in the 1980's. This means increased spending on education, physical infrastructure, and the infrastructure needed to compete in the high technology world of the future.

These are a few of the ideas I wish the President had mentioned in his State of the Union and that I hope that Congress will take action on this year.

As important as the extension of unemployment benefits is, it is only a stop-gap solution to the problems plaguing our economy.

I have no doubt that the United States has the ability to remain the dominant force in the world economy in the 21st century. But in order to do so we need to prepare now. We cannot afford to drift along without a leader or a plan.

Mr. MARKEY. Mr. Speaker, many of the Nation's millions of unemployed workers have been saved from the precipice of financial disaster by the two recently passed extensions of the emergency unemployment benefits. However, we are now learning that due to an unforeseen technical inconsistency in the law, tens of thousands of unemployed workers will not receive the full extension of benefits that is due to them.

I am pleased to introduce legislation, along with Representative MOAKLEY and others, to correct that inconsistency and assure that the unemployed receive the full benefits that are due them. The Unemployment Benefits Assurance Act of 1992 is also being introduced in the Senate by Senator EDWARD KENNEDY. Its timely passage is necessary to keep the unemployed from unfairly losing their benefits.

H.R. 4095, as was H.R. 3575 before it, was a necessary and timely bill. The 13 extra weeks will mean the difference between survival and catastrophe for millions of Americans, including many thousands of Massachusetts residents. While our passage of this bill was essential, a technical problem in the law will mean that many of our Nations' unemployed will be prevented from receiving their complete extension. This technical problem results from the interaction of State and local benefit calculations rules for claimants who are in their second year of benefits. This technical problem can affect unemployed individuals across the Nation, but particularly in the following 15 States: Massachusetts, Washington, Michigan, California, Maine, Pennsylvania, Alaska, Connecticut, Mississippi, New Jersey,

Oregon, Puerto Rico, Rhode Island, Vermont and West Virginia.

Ironically, those who will be prevented from receiving their complete extension are the very individuals who somehow found work part-time, or work for some temporary period, during the last difficult year of recession. It is these people who will be locked out of their full Federal supplemental compensation benefit solely because they were fortunate enough to find some work during their first year of benefits.

States calculate benefits in benefit years, or 52 week periods in which an individual is entitled to receive unemployment compensation. If a person's benefit year expires while they are receiving Federal supplemental compensation, their claim must be interrupted while they file a new claim for regular State benefits.

When the new claim is filed, the States take into consideration any wage earnings from part-time or temporary employment during the previous year. If such earnings are too high—\$1,300 in California and \$1,200 in Massachusetts for example—the individual will not be allowed to resume collecting Federal supplemental compensation benefits.

Instead, these workers will qualify for a new State benefit year. Their new weekly benefit will be calculated using the lower wages, in some cases drastically lower wages, from the part-time or temporary employment. Consequently, the benefit that they receive will be far lower than the Federal supplemental compensation.

These unemployed, penalized for working in some capacity, will not receive the assistance of the emergency benefits which we secured for Americans just like them. These people would have been better off not having worked at all. That is not the message the Congress intended to send to the unemployed with the passage of The Emergency Unemployment Compensation Act and its extension.

Today's legislation is an essential step that is needed to rectify this situation. This legislation would require the unemployed to file their new State claim, but allow them to elect to receive their Federal supplemental compensation. Once a claimant's Federal benefits were exhausted, they could begin their second State claim. This would ensure that their original goal of providing emergency aid to the unemployed is not diverted. I urge my colleagues to join me in cosponsoring this bill and working for its speedy passage.

Mr. ARCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DOWNEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McCLOSKEY). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4095, as amended.

The question was taken.

Mr. DOWNEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement,

further proceedings on this motion will be postponed.

#### PERSONAL EXPLANATION

Mr. DYMALLY. Mr. Speaker, due to a medical appointment in Los Angeles, I was unable to vote on H.R. 4095, the Emergency Unemployment Compensation Act and House Resolution 341, the October Surprise task force resolution.

Had I been present, I would have voted "yea" on both bills.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4046

Mr. TALLON. Mr. Speaker, I ask unanimous consent to have the name of the gentleman from Florida [Mr. LEWIS] removed from cosponsorship of H.R. 4046.

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

There was no objection.

#### REAUTHORIZING TITLE I OF THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972

Mr. HERTEL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3749) to reauthorize title I of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended.

The Clerk read as follows:

H.R. 3749

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

#### SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 111 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1420) is amended by striking "for each of" and all that follows through the end of the section and inserting the following: "for fiscal year 1991 and not to exceed \$14,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995, to remain available until expended."

#### SEC. 2. SEIZURE AND FORFEITURE.

Section 105 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415) is amended by adding at the end the following:

"(1) SEIZURE AND FORFEITURE.—

"(1) IN GENERAL.—Any vessel used to commit an act for which a penalty is imposed under section 105(b) shall be subject to seizure and forfeiture to the United States under procedures established for seizure and forfeiture of conveyances under sections 413 and 511 of the Controlled Substances Act (21 U.S.C. 853, 881).

"(2) LIMITATION ON APPLICATION.—This subsection does not apply to an act committed substantially in accordance with a compliance agreement or enforcement agreement entered into by the Administrator under section 104B(c)."

#### SEC. 3. NATIONAL FISH AND WILDLIFE FOUNDATION.

Notwithstanding any law, interest earned by the National Fish and Wildlife Foundation and its subgrantees on Federal funds drawn down but not immediately disbursed

shall be used to fund direct projects and programs as approved by the Foundation's Board of Directors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. HERTEL] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. SAXTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. HERTEL].

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

Mr. Speaker, today the House of Representatives is considering H.R. 3749, the reauthorization of title I of the Marine Protection, Research, and Sanctuaries Act of 1972, commonly referred to as the Ocean Dumping Act. This legislation would extend existing provisions of the Ocean Dumping Act and provide a slight increase in the current authorization total from \$12 to \$14 million for each fiscal year from 1992 through 1995.

The Ocean Dumping Act of 1988 regulates the transportation and dumping of a variety of waste and hazardous materials into ocean waters. Under the direction of the Army Corps of Engineers and the environmental Protection Agency, restrictions are in force to limit the type, the extent, and the location of sludge and waste materials dumped into ocean waters. Permits are issued under strict guidelines to ensure that human and environmental health are not compromised. In fact, EPA has not issued new permits since 1988, and outright dumping of radiological, chemical, biological warfare agents, radioactive waste, and medical waste is prohibited under the Ocean Dumping Act.

A civil and criminal penalty structure is established under the Ocean Dumping Act to punish violators. H.R. 3749 amends section 105 of the act adding a new subsection (i) to authorize the seizure and forfeiture of any vessels used in knowing violation of the restrictions on ocean dumping. Liability for seizure, forfeiture, and disposal of materials carried as cargo are to be borne by the violating vessel titleholder.

In hearings before the Merchant Marine and Fisheries Committee, the Ocean Dumping Act was evaluated and found to have had a positive impact in limiting ocean dumping and preserving the public health. H.R. 3749 was subsequently introduced to extend the act without substantial changes. The House Public Works and Transportation Committee supports H.R. 3749.

The Merchant Marine and Fisheries Committee amendment on H.R. 3749 makes a change in the manner in which interest earned on donations to the National Fish and Wildlife Foundation are directed. This portion of the bill is solely within the jurisdiction of the Merchant Marine and Fisheries Committee and is necessary to make

permanent a change afforded through the 1992 appropriations bill for the Department of the Interior last year.

Given these explanations of the bill before us, Mr. Speaker, I ask that the House adopt H.R. 3749 today and by so doing ensure that controls on ocean dumping remain in effect.

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

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

Mr. Speaker, first let me commend the gentleman from Michigan [Mr. HERTEL], the chairman of the subcommittee, for the expeditious way in which this bill was handled throughout the committee process, as well as one of its prime sponsors, the gentleman from New Jersey [Mr. HUGHES], who for many years has played a very important and leadership role in getting us to the point where we are this afternoon in consideration of this bill.

Mr. Speaker, the Ocean Dumping Act is the established permit and enforcement system for controlling the disposal of materials into the ocean. Ironically, through its review and testing process, it has also provided a mechanism to stop some of the most egregious abuses of our ocean and coastal waters, while at the same time allowing for the careful disposal of dredged materials vital for maintaining our Nation's ports.

The permitting system established by the Ocean Dumping Act has forced dumping activities to be subjected to environmental standards necessary for the protection of human health, and necessary to protect our Nation's fishery resources and the marine ecosystems on which they depend.

As a result of enforcing these environmental determinations, this body has acted to ban the ocean dumping of radioactive waste, chemical warfare agents, and more recently medical and industrial wastes.

I am pleased to remind my colleagues that the Congress will add another item to that list of banned abuses when the ocean dumping of sewage sludge will finally end this year in June.

This reauthorization of the Ocean Dumping Act will continue the resources necessary for providing the environmental evaluations and enforcement activities vital for protecting our ocean and coastal habitats from unsound practices.

I urge my colleagues to support this reauthorization.

Mr. Speaker, I would like to make a final observation.

I note that section 2 of the bill, which authorizes the seizure and forfeiture of vessels used in criminal violations of the Ocean Dumping Act, will not apply to vessels used to transport and dump sewage sludge from certain New York municipalities in 1992, as long as they are in substantial compliance with their Environmental Protec-

tion Agency enforcement or compliance agreements. I appreciate Congresswoman LOWEY's cooperation in drafting this section of the bill, which I believe will strengthen EPA's enforcement options.

I urge my colleagues to also support this measure.

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

Mr. HERTEL. Mr. Speaker, I wish to thank my good friend the gentleman from New Jersey [Mr. SAXTON] for all of his leadership in this area, as well as that of the entire New Jersey delegation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. NOWAK].

Mr. NOWAK. Mr. Speaker, I wish to engage in a brief colloquy with the gentleman from Michigan [Mr. HERTEL].

Mr. Speaker, the bill presently under consideration, H.R. 3749, extends the authorization for the Ocean Dumping Act, which provides for the regulation by the Corps of Engineers and the Environmental Protection Agency of dumping of materials in the ocean. Since the 97th Congress, bills dealing with the Ocean Dumping Act reported by the Committee on Merchant Marine and Fisheries, have traditionally been sequentially referred to the Committee on Public Works and Transportation in light of our jurisdiction over the regulatory program of the Corps of Engineers and pollution of navigable waters.

□ 1400

H.R. 3749, through an inadvertence, was not sequentially referred. We requested a delay in its consideration so that we might determine whether we wished to make substantive amendments before seeking a sequential referral, as we did not wish to unduly delay the bill's consideration.

We have no such amendments and therefore have concurred in the consideration of the bill.

Mr. HERTEL. Mr. Speaker, I thank the gentleman for his explanation and concur with his assessment of jurisdiction and the history of sequential referrals. I appreciate his cooperation in assuring that this bill was brought to the floor at an early date and that we passed it today.

Mr. NOWAK. Mr. Speaker, if the gentleman will continue to yield, I thank the gentleman and was pleased to be of assistance in this matter.

Mr. HERTEL. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES], who has been a leader on this issue and many others that are before the Committee on Merchant Marine and Fisheries.

Mr. HUGHES. Mr. Speaker, I thank the distinguished gentleman from Michigan [Mr. HERTEL] for yielding time to me.

I would like to first of all commend my colleague, the gentleman from Michigan [Mr. HERTEL] for his leadership not just in ocean dumping but in a whole host of ocean policy issues.

Mr. Speaker, I rise today in support of title I of the Marine Protection, Research, and Sanctuaries Act which reauthorizes the Ocean Dumping Ban Act.

The issue of ocean dumping has been of interest to me throughout my tenure in Congress. Ocean dumping has been a primary source of pollution for the better part of a century, but with the enactment of the Ocean Dumping Ban Act, all dumping of municipal and industrial wastes in the ocean has ceased almost entirely.

Most cities and over 300 chemical dumpers that once dumped their sludge into the ocean have found environmentally sound alternatives. This has been largely due to legislation Congress overwhelmingly approved, which I authored in 1977, to end the ocean dumping of sewage sludge and industrial waste by December 31, 1981.

Unfortunately this law did not go unchallenged and during the 100th Congress, enactment of the Ocean Dumping Ban Act once again called for an end to the ocean dumping of sewage sludge and industrial waste. This law is comprehensive in scope, combining a ban on the ocean dumping of sewage sludge and industrial waste after December 31, 1991, with funding and enforcement mechanisms necessary to ensure that environmentally sound alternatives are developed.

I want to thank the gentleman from Michigan for his assistance and leadership in moving that legislation through and in particular the gentleman from New Jersey, JIM SAXTON, who picked up the reins after Ed Forsythe passed on and the gentleman from New Jersey, JIM SAXTON, has been one of the leaders in this area and ocean policy generally.

I appreciate his bipartisan assistance in making this legislation possible.

As a result, the remaining six New Jersey municipalities that once used the 106-mile dumpsite off Atlantic City ended the ocean dumping of their sewage sludge on March 17, 1991. Only the city of New York has been unable to meet the December 31, 1991 deadline. Instead, they will come into compliance by the end of June 1992.

The Ocean Dumping Ban Act also addresses the problems associated with medical and other waste. It places tough new restrictions and penalties on the dumping of medical wastes in coastal waters, and sets stringent regulations on the handling and transportation of garbage by barge.

Little is known about the long-term effects that dumping will have on marine ecology. We can't afford to ignore the potential impact of metals and organic compounds on marine life in the

deep ocean and throughout the ecosystem. Therefore, it is essential to the preservation and protection of our fragile marine resources to reauthorize the Ocean Dumping Ban Act.

Accordingly, I strongly support title I of the Marine Protection, Research, and Sanctuaries Act, and urge my colleagues' favorable consideration of this legislation.

My colleague from the Committee on Public Works and Transportation just entered into a colloquy with the gentleman from Michigan. The Committee on Public Works and Transportation has been an important player, and nobody has provided more leadership in joining with the Committee on Merchant Marine and Fisheries than the gentleman from New Jersey [Mr. ROE], our colleague, the dean of our delegation, who at great risk to his own political base supported ocean dumping as well as the gentleman from New York, HENRY NOWAK.

Mr. HERTEL. Mr. Speaker, I thank the gentleman from New Jersey [Mr. HUGHES] for his leadership in this and many environmental areas. It is also proper that we should thank the gentleman from New Jersey [Mr. ROE] for all his help and assistance in this area.

Mr. Speaker, I yield 5 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I rise in strong support of H.R. 3749, legislation to reauthorize title I of the Marine Protection, Research, and Sanctuaries Act—better known as the Ocean Dumping Act.

I want to express my appreciation to the chairman of the full committee, Mr. JONES, and to the chairmen of the subcommittees on Fisheries and Wildlife Conservation and the Environment, and Oceanography and Great Lakes, Mr. STUDDS and Mr. HERTEL, for their expeditious work in bringing this measure to the floor. Their prompt action in moving this legislation reflects the wide support in Congress for the Ocean Dumping Act's provisions and the well recognized success of its programs to regulate ocean discharges.

This straightforward reauthorization provides \$14 million per year through 1995 to support the various permitting, enforcement, and monitoring activities of the Army Corps of Engineers, the Environmental Protection Agency [EPA], the Coast Guard, and the National Oceanic and Atmospheric Administration [NOAA]. The Ocean Dumping Act and its amendments have made a significant contribution to improving coastal water quality in this country. Congress should provide this program the necessary authority and funding to continue its important work.

The success of the Ocean Dumping Act's programs is clear to anyone who visits the beaches around the New York metropolitan area, where wash-

ups of medical waste slicks and drums of toxic material are becoming a more and more distant memory. The investment in controlling hazardous and medical waste dumping has paid off by the tens, even hundreds of millions of dollars in tourism gained each year by making the New York area's beaches free of harmful waste. Few programs authorized by Congress can match the cost-benefit ratio achieved by the Ocean Dumping Act.

After June 30 of this year, all ocean dumping of sewage sludge will have ended due to the successful implementation of the Ocean Dumping Ban Act. I am pleased to say that Westchester County met the deadline prescribed in the legislation and is now working to develop and implement a permanent alternative to ocean dumping sewage sludge. This summer, New York City is scheduled to become the last municipality to close the door on sludge dumping.

Spurred on by the Ocean Dumping Act, virtually all of the municipalities who once relied on ocean dumping are now investigating or developing innovative, beneficial uses for their sludge, including using it as fertilizer, top soil, or landfill material. By continuing to fund the ODA's programs, we can help these communities complete a successful transition away from ocean dumping sewage sludge and toward alternatives that make economic and environmental sense.

The Ocean Dumping Act also includes tough penalties to help ensure that the time and money spent on permitting and monitoring ocean dumping is not nullified by careless or criminal behavior at sea. H.R. 3749 contains a provision to strengthen the hand of enforcement agencies even more by authorizing the seizure and forfeiture of vessels used to commit criminal violations of the Ocean Dumping Act.

This provision, which I offered as an amendment in committee, provides the Justice Department the authority to seize the vessels of criminal ocean dumpers for whom fines and other penalties are not a sufficient deterrent. In the New York metropolitan area, we have seen numerous cases in which certain hauling companies have continued to dump illegally after being caught and fined. This provision hits those companies where it hurts by authorizing the seizure and forfeiture of vessels used to foul our marine environment.

This measure was inspired by a bill introduced by Congressman GEJDENSON and is narrowly drawn in order to target only criminal activity as defined by the Ocean Dumping Act. Vessels involved in accidents or equipment failures, which lead to unintentional releases, will not be subject to forfeiture. The amendment also specifically exempts communities, including New York City, that are engaged in sludge dumping pursuant to enforcement

agreements, provided for by the Ocean Dumping Ban Act.

The Ocean Dumping Act has resulted in a significant reduction in harmful ocean dumping in our waters, and sludge dumping will soon cease altogether. Despite these efforts, unscrupulous marine haulers and other criminals, who are willing to risk being fined, are continuing to dump in our waterways, mocking Federal law and endangering the marine environment. There have even been reports about the dumping of radioactive material off the coast of Massachusetts. Under current law, the Federal Government would not be able to seize the vessels of those responsible for these heinous crimes.

This legislation will add some needed muscle to ODA enforcement efforts and will help to ensure that the success of the Ocean Dumping Act continues unimpaird. I urge adoption of this legislation.

□ 1410

Mr. HERTEL. Mr. Speaker, I thank the gentlewoman from New York for all of her support and really her leadership in this entire area.

Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I would first like to thank Chairman HERTEL and the gentlewoman from New York [Mrs. LOWEY], as well as the gentleman from North Carolina, Chairman JONES, and the gentleman from Massachusetts, Chairman STUDDS, and the gentleman from Michigan [Mr. DAVIS] and their staffs for working on this provision.

One of the things that has always struck me is that as we try to deal with environmental problems, whether at sea or on land, oftentimes we end up with a situation where the penalties are worth the risk when looked at economically, and the penalties for violating the law are so small and the cost of proper disposal becomes too high. For some medical wastes, the cost of proper disposal runs as high as \$2,000 a ton, and some of the fines for ocean dumping are as low as \$50,000. With a quick calculation, some of these companies have figured out that it was well worth the risk of a \$50,000 fine per violation as compared to the hundreds of thousands of dollars it might cost to legally dispose of their hazardous substances.

So, what the committee does today in this legislation which I introduced in the previous Congress, with the great support of Chairman HERTEL and particularly Representative LOWEY, is I think an important step forward. I can remember as a young man reading two books by Thor Heyerdahl in his travels across the ocean in which there was about a 20-year gap, and in his most recent trip as he took it across the ocean what struck him most was 20 years earlier it was an ocean virtually without

pollution as he traveled from Europe to the United States or from Africa to the United States. But in his more recent trip, the whole trip was covered by slicks and debris in the ocean waters. We need to understand that this planet we live on does not have the absorptive powers we once believed it did to deal with any pollution, and the laws we pass here will go a long way to protecting our natural resources, the fish we eat and the water that we and our children swim in in the oceans.

So I would just like to thank the committee for including this provision and for the great work it has done in protecting our oceans and our sounds.

Mr. Speaker, I rise today in strong support of H.R. 3749, legislation to reauthorize title I of the Marine Protection, Research, and Sanctuaries Act of 1972. In particular, I would like to express my support for section 2, which authorizes the seizure and forfeiture of vessels used to illegally dump waste into our Nation's oceans and waterways. I would especially like to express my appreciation to Representative LOWEY, my fellow Long Island Sound colleague for her tireless efforts on this bill, to Chairman HERTEL for his support, to Chairman STUDDS, Representative DAVIS and Chairman JONES and their staffs for all of their hard work and advice in crafting this language.

For the past several Congresses, I have introduced legislation very similar to this section, the Illegal Dumping Prevention Act, which would give the Environmental Protection Agency [EPA] and the Attorney General, the enforcers of the Nation's ocean dumping laws, the authority and flexibility that they need to seize boats and other vessels of waste transporters found guilty of illegally dumping waste, which will provide a strong incentive for potential polluters to comply with the laws.

At the end of the 100th Congress, legislation was passed and signed into law to ban future ocean dumping of sewage sludge. It also set tougher penalties for those caught dumping medical waste. However, the Illegal Dumping Prevention Act and section 2 of H.R. 3749, give the enforcers of the Ocean Dumping Act the additional muscle and flexibility to more effectively stop the illegal dumping of all types of waste. It will give these entities greater ability to deal with the short dumping of sewage sludge and waste that is permitted to be dumped in a particular site, but which is intentionally dumped short of the designated location.

This legislation will provide an additional sentencing option for the EPA and the Attorney General and more importantly provides a strong incentive for waste disposers and transporters to comply with the laws on the books. Failure to comply could result in the loss of their vessel and thus the potential loss of their livelihood.

Mr. Speaker, for most waste haulers the laws prohibiting ocean dumping and the fines associated with them are a sufficient deterrent. However, for some that is not the case. For some waste haulers, the cost of proper disposal far exceeds the potential fines for violations and thus for them, illegal dumping is worth the risk.

For some types of waste, including medical waste, hazardous and radioactive waste, prop-

er disposal can cost more than \$2,000 per ton, yet the fines can be as low as \$50,000 per violation. It doesn't take an accountant to figure out that in these cases it can be cheaper to violate the law and pay the fine if they get caught.

In the Long Island Sound, for example, two ocean-going ships are currently being prosecuted for entering the Port of New Haven without any garbage on board because they are presumed to have dumped it overboard. According to some sources, this was not their first offense. For these ships—though not waste transporters but ocean vessels—they made a choice to dump their waste into the Long Island Sound. If guilty, this shipper made a conscious decision to take the risk on getting caught and simply pay the fine. For them, the penalties and fines are clearly not a deterrent. Vessel forfeiture, on the other hand, would definitely make them think twice about intentionally fouling the Long Island Sound or the ocean.

In 1983, Mr. Speaker, a number of fishermen reported that they were dragging up barrels containing radioactive waste in the Massachusetts Bay. Although some of the barrels were disposed of in a predetermined site by the Manhattan Project more than 20 years earlier, scientists from the EPA and the National Undersea Research Centers examined the drums and determined most of them could not have been 20 years old. The rust and degradation showed that they could not have been more than 4 or 5 years old. Although the specific contents of these barrels is not clear, they are presumed to contain hazardous materials. And while proper disposal of most types of hazardous waste can cost more than \$2,000 per ton, considering the amount of this type of waste that is generated, the cost of proper disposal would still be higher than the fines for dumping illegally. For the dumpers of this waste, taking the chance of getting caught and paying the fines was still worth the risk.

Had this bill been law, these illegal dumpers may have thought twice about dumping hazardous wastes into the Massachusetts Bay and potentially poisoning one of the richest fishing grounds in the United States.

Mr. Speaker, the intent of this legislation is to provide additional muscle for the enforcers of the Ocean Dumping Act to crack down on repeat violators of the act who clearly are not deterred by the existing fines. It will also provide a strong economic incentive for waste haulers and shippers to comply with the law or face the loss of their boat.

In drafting the legislation and the amendment offered by Mrs. LOWEY of New York in the Merchant Marine and Fisheries Committee, we were very careful to ensure that accidental dumping or dumping activities that are in accordance with a compliance agreement are not subject to this act.

Though vessels can only be seized when waste transporters are found guilty, this bill sends a strong signal to illegal dumpers that their actions will no longer be tolerated. Illegal dumping threatens a vital economic and environmental resource on which our entire Nation depends and this legislation provides a strong economic incentive for waste transporters and shippers to comply with the laws. Section 2 of H.R. 3749 provides a tough sentencing option

to use against those who profit from polluting and it makes it clear that we are serious about protecting our oceans.

I urge my colleagues to join me in support of this legislation and in sending that strong signal. It is time that we made it clear that polluters must stop using our oceans and waterways as their personal sewers.

Mr. HERTEL. Mr. Speaker, I want to thank the gentleman from Connecticut again for originally having had the idea as amended in the bill to deal with seizure and forfeiture and disposal of materials, and also again thank the gentlewoman from New York [Mrs. LOWEY] for introducing that in the committee.

Mr. Speaker, I yield my remaining 3 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I want to thank Chairman HERTEL for his efforts on behalf of this bill. I basically want to indicate my strong support for reauthorization of this legislation.

I think when the legislation was first proposed a few years ago no one realized necessarily how far flung it would be and how effective it would be. I know that it has been tremendously effective along the Jersey shore in terms of making sure that we are out of the ocean with our sludge.

The process that was set forth in the bill originally has led to a situation pursuant to consent decrees where as far as the State of New Jersey is concerned now all of the sludge that was being dumped off the coast is now out of the ocean and being disposed of on land, and we know that soon in 1992, maybe within the next few months, we will also see the end of ocean dumping of sludge material by the city of New York. That has a far-reaching effect. It has not only had effect in terms of dumping of sludge material, but also in other areas. I think within the State of New Jersey—and certainly nationwide—the effort has continued to try to remove ocean dumping of other sources, such as wood burning material, which has now also ended off the coast of New Jersey.

I just want to commend the sponsors, particularly my two colleagues, the gentlemen from New Jersey, Mr. HUGHES and Mr. SAXTON, who were also very instrumental from the very beginning in pushing for this legislation against some great odds at the time, and want to indicate that we are very much in support of this reauthorization and also very much supportive of the notion that we want to stop ocean dumping, not only of sludge material, but all other forms of dumping that continue to take place, in some cases off the coast, and we will be working in the context of the reauthorization of the Clean Water Act this year to address some of the other ocean dumping problems that relate to this, such as the dumping of toxic dredge materials.

Mr. JONES of North Carolina. Mr. Speaker, today I rise in support of H.R. 3749, a bill to

authorize appropriations to carry out title I of the Marine Protection, Research, and Sanctuaries Act at \$14 million a year for fiscal years 1992 through 1995. The bill also authorizes the seizure and forfeiture of vessels used to criminally violate title I.

Appropriations authorized under title I are used by the Environmental Protection Agency to regulate the dumping of sewage sludge in the ocean, designate and manage ocean disposal sites, and develop ocean dumping criteria.

Title I was authorized at \$12 million a year until fiscal year 1991. Therefore, H.R. 3749 represents an increase of \$2 million a year. This additional money will enable the Environmental Protection Agency to improve monitoring of its ocean disposal sites and to develop management plans for those sites.

H.R. 3749 will enable the Environmental Protection Agency to continue to expand its important title I regulatory activities, as well as allow enforcement agencies to take tough enforcement actions against violators of the act.

Finally, this bill contains an important provision for the National Fish and Wildlife Foundation. Section 3 directs that interest earned on Federal funds by the Foundation and any of its cooperating organizations—for example, Ducks Unlimited, Nature Conservancy, State and local governments—must be used to fund projects and programs. Interest may not, therefore, be used to fund the administrative costs of the foundation.

This provision effectively overrides OMB Circular A-110 which otherwise requires such interest to be returned to the Treasury, and a portion of Circular A-133 dealing with the auditing of interest earned on Federal funds. Compliance with these circulars would not only prevent use of interest revenues for fish and wildlife conservation, but would also require an elaborate accounting system to be implemented by the Foundation, detracting further from its conservation mission. Similar language was included in the fiscal year 1992, Appropriations Act for the Department of the Interior—Public Law 102-154—which forgave repayment of interest earned on funds drawn down to date but did not solve the problem permanently.

Although the committee intends that the Foundation be exempt from the elaborate accounting procedures necessary to comply with Circular A-133, it is expected that the Foundation will keep track of amounts accrued as interest on Federal funds in order to ensure that they are used solely for projects and programs and not for administrative costs.

I urge support for this legislation.

Mrs. MINK. Mr. Speaker, I rise today in strong support of H.R. 3749, the Ocean Dumping Act, which provides for the regulation of the transport and dumping into ocean waters of materials such as dredged material, solid waste, incinerator residue garbage, sewage, sewage sludge, munitions, radiological, chemical and biological warfare agents, radioactive materials, chemicals, biological and laboratory waste, wrecked or discarded equipment, rock, sand, excavation debris, and industrial, municipal, and agricultural waste.

Violation of the Ocean Dumping Act can result in a civil penalty of up to \$50,000. A knowing violation can result in a criminal fine

of up to \$50,000, imprisonment for up to 1 year, or both. The penalties for violations involving medical waste dumping are substantially higher: \$125,000 for a civil violation and \$250,000 and/or 5 years imprisonment for a criminal violation.

Finally, this law authorizes the seizure and forfeiture of any vessels used to criminally violate these regulations.

I cannot adequately stress the importance of this issue. In my own State of Hawaii, we know only too well the profound value of our oceans, and the absolute necessity that we take care of them. We also feel firsthand the adverse effects of oceanic pollution.

We rely on the fish we catch for our diet and our economy, and we are acutely aware of the impact of pollution on this as well. Many of the pollutants being dumped into the oceans, often illegally, are being eaten by fish.

In addition, the dumped waste adds nutrients to the water, overloading the ecosystem and exacerbating existing problems like the low oxygen levels that we have seen in areas along both the east and west coasts. This is also responsible for a dramatic rise in the incidence of red tides of algae.

Red tides are bursts of growth by different species of algae or microscopic floating plants at the base of the ocean food chain. They usually aren't toxic and often aren't red—they can be brown, yellow or colorless, and they can be harmless. But now we are seeing more red tides that are toxic, and we are seeing them more often. The poisons in toxic red tides are transmitted to people through filter-feeding shellfish such as mussels, clams, and oysters, which strain nutrients from sea water and concentrate toxins in their internal organs.

Experts say that a worldwide epidemic of harmful algal blooms is developing due to many factors. These include global warming and coastal pollution. But this epidemic is also due to the dumping of sewage and industrial wastes. Blooms are cropping up in new places, and formerly nontoxic algae are turning toxic. The pattern suggests that red tides are becoming a major planetary trend, like acid rain and ozone-layer thinning.

Indiscriminate dumping of industrial garbage and hazardous waste is increasingly in the news. We have seen beaches closed along the continental east coast because of waste washing up on shore. It is high time that polluters are prevented from using our oceans as a dumping ground. This is a fundamental economic resource we are talking about; it is also a profoundly important component of our environment.

H.R. 3749 will allocate needed funds so that we can address this crucial problem; \$14 million a year is not too much to spend to protect the oceans from the illegal dumping of sewage and industrial wastes. This bill will also provide the Coast Guard and the EPA with mechanisms of enforcement that will send a strong signal to potential polluters that we are serious about protecting our oceans. I urge my colleagues to join me in supporting this crucial legislation. Vote yes on H.R. 3749.

Mr. HOCHBRUECKNER. Mr. Speaker, today the House will vote on passage of H.R. 3749, the Ocean Dumping Act authorization. This measure provides for greater protection of the marine environment.

As Congressman for the First Congressional District of New York, I have been at the forefront of the battle to end ocean dumping. As many of my colleagues know, my district is bordered by water on three sides. Hoping to bring back the health of our marine environment, I was an original cosponsor of S. 2030, the Ocean Dumping Act of 1988. S. 2030 banned the ocean dumping of sewage sludge by New York and New Jersey.

I would like to highlight a particular provision of the original act that I believe is of the utmost importance. The act instructs the Federal Government to give Peconic Bay, a body of water on the east end of Long Island, priority consideration by the Environmental Protection Agency [EPA] for inclusion in National Estuary Program [NEP]. Peconic Bay is a vital national resource, supporting a wide range of economic activities including fishing, tourism, boating, and farming.

Although the three other estuaries listed in the law have already been included in the NEP, Peconic Bay awaits action by the EPA.

Mr. Speaker, I urge my colleagues to pass the Ocean Dumping Act authorization as it continues to create a healthier marine environment and remind everyone that our work on this issue will not be complete until Peconic Bay is protected as well.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HERTEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCCLOSKEY). The question is on the motion offered by the gentleman from Michigan [Mr. HERTEL] that the House suspend the rules and pass the bill, H.R. 3749, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. HERTEL. 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. 3749, the bill just passed.

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

There was no objection.

#### REPRINTING OF THE PUBLICATION "CONSTITUTION OF THE UNITED STATES"

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 206) to provide for the printing of the Constitution of the United States of America.

The Clerk read as follows:

H. CON. RES. 206

Resolved by the House of Representatives (the Senate concurring). That the revised edition

of the pamphlet entitled "The Constitution of the United States of America", prepared under the direction of the Committee on the Judiciary of the House of Representatives, shall be printed as a House document, with appropriate illustrations. In addition to the usual number, there shall be printed 241,500 copies of the pamphlet for the use of the House of Representatives (of which 20,000 copies shall be for the use of the Committee on the Judiciary), 51,500 copies of the pamphlet for the use of the Senate, and 5,000 copies of the pamphlet for the use of the Joint Committee on Printing.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. ANNUNZIO] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

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

Mr. Speaker, House Concurrent Resolution 206 is sponsored by the Honorable Jack Brooks, chairman of the Judiciary Committee. The resolution calls for the printing of a revised edition of the pamphlet entitled "The Constitution of the United States of America."

This publication is one of the most requested resources available on the Constitution and is extensively used by the House of Representatives, the U.S. Senate and the American public. This illustrated and informative House document offers a brief overview of the history and development of the U.S. Constitution along with the full text of the Constitution and all of its amendments.

The last printing of this useful and popular House document was in 1987, the year which marked the Constitution's Bicentennial. Since that time numerous requests for copies of the pamphlet have exhausted the supply.

House Concurrent Resolution 206 calls for 241,500 copies to be used by the House of Representatives which would provide each Member with 500 copies. 51,500 copies are to be used by the Senate and 5,000 for the Joint Committee on Printing.

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

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

Mr. Speaker, I rise in support of House Concurrent Resolution 206 and urge Members to agree to the concurrent resolution.

Mr. BROOKS. Mr. Speaker, as the sponsor of House Concurrent Resolution 206, which provides for the printing of the Constitution of the United States of America, I wish to offer my strong support for it, and my appreciation to the Committee on House Administration for their favorable consideration.

The Constitution was last printed 4 years ago, in 1987. That year was, of course, the celebration of the Constitution's Bicentennial. Requests for copies of the Constitution since that time have exhausted the supply.

We recently celebrated the 200th anniversary of the adoption of the Bill of Rights, the first 10 amendments to the Constitution. This bicentennial event has once again sparked close attention to the hallowed document which sets out the durable structure of Government that has served our citizenry so well. Given the number and frequency of recent debates by this body on precepts underlying the Constitution, it is vital that the public have continuous access to the words behind the principles, which we all have sworn to defend.

House Concurrent Resolution 206 orders the printing of about 300,000 copies of the Constitution, with appropriate illustrations, primarily for the use of the House and Senate. Cost of this printing is estimated at \$204,000. I especially offer my thanks to Chairman ANNUNZIO for his determined efforts to bring this legislation before us today.

Mr. Speaker, the Constitution is not an abstract legal document, accessible only to lawyers and scholars, but one that every American can read and comprehend. It is no less than the Government's compact with the people—renewed with each successive generation. The resolution will allow this document to be disseminated widely throughout the Nation, both to Americans who cherish the Constitution as their birthright and to those who seek to learn about America through its most fundamental charter of liberty and the rule of law.

Mr. BARRETT. Mr. Speaker, I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ANNUNZIO] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 206.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The title was amended so as to read: "Concurrent resolution providing for the printing of a revised edition of the pamphlet entitled 'The Constitution of the United States of America' as a House document."

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 206, the concurrent resolution just agreed to.

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

There was no objection.

□ 1420

#### PROVIDING FOR ADDITIONAL MEMBERSHIP ON LIBRARY OF CONGRESS TRUST FUND BOARD

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1415) to provide for additional membership on the Library of Congress Trust Fund Board, and for other purposes.

The Clerk read as follows:

S. 1415

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

#### SECTION 1. ADDITIONAL MEMBERSHIP ON THE LIBRARY OF CONGRESS TRUST FUND BOARD.

The first sentence of the first paragraph of the first section of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 154) is amended—

(1) by striking "and" after "Librarian of Congress,"; and

(2) by inserting after "respectively" the following: ", four persons appointed by the Speaker of the House of Representatives (in consultation with the minority leader of the House of Representatives) for a term of five years each (the first appointments being for two, three, four, and five years, respectively), and four persons appointed by the majority leader of the Senate (in consultation with the minority leader of the Senate) for a term of five years each (the first appointments being for two, three, four, and five years, respectively)".

#### SEC. 2. QUORUM PROVISION.

The second sentence of the first paragraph of the first section of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 156, 157, and 158) is amended by adding at the end thereof the following new undesignated paragraph:

"In the case of a gift of money or securities offered to the Library of Congress, if, because of conditions attached by the donor or similar considerations, expedited action is necessary, the Librarian of Congress may take temporary possession of the gift, subject to approval under the first paragraph of this section. The gift shall be receipted for and invested, reinvested, or retained as provided in the second paragraph of this section, except that—

"(1) a gift of securities may not be invested or reinvested; and

"(2) any investment or reinvestment of a gift of money shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States.

If the gift is not so approved within the 12-month period after the Librarian so takes possession, the principal of the gift shall be returned to the donor and any income earned during that period shall be available for use with respect to the Library of Congress as provided by law."

The SPEAKER pro tempore (Mr. MCCLOSKEY). Pursuant to the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

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

Mr. Speaker, this bill provides for additional membership on the Library of Congress Trust Fund Board, among other purposes.

The Board's current membership is composed of: First, the Secretary of the Treasury; second, the Chairman of the Joint Committee on the Library; third, the Librarian of Congress; and fourth, two members appointed by the President of the United States.

The current number of public members (two) is not a sufficient representation of citizens to assist the Library in increasing its endowment funds. This legislation seeks to increase the size of the Board by eight public members. Four members will be appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House, and four will be appointed by the Majority leader of the Senate in consultation with the minority leader of the Senate.

Section 2 of the proposed legislation increases the number of members necessary for a quorum from three to nine. The final provision gives authority for the Librarian of Congress to take possession of gifts of cash temporarily and to invest them temporarily in the U.S. Treasury prior to formal approval by the Board. Presently, such cash gifts can earn no interest because the Librarian of Congress lacks the authority to invest the principal until all members of the Board approve the gift. In this era of scarce economic resources, it makes sound fiscal sense to give the Librarian the authority to make the money work for the Library. If the Board fails to approve the gift within 12 months after the Librarian takes possession, the gift will be returned to the donor while the Library retains the interest earned.

By offering new opportunities to attract private sector support, this legislation will enhance the usefulness of the Trust Fund Board to the Library of Congress, and consequently, strengthen the Library's ability to serve the Congress and the Nation.

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

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

Mr. Speaker, I thank the gentleman for his explanation of the pragmatic amendments being offered in this bill. Mr. Speaker, the minority also supports the passage of S. 1415. I'd also like to add that the Library of Congress is also in favor of these changes.

Since 1925 the Trust Fund Board has been in existence to accept gifts for the benefit of the Library. Increasing the size of the Board is a practical way to expand the nationwide fundraising efforts, and diversify the profile of the Board. As Mr. CLAY explained, this legislation would also allow the Librarian of Congress to secure and invest gifts

of money, while the Board is being polled for approval of the gift. Thus, the Library would benefit immediately upon receiving the donation, which only makes sense as the gifts are rarely rejected by the Board.

Mr. Speaker, I join the gentleman from Missouri [Mr. CLAY] in urging my colleagues to support this measure.

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

Mr. CLAY. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, just a couple of questions, if I could.

I am a little puzzled by the business that we are expanding the Board, and then we are giving the Librarian a chance to spend money while he polls the expanded Board. Would it not be easier to poll the Board if there were only 2 members rather than 10?

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, no, we are not giving the Librarian authority to spend any money. We are giving him authority to invest the money.

Mr. WALKER. Invest the money and earn interest on it?

Mr. CLAY. And get some interest. Right now, the money sits there without interest, so we are giving him that authority.

Mr. WALKER. Could the gentleman tell me what he meant when he said that the four members are to be appointed by the Speaker and by the majority leader in consultation with the minority?

Mr. CLAY. Yes.

Mr. WALKER. Does that give the minority, for instance, an ability to veto someone?

Mr. CLAY. No. It does not. It is the same procedure that is used in a number of other pieces of legislation that we have passed here in the House relative explicitly to House functions and functions of the Congress.

Mr. WALKER. Normally I thought most of the times when we appoint a Board there is a specific number of people assigned to the minority that the minority leader gets to appoint. In this particular case, we are taking a 2-member Board, we are making it into a 10-member Board, and virtually all of the appointments are going to be made by the majority, and all they have to do is tell the minority who it is that they are appointing? Is that my understanding?

Mr. CLAY. I do not understand the word consultation meaning instruct or inform. It is in consultation. That is a word. It is a word of art, an art word, and it means that they consult. It is not any different from any other legislation that we pass around here where the Speaker and the majority leader of

the Senate make appointments. It is in consultation.

Mr. WALKER. Could the gentleman tell me what consultation means in this instance then? I mean, consultation then means that they will specifically go to the minority, ask the minority about these people, whether or not these people are acceptable, and if the minority finds them unacceptable, then at that point the majority leader and the Speaker would reconsider those people? Is that the level of consultation?

Mr. CLAY. The majority leader, is the gentleman saying?

Mr. WALKER. The majority leader and the Speaker.

Mr. CLAY. The Speaker and the minority leader; the Speaker and the minority leader.

Mr. WALKER. The majority leader and minority leader in the Senate?

Mr. CLAY. Yes.

Mr. WALKER. So the answer to my question is that if the minority found an appointee unacceptable, at that point the consultation means that there would be reconsideration of those people?

Mr. CLAY. I would not go that far. I do not know what the Speaker and the minority leader would decide to do at that point. I would think that they have not had any serious problems up to this point in terms of reaching agreement on those whom the Speaker has consulted with.

Mr. WALKER. These people who are to be appointed, if I understand the remarks of the gentleman from Nebraska, one of the efforts here is to extend the fundraising apparatus of the Library? Are these people to be appointed in part so that they can go out and raise money for the Library?

Mr. CLAY. That is part of it, yes.

Mr. WALKER. So we are likely to be appointing then fairly wealthy Americans who will help the Library raise money as one of the functions of being a member of this Board?

Mr. CLAY. Not necessarily fairly wealthy. It might be people who know wealthy people. You do not have to be wealthy to know wealthy people.

Mr. WALKER. One of the reasons for expanding the Board here is to go out and use these people as fundraisers.

Mr. CLAY. To an extent.

Mr. WALKER. I thank the gentleman.

#### GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1415, the Senate bill just considered.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr.

CLAY] that the House suspend the rules and pass the Senate bill, S. 1415.

The question was taken; and on a division (demanded by Mr. WALKER) there were—yeas 3, nays 1.

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1430

#### OMNIBUS INSULAR AREAS ACT OF 1992

Mr. DE LUGO. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2927) to provide for the establishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and for other purposes.

The Clerk read as follows:

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

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Insular Areas Act of 1992".

##### TITLE I—SALT RIVER BAY NATIONAL HISTORICAL PARK AND ECOLOGICAL PRESERVE AT ST. CROIX, VIRGIN ISLANDS

##### SEC. 101. SHORT TITLE.

This title may be cited as the "Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands, Act of 1992".

##### SEC. 102. FINDINGS.

The Congress finds that the Salt River Bay area of the north central coast of St. Croix, United States Virgin Islands—

(1) has been inhabited, possibly as far back as 2000 BC, and encompasses all major cultural periods in the United States Virgin Islands;

(2) contains the only ceremonial ball court ever discovered in the Lesser Antilles, village middens, and burial grounds which can provide evidence for the interpretation of Caribbean life prior to Columbus;

(3) is the only known site where members of the Columbus expeditions set foot on what is now United States territory;

(4) was a focal point of various European attempts to colonize the area during the post-Columbian period and contains sites of Spanish, French, Dutch, English, and Danish settlements, including Fort Sale, one of the few remaining earthwork fortifications in the Western Hemisphere;

(5) presents an outstanding opportunity to preserve and interpret Caribbean history and culture, including the impact of European exploration and settlement;

(6) has been a national natural landmark since February 1980 and has been nominated for acquisition as a nationally significant wildlife habitat;

(7) contains the largest remaining mangrove forest in the United States Virgin Islands and a variety of tropical marine and terrestrial ecosystems which should be preserved and kept unimpaired for the benefit of present and future generations; and

(8) is worthy of a comprehensive preservation effort that should be carried out in partnership between the Federal Government and the Government of the United States Virgin Islands.

##### SEC. 103. SALT RIVER BAY NATIONAL HISTORICAL PARK AND ECOLOGICAL PRESERVE AT ST. CROIX, VIRGIN ISLANDS.

(a) ESTABLISHMENT.—In order to preserve, protect, and interpret for the benefit of present

and future generations certain nationally significant historical, cultural, and natural sites and resources in the Virgin Islands, there is established the Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands (hereafter in this Act referred to as the "park").

(b) AREA INCLUDED.—The park shall consist of approximately 912 acres of land, waters, submerged lands, and interests therein within the area generally depicted on the map entitled "Salt River Study Area—Alternative 'C' in the 'Alternatives Study and Environmental Assessment for the Columbus Landing Site, St. Croix, U.S. Virgin Islands', prepared by the National Park Service and dated June 1990. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and the Offices of the Lieutenant Governor of St. Thomas and St. Croix, Virgin Islands.

##### SEC. 104. ACQUISITION OF LAND.

(a) GENERAL AUTHORITY.—The Secretary of the Interior (hereafter in this title referred to as the "Secretary") may acquire land and interests in land within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange. Nothing in this section shall be construed to prohibit the Government of the United States Virgin Islands from acquiring land or interest in land within the boundaries of the park.

(b) LIMITATIONS ON AUTHORITY.—Lands, and interests in lands, within the boundaries of the park which are owned by the United States Virgin Islands, or any political subdivision thereof, may be acquired only by donation or exchange. No lands, or interests therein, containing dwellings lying within the park boundary as of July 1, 1991, may be acquired without the consent of the owner, unless the Secretary determines, after consultation with the Government of the United States Virgin Islands, that the land is being developed or proposed to be developed in a manner which is detrimental to the natural, scenic, historic, and other values for which the park was established.

##### SEC. 105. ADMINISTRATION.

(a) IN GENERAL.—The park shall be administered in accordance with this title and with the provisions of law generally applicable to units of the national park system, including, but not limited to, the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467). In the case of any conflict between the provisions of this Act and such generally applicable provisions of law, the provisions of this Act shall govern.

(b) COOPERATIVE AGREEMENTS.—The Secretary, after consulting with the Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands, Commission (hereafter in this Act referred to as the "Commission") established by section 106 of this title, is authorized to enter into cooperative agreements with the United States Virgin Islands, or any political subdivision thereof, for the management of the park and for other purposes.

(c) GENERAL MANAGEMENT PLAN.—(1) Not later than 3 years after the date funds are made available for this subsection, the Secretary, in consultation with the Commission, and with public involvement, shall develop and submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives a general management plan for the park. The general management plan shall describe the appropriate protection, management, uses, and development of the park consistent with the purposes of this title.

(2) The general management plan shall include, but not be limited to, the following:

(A) Plans for implementation of a continuing program of interpretation and visitor education about the resources and values of the park.

(B) Proposals for visitor use facilities to be developed for the park.

(C) Plans for management of the natural and cultural resources of the park, with particular emphasis on the preservation of both the cultural and natural resources and long-term scientific study of terrestrial, marine, and archeological resources, giving high priority to the enforcement of the provisions of the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the park. The natural and cultural resources management plans shall be prepared in consultation with the Virgin Islands Division of Archeology and Historic Preservation.

(D) Proposals for assessing the potential operation and supply of park concessions by qualified Virgin Islands-owned businesses.

(E) Plans for the training of personnel in accordance with subsection (e).

(d) TRAINING ASSISTANCE.—During the 10-year period beginning on the date of enactment of this title, the Secretary shall, subject to appropriations, provide the funds for the employees of the Government of the United States Virgin Islands directly engaged in the joint management of the park and shall implement, in consultation with the Government of the United States Virgin Islands, a program under which Virgin Islands citizens may be trained in all phases of park operations and management: Provided, however, That in no event shall the Secretary provide more than 50 percent of the funding for such purposes. A primary objective of the program shall be to train employees in the skills necessary for operating and managing a Virgin Islands Territorial Park System.

##### SEC. 106. SALT RIVER BAY NATIONAL HISTORICAL PARK AND ECOLOGICAL PRESERVE AT ST. CROIX, VIRGIN ISLANDS, COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands, Commission.

(b) DUTIES.—The Commission shall—

(1) make recommendations on how all lands and waters within the boundaries of the park can be jointly managed by the governments of the United States Virgin Islands and the United States in accordance with this title;

(2) consult with the Secretary on the development of the general management plan required by section 105 of this title; and

(3) provide advice and recommendations to the Government of the United States Virgin Islands, upon request of the Government of the United States Virgin Islands.

(c) MEMBERSHIP.—The Commission shall be composed of 10 members, as follows:

(1) The Governor of the United States Virgin Islands, or the designee of the Governor.

(2) The Secretary, or the designee of the Secretary.

(3) Four members appointed by the Secretary.

(4) Four members appointed by the Secretary from a list provided by the Governor of the United States Virgin Islands, at least one of whom shall be a member of the Legislature of the United States Virgin Islands.

Initial appointments made under this subsection shall be made within 120 days after the date of enactment of this title, except that the appointments made under paragraph (4) shall be made within 120 days after the date on which the Secretary receives such list.

(d) TERMS.—The members appointed under paragraphs (3) and (4) shall be appointed for terms of 4 years. A member of the Commission appointed for a definite term may serve after the expiration of the member's term until a succes-

sor is appointed. A vacancy in the Commission shall be filled in the same manner in which the original appointment was made and shall be filled within 60 days after the expiration of the term.

(e) **CHAIR.**—The Chair of the Commission shall alternate annually between the Secretary and the Governor of the United States Virgin Islands. All other officers of the Commission shall be elected by a majority of the members of the Commission to serve for terms established by the Commission.

(f) **MEETINGS.**—The Commission shall meet on a regular basis or at the call of the Chair. Notice of meetings and agenda shall be published in the Federal Register and local newspapers having a distribution that generally covers the United States Virgin Islands. Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(g) **EXPENSES.**—Members of the Commission shall serve without compensation as such, but the Secretary may pay each member of the Commission travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code. Members of the Commission who are full-time officers or employees of the United States or the Virgin Islands Government may not receive additional pay, allowances, or benefits by reason of their service on the Commission. The Secretary shall provide the Commission with a budget for travel expenses and staff, and guidelines by which expenditures shall be accounted for.

(h) **FEDERAL ADVISORY COMMITTEE ACT.**—Except with respect to the provisions of section 14(b) of the Federal Advisory Committee Act, and except as otherwise provided in this title, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

(i) **TERMINATION.**—The Commission shall terminate 10 years after the date of enactment of this title unless the Secretary determines that it is necessary to continue consulting with the Commission in carrying out the purposes of this title.

#### SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title.

### TITLE II—INSULAR AREAS DISASTER SURVIVAL AND RECOVERY

#### SEC. 201. DEFINITIONS.

As used in this title—

(1) the term "insular area" means any of the following: American Samoa, the Federated States of Micronesia, Guam, the Marshall Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands;

(2) the term "disaster" means a declaration of a major disaster by the President after September 1, 1989, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and

(3) the term "Secretary" means the Secretary of the Interior.

#### SEC. 202. AUTHORIZATION.

There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to—

(1) reconstruct essential public facilities damaged by disasters in the insular areas that occurred prior to the date of the enactment of this Act; and

(2) enhance the survivability of essential public facilities in the event of disasters in the insular areas,

except that with respect to the disaster declared by the President in the case of Hurricane Hugo, September 1989, amounts for any fiscal year shall not exceed 25 percent of the estimated ag-

gregate amount of grants to be made under sections 403 and 406 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172) for such disaster. Such sums shall remain available until expended.

#### SEC. 203. TECHNICAL ASSISTANCE.

(a) Upon the declaration by the President of a disaster in an insular area, the President, acting through the Director of the Federal Emergency Management Agency, shall assess, in cooperation with the Secretary and chief executive of such insular area, the capability of the insular government to respond to the disaster, including the capability to assess damage; coordinate activities with Federal agencies, particularly the Federal Emergency Management Agency; develop recovery plans, including recommendations for enhancing the survivability of essential infrastructure; negotiate and manage reconstruction contracts; and prevent the misuse of funds. If the President finds that the insular government lacks any of these or other capabilities essential to the recovery effort, then the President shall provide technical assistance to the insular area which the President deems necessary for the recovery effort.

(b) One year following the declaration by the President of a disaster in an insular area, the Secretary, in consultation with the Director of the Federal Emergency Management Agency, shall submit to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs a report on the status of the recovery effort, including an audit of Federal funds expended in the recovery effort and recommendations on how to improve public health and safety, survivability of infrastructure, recovery efforts, and effective use of funds in the event of future disasters.

#### SEC. 204. HAZARD MITIGATION.

The total of contributions under the last sentence of section 404 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) for the insular areas shall not exceed 10 percent of the estimated aggregate amounts of grants to be made under sections 403, 406, 407, 408, and 411 of such Act for any disaster: Provided, That the President shall require a 50 percent local match for assistance in excess of 10 percent of the estimated aggregate amount of grants to be made under section 406 of such Act for any disaster.

#### SEC. 205. TECHNICAL AMENDMENT.

Paragraphs (3) and (4) of section 102 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) are each amended by inserting after "American Samoa," the following: "the Northern Mariana Islands,".

### TITLE III—MISCELLANEOUS PROVISIONS

#### SEC. 301. AMERICAN SAMOA WATER AND POWER STUDY.

(a) The Secretary of the Interior shall undertake a comprehensive study, or as appropriate review and update existing studies, to determine the current and long-term water, power, and wastewater needs of American Samoa. Such study shall be conducted in consultation with the American Samoa government, and in consultation with those Federal agencies which have recent experience with the water, power and wastewater needs of American Samoa.

(b) The Secretary of the Interior shall report the results of this study to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, before December 31, 1992. The report shall include:

(1) an assessment of the water, power and wastewater needs of American Samoa both currently, and for the year 2000;

(2) an assessment of, and recommendations regarding, how these needs can be met;

(3) an assessment of, and recommendations regarding, any additional legal authority or funding which may be necessary to meet these needs; and

(4) an assessment of, and recommendations regarding, the respective roles of the Federal and American Samoa governments in meeting these needs.

#### SEC. 302. INSULAR GOVERNMENT PURCHASES.

The Governments of American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands are authorized to make purchases through the General Services Administration.

#### SEC. 303. FREELY ASSOCIATED STATE CARRIER.

(a) In furtherance of the objectives of the Compact of Free Association Act of 1985 (Public Law 99-239) and notwithstanding any other provision of law, a Freely Associated State Air Carrier shall not be precluded from providing transportation, between a place in the United States and a place in a state in free association with the United States or between two places in such a freely associated state, by air of persons (and their personal effects) and property procured, contracted for, or otherwise obtained by any executive department or other agency or instrumentality of the United States for its own account or in furtherance of the purposes or pursuant to the terms of any contract, agreement, or other special arrangement made or entered into under which payment is made by the United States or payment is made from funds appropriated, owned, controlled, granted, or conditionally granted, or utilized by or otherwise established for the account of the United States, or shall be furnished to or for the account of any foreign nation, or any international agency, or other organization of whatever nationality, without provisions for reimbursement.

(b) The term "Freely Associated State Air Carrier" shall apply exclusively to a carrier referred to in Article IX(5)(b) of the Federal Programs and Services Agreement concluded pursuant to Article II of Title Two and Section 232 of the Compact of Free Association.

#### SEC. 304. MARSHALL ISLANDS FOOD ASSISTANCE.

Section 103(h)(2) of the Compact of Free Association Act of 1985 (48 U.S.C. 1681 note) is amended by striking out "five" and inserting in lieu thereof "ten".

#### SEC. 305. NORTHERN MARIANAS COLLEGE.

Section 9(a) of Public Law 99-396 is amended by striking out the period at the end and inserting in lieu thereof the following: "and in subsection (b), by striking out 'and Micronesia' each place it appears and inserting in lieu thereof 'Micronesia, and the Northern Mariana Islands' and by striking out 'and to Micronesia' and inserting in lieu thereof ', Micronesia, and to the Northern Mariana Islands'.".

The SPEAKER pro tempore (Mr. HERTEL). Pursuant to the rule, the gentleman from the Virgin Islands [Mr. DE LUGO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the delegate from the Virgin Islands [Mr. DE LUGO].

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

Mr. Speaker, the Senate amendment to H.R. 2927 would make this bill virtually identical to H.R. 1688, an omnibus insular areas bill that passed the House unanimously last November 25.

That bill incorporated provisions of several measures concerning the insular areas associated with the United States.

One set of provisions made up the Insular Areas Disaster Survival and Recovery Act. A second consisted of a number of miscellaneous measures concerning the insular areas. The final set included provisions to establish the Salt River Bay National Historical Park and Ecological Preserve at St. Croix in the U.S. Virgin Islands.

These latter provisions to establish the park had passed the House in H.R. 2927 earlier in the month.

A few days before the House passed H.R. 1688, the Senate Energy and Natural Resources Committee reported H.R. 2927 with an amendment that made it very similar to H.R. 1688.

A floor amendment by the Senate committee leadership last Friday made H.R. 2927 virtually identical to H.R. 1688.

In addition to changing the title of the bill to the Omnibus Insular Areas Act of 1992, there are only three minor differences between H.R. 1688, as it passed the House, and H.R. 2927, as the Senate amended it.

One difference relates to the deadline for submitting the Salt River Park Management plan to the Congress. H.R. 1688 would have required submission not later than 3 years from the date of enactment. H.R. 2927 would require submission not later than 3 years after the date funds are available.

The inclusion of \$7 million for the Salt River Park in the President's budget for fiscal year 1993 makes this difference of no real concern. And I want to thank our former colleague, the Secretary of the Interior, Manuel Lujan, for getting this proposal in the budget.

The second difference concerns the training of Virgin Islands employees in the management of the park. H.R. 1688 would have required the Federal Government to pay half of the cost. H.R. 2927 would subject this requirement to appropriations. This difference is of little concern because the Secretary already has funds which could be used if there is no special appropriation.

The last difference relates to the provisions to enable insular areas to survive and recover from natural disasters. H.R. 1688 would have applied these provisions to American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands. H.R. 2927 would extend the assistance to Micronesia and the Marshall Islands as well.

The disaster relief provisions applied to Micronesia and the Marshall Islands in H.R. 1688 as reported by the Interior and Insular Affairs Committee, as well as in a predecessor bill which passed both Houses in the last Congress. But these freely associated states were reluctantly deleted from H.R. 1688 at the insistence of the administration.

Since the passage of H.R. 1688 last November, a typhoon in the Marshall Islands dramatized the justification for extending them to the freely associated states as well as the U.S. insular areas.

These changes are minor in comparison to what this legislation would do in the insular areas if enacted. Thus, Mr. Speaker, these are differences to which I believe the House can agree.

Mr. Speaker, the establishment of the Salt River Park is an achievement of which I am particularly proud. It would preserve the site where Christopher Columbus first landed in what is now a U.S. territory. And it would enhance the attractiveness of the Virgin Islands as a tourist destination.

Salt River is a microcosm of the entire history of early European colonization of the Caribbean built upon an Indian cultural resource that predates colonization. It also has a wealth of environmental treasures.

The preservation of the site will culminate an effort begun in 1958 when a bill I cosponsored in the Virgin Islands Legislature began the process to save the area for all to enjoy.

No less important is the unprecedented degree of Federal and territorial cooperation in the management of a park that this bill would provide.

The high frequency of destructive storms in the insular areas makes the extension of the additional disaster assistance that this bill would provide critical. Since the passage of H.R. 1688, three major disasters have occurred in the insular areas: Supertyphoon Yuri hit Guam; Cyclone Val devastated American Samoa; and Typhoon Zelda caused damage in the Marshall Islands.

The insular disaster assistance provisions were the driving force behind this omnibus legislation. They were developed after Hurricane Hugo, which hit the territory that I represent with what the Federal Emergency Management Agency described as a force unsurpassed in this century.

They respond to the extraordinary disaster problems in the insular areas caused by the frequency and severity of the storms which strike them, their distances from the rest of the Nation, and their relatively small size and lack of development.

In particular, insular areas lack infrastructure strong enough to withstand disasters.

The miscellaneous provisions of this legislation would require a report on American Samoa's water and power needs; make permanent the current temporary authorization for insular purchases through the General Services Administration; authorize agencies to contract with freely associated State airlines; extend the program of food assistance for the peoples of the Marshall Islands atolls affected by nuclear testing; and authorize an endowment for the Northern Marianas College.

Like the provisions for disaster assistance, these provisions had their origin in omnibus insular areas legislation that passed both Houses last Congress.

Last, I would like to note that the history and purposes of this legislation were fully described when H.R. 1688 passed the House last session as well as when H.R. 2927 passed, and when the predecessor bill to H.R. 1688 passed.

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

Mr. Speaker, I rise in support of H.R. 2927, a bill to authorize establishment of Salt River Bay National Historical Park at St. Croix, VI. As an original cosponsor, I support the concept of establishing a Federal park unit at the only known site on American soil where Columbus' men are believed to have landed. I also support the Omnibus Insular Areas Act portion of the bill, which provides meaningful assistance to different territories and the freely associated states and Micronesia. I want to comment Interior Secretary Manuel Lujan for his vigorous and focused support for the preservation of the Columbus landing site. Secretary Lujan personally surveyed the site at Salt River, and designated the preferred boundaries of the proposed park. The Secretary has been instrumental in informing Members of Congress of the importance of the site and the need for timely action to preserve the Archaeological sites which are being increasingly affected by development pressures in the Virgin Islands.

Certainly, the leadership of Mr. DE LUGO in the development of this bill deserves strong recognition by all Members of this body. He has been working with Secretary Lujan on this Columbus landing site park proposal for some time, with both the Virgin Islands Government and the National Park Service. Without his efforts, not only would we not be here today passing this bill, but the resource values at the site of this historic event may have suffered irreversible damage. Even today, important archeological materials are left exposed to the elements and need protection from the elements and inadvertent damage by vehicular and foot traffic.

I note that the Senate has addressed many of the concerns raised by Members on this side of the aisle when the bill originally was passed by the House. However, I still believe that the Committee on Interior and Insular Affairs, which has primary jurisdiction over this matter, should have gone further to clarify the respective rules of the United States and Virgin Islands Governments.

While the omnibus insular areas provisions are meaningful and helpful, they represent only a few of many legislative actions still outstanding. I particularly want to commend my good colleague from Guam, BEN BLAZ, who has been extremely supportive in these matters.

I urge my colleagues to support this bill to establish the Salt River Na-

tional Historical Park and Ecological Preserve at St. Croix, VI, as well as providing a number of provisions of import to United States territories and free associated states.

Mr. DE LUGO. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO], the chairman of the Subcommittee on National Parks and Public Lands of the Committee on Interior and Insular Affairs, one of the hardest working and most effective chairmen that we have in this Congress. It is a rare day when the gentleman is not passing some bills on this floor. I could not have gotten to this point without his great assistance.

Mr. VENTO. Mr. Speaker, I thank the gentleman from the Virgin Islands for yielding me this time and commend him for his very hard work on this important measure. Subcommittee Chairman DE LUGO has been working to establish a park at Salt River Bay since he was in the Virgin Islands Senate, and today he and his fellow Virgin Islanders will come one step closer to reaching that goal.

H.R. 2927 as amended and passed by the Senate would establish the Salt River Bay National Historical Park and Ecological Preserve at St. Croix, VI, and would authorize important disaster survival and recovery programs for insular areas so important to their needs today as storms have brought significant and unusual devastation to these fragile economies and social life.

As chairman of the Subcommittee on National Parks and Public Lands, I worked closely with Mr. DE LUGO on the development of title I of this bill, which would provide for a new National Park System unit consisting of approximately 915 acres at Salt River Bay on the island of St. Croix. This area has long been recognized for its unique combination of cultural and natural features including archeological remains, a large tropical reef, and the largest remaining mangrove forest in the U.S. Virgin Islands. I was fortunate to have the opportunity to view these unique resources during a subcommittee field inspection in 1989.

Salt River Bay is also the only known site where Christopher Columbus landed on what was to become U.S. territory. In 1493, on his second of four voyages to the New World, Columbus anchored his 17 ships outside the reef and sent his soldiers to investigate an Indian village on the western side of the bay.

H.R. 2927 was passed by the House with strong bipartisan support on November 5 last year. The Senate made several changes to the House passed bill including a reduction in the size of the park and a requirement that the Virgin Islands Government provide half the funds for a program to train Virgin Islands citizens in the park operations and management. Although the bound-

ary in the House-passed bill would have provided more resource protection and was the preferred boundary of the Secretary of the Interior, I believe the boundaries in the Senate passed bill are workable.

The bill before us envisions a unique partnership approach between the national Government and the Government of the Virgin Islands in the management of the park. Cooperation between these Government entities will be essential, because it is a relatively small area and over half of the acreage of the park is owned by the Virgin Islands Government. I believe the safeguards built into the bill and the cooperative spirit which has been the hallmark of this project from the outset will ensure that management issues will be addressed in a cooperative fashion and that the park will be managed according to standards of other units of the National Park System.

Mr. Speaker, this legislation is a significant natural and cultural resource protection initiative which has strong bipartisan support from the Secretary of the Interior and the Governor and the Delegate from the Virgin Islands. As we approach the 500th anniversary of the voyages of Christopher Columbus later this year, I can think of no more appropriate way of commemorating this significant date than enacting this legislation. Not only will this park preserve a nationally significant natural and historical site, it will provide an excellent opportunity to interpret the diverse native cultures which existed prior to the arrival of Columbus and the impact that Columbus and other European explorers had on Caribbean culture and history. I again commend the gentleman from the Virgin Islands for his hard work on this matter and urge prompt passage of the measure before us.

□ 1440

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

In conclusion, I want to thank the gentleman from California, who is the ranking Republican of the Subcommittee on Insular and International Affairs which I am privileged to chair, for the cooperation he has given in developing this legislation. I also want to recognize the roles of the chairman and ranking Republican of the full Committee on Interior and Insular Affairs, our colleagues GEORGE MILLER and DON YOUNG; the chairman of the Subcommittee on National Parks and Public Lands, our colleague BRUCE VENTO; and the Resident Commissioner from Puerto Rico, JAIME B. FUSTER.

I want to express particular appreciation for the cooperation of the Secretary of the Interior, our former colleague Manuel Lujan. His leadership really helped make this bill possible. I also want to thank the chairman and ranking Republican of the Senate com-

mittee of jurisdiction, BENNETT JOHNSTON and MALCOLM WALLOP, respectively.

Finally, I want to urge the House to approve the Senate amendment and send what is truly a bipartisan compromise package of insular measures to the President for his approval.

Mr. FALCOMAVEGA. Mr. Speaker, I rise today in support of H.R. 2927, a bill which addresses several areas of need in the U.S. insular areas. In particular, I want to speak of the needs of American Samoa.

American Samoa has been struck by three hurricanes in the last 4 years. Each time Samoa rebuilds itself. Not everything gets rebuilt because even with Federal disaster assistance and private insurance, not all losses are covered. The result of this process is government services are permanently reduced, and considerable private property is destroyed and not replaced. Despite the best efforts of the local government, with each hurricane thousands of people are forced to go from days to months, depending on the remoteness of their villages, without water, power, telephone, and sewage disposal.

This bill would go a long way toward ending this cycle. First, it authorizes the reconstruction of essential public facilities in insular areas which were damaged by recent natural disasters. Second, it authorizes enhancing these facilities to withstand future disasters. Third, with regard to American Samoa, the bill authorizes the Department of the Interior to conduct a comprehensive study of the territory's needs in the area of water, power, and sewage treatment.

Mr. Speaker, I also want to commend the leadership of the Committees on Interior and Insular Affairs on their work on the Salt River Bay National Historical Park and Ecological Preserve on the island of St. Croix in the Virgin Islands. I have been to St. Croix and have seen the beauty and diversity of tropical animals and vegetation available. The designation provided in this bill will preserve this beauty for all Americans to enjoy.

Finally, Mr. Speaker, this bill is alive today because of the leadership shown by Chairman MILLER and DE LUGO, and Congressman LAGOMARSINO. Without the efforts of these gentlemen, and that of their staffs, H.R. 2927 would be another dead bill going nowhere. The needs of the people addressed in this bill do not make the front pages of our national newspapers, but Mr. Speaker, I want to assure you they deserve our attention. I urge my colleagues to support this bill.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LUGO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HERTEL). The question is on the motion offered by the gentleman from the Virgin Islands [Mr. DE LUGO] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2927.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LUGO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendment to the bill, H.R. 2927.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on the motion on which further proceedings were postponed.

EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION

The SPEAKER pro tempore (Mr. HERTEL). The pending business is the question of suspending the rules and passing the bill, H.R. 4095, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4095, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 8, not voting 22, as follows:

[Roll No. 4]  
YEAS—404

Abercrombie Boucher Cox (CA)  
Ackerman Boxer Cox (IL)  
Alexander Brewster Coyne  
Allard Brooks Cramer  
Allen Broomfield Cunningham  
Anderson Browder Darden  
Andrews (ME) Brown Davis  
Andrews (NJ) Bruce de la Garza  
Andrews (TX) Bryant DeFazio  
Annunzio Bunning DeLauro  
Anthony Burton Bellums  
Applegate Bustamante Derrick  
Aspin Byron Dickinson  
Atkins Callahan Dicks  
AuCoin Camp Dingell  
Bacchus Campbell (CA) Dixon  
Baker Campbell (CO) Donnelly  
Ballenger Cardin Dooley  
Barnard Carper Dorgan (ND)  
Barrett Carr Dornan (CA)  
Bateman Chandler Downey  
Beilenson Chapman Dreier  
Bennett Clay Duncan  
Bentley Clinger Durbin  
Beruteur Coble Dwyer  
Berman Coleman (MO) Early  
Bevill Coleman (TX) Eckart  
Bilbray Collins (IL) Edwards (OK)  
Blackwell Collins (MI) Edwards (TX)  
Billey Condit Emerson  
Boehlert Conyers Engel  
Boehner Cooper English  
Bonior Costello Erdreich  
Borski Coughlin Espy

Evans  
Ewing  
Fascell  
Fawell  
Fazio  
Feighan  
Fields  
Fish  
Flake  
Foglietta  
Ford (MI)  
Frank (MA)  
Franks (CT)  
Frost  
Gallegly  
Gallo  
Gaydos  
Gejdenson  
Gekas  
Gephardt  
Geren  
Gilchrest  
Gillmor  
Gilman  
Gingrich  
Glickman  
Gonzalez  
Goodling  
Goss  
Gradison  
Grandy  
Green  
Guarini  
Gunderson  
Hall (OH)  
Hall (TX)  
Hamilton  
Hammerschmidt  
Hancock  
Hansen  
Harris  
Hastert  
Hatcher  
Hayes (IL)  
Hayes (LA)  
Hefley  
Hefner  
Henry  
Herger  
Hertel  
Hoagland  
Hobson  
Hochbrueckner  
Holloway  
Hopkins  
Horn  
Horton  
Houghton  
Hoyer  
Hubbard  
Huckaby  
Hughes  
Hunter  
Hyde  
Inhofe  
Ireland  
Jacobs  
James  
Jenkins  
Johnson (CT)  
Johnson (SD)  
Johnston  
Jones (GA)  
Jones (NC)  
Jontz  
Kanjorski  
Kaptur  
Kasich  
Kennedy  
Kennelly  
Kildee  
Klecza  
Klug  
Kolbe  
Kopetski  
Kostmayer  
Kyl  
LaFalce  
Lagomarsino  
Lancaster  
Lantos  
LaRocco  
Laughlin  
Leach  
Lehman (CA)  
Lehman (FL)

Regula  
Rhodes  
Richardson  
Ridge  
Riggs  
Rinaldo  
Ritter  
Roberts  
Roe  
Roemer  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rose  
Rostenkowski  
Roth  
Roukema  
Rowland  
Roybal  
Russo  
Sabo  
Sanders  
Sangmeister  
Santorum  
Sarpalius  
Savage  
Sawyer  
Saxton  
Schaefer  
Scheuer  
Schiff  
Schroeder  
Schulze  
Schumer  
Sensenbrenner  
Serrano  
Sharp  
Shaw  
Shays  
Shuster  
Sikorski  
Sisisky  
Skaggs  
Skeen  
Skelton  
Slatery  
Slaughter  
Smith (FL)  
Smith (IA)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Snowe  
Solarz  
Solomon  
Spence  
Spratt  
Staggers  
Stallings  
Stark  
Stearns  
Stenholm  
Stokes  
Studds  
Orton  
Sundquist  
Swett  
Swift  
Synar  
Tallon  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas (GA)  
Thomas (WY)  
Thornton  
Torres  
Torrice  
Towns  
Traficant  
Traxler  
Unsoeld  
Upton  
Valentine  
Vander Jagt  
Vento  
Visclosky  
Volkmer  
Vucanovich  
Walsh  
Walsh  
Washington  
Waters  
Waxman  
Weber  
Weiss  
Weldon

Wheat  
Williams  
Wilson  
Wise  
Wolf

Wolpe  
Wyden  
Wylie  
Yates  
Yatron

Young (AK)  
Young (FL)  
Zeliff  
Zimmer

NAYS—8

Archer  
Army  
Combest

Crane  
DeLay  
Doolittle

Barton  
Billakis  
Clement  
Dannemeyer  
Dymally  
Edwards (CA)  
Ford (TN)  
Gibbons

Gordon  
Hutto  
Jefferson  
Kolter  
Markey  
Martinez  
McDade  
Miller (WA)

Morrison  
Mrazek  
Rahall  
Tanner  
Thomas (CA)  
Whitten

NOT VOTING—22

□ 1506

The Clerk announced the following pairs:

Mr. DELAY and Mr. ARMEY changed their vote from "yea" to "nay."

Mr. KOSTMAYER and Mr. BURTON of Indiana changed their vote from "nay" to "yea."

So (two-thirds having voted in thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DANNEMEYER. Mr. Speaker, I was unavoidably absent during rollcall vote 4. Had I been present during this vote, I would have voted "nay" on rollcall vote 4.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Speaker, I was absent and unable to vote on rollcall No. 4, the Emergency Unemployment Compensation Act. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. MARTINEZ. Mr. Speaker, inadvertently I missed the vote on H.R. 4095 this afternoon, a very important vote, one that is very important to the people of my district. In the past I have strongly supported these kinds of measures. I voted for the past extensions.

Mr. Speaker, I was in a meeting with school board members from my district and did not hear the bells go off.

Mr. Speaker, had I been here, I would have voted "Yes," and I would like that reflected immediately following the vote on H.R. 4095, the emergency unemployment compensation extension.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 323

Mr. MCCURDY. Mr. Speaker, I was inadvertently listed as a cosponsor of House Joint Resolution 323. I ask unanimous consent that my name be deleted as a cosponsor.

The SPEAKER pro tempore (Mr. HERTEL). Is there objection to the request of the gentleman from Oklahoma.

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TOMORROW

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on tomorrow.

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

There was no objection.

#### HOUR OF MEETING ON TOMORROW

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on tomorrow.

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

There was no objection.

#### 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.

#### ANNOUNCEMENT BY MEMBER OF INTENTION TO CALL UP RESOLUTION ON TOMORROW

Mr. McEWEN. Mr. Speaker, I rise to notify the House that at the beginning of tomorrow's session, I intend to call up a resolution raising a question of House privileges relating to a letter written by a House committee staff member to a Federal judge urging a reduced sentence for a convicted arms dealer.

I intend to offer this privileged resolution just prior to consideration of the rule pertaining to debate on House Resolution 258, otherwise known as the October Surprise task force.

For the benefit of my colleagues, I am now submitting a copy of my resolution along with certain background material so that all Members may review it prior to the calling up of the resolution tomorrow. The intent of the resolution is simply to have the House Bipartisan Legal Advisory Group look into this matter and report back to the House at the earliest practicable date. It is a straightforward resolution, and one which I would urge all of my colleagues to support.

#### H. RES. —

Whereas on January 10, 1992, the chief counsel of the House Committee on Foreign Affairs wrote to the U.S. District Court of New York requesting leniency in the sentencing of Mr. Dirk Stoffberg, a convicted

arms dealer, on grounds that he had provided the committee with evidence regarding the so-called "October Surprise;"

Whereas the chief counsel's letter was sent on committee letterhead purporting to be on behalf of the "House of Representatives Committee on Foreign Affairs \* \* \* in an ongoing investigation;"

Whereas the U.S. District Court consequently granted the request for a reduced sentence on grounds that, "Comity between independent branches of government suggests the desirability of assisting Congress in its important work where there is no strong conflict with a court's other sentencing responsibilities;"

Whereas the Federal District judge further indicated in his sentencing "Memorandum and Order" that, "were it not for the intervention of Congress," the defendant would have been sentenced to a longer term of imprisonment "because he threatened violence during the course of his criminal activity;"

Whereas neither the House, the Committee on Foreign Affairs nor any subcommittee thereof has ever authorized an investigation into the "October Surprise" allegations;

Whereas the House Bipartisan Legal Advisory Group has not authorized any intention in the sentencing proceeding on behalf of the House or any of its committees;

Whereas at the time the chief counsel's letter was submitted to the U.S. District Court a resolution authorizing a special task force investigation into the "October Surprise" allegations was still pending in the House and had not yet been acted upon;

Whereas the misrepresentation of the position of the House and its committees in a judicial proceeding by an employee affects the rights of the House collectively, its dignity, and the integrity of its proceedings, and thereby raises a question of the privileges of the House under Rule IX: Now, therefore, be it

*Resolved*, That the House Bipartisan Legal Advisory Group (consisting of the Speaker, the majority and minority leaders, and the majority and minority whips) is hereby authorized and directed to inquire fully into the facts and circumstances surrounding the intervention by the chief counsel of the House Committee on Foreign Affairs in the sentencing of Mr. Dirk Stoffberg by the U.S. District Court for the Eastern District of New York and to submit to the House at the earliest practicable date but not later than 45 legislative days after enactment, its findings thereon together with any action taken or recommendations made in response to such incident or to prevent the recurrence of such unauthorized interventions in judicial proceedings by House Members, officers, or employees.

COMMITTEE ON FOREIGN AFFAIRS,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 10, 1992.

Hon. JACK B. WEINSTEIN,  
U.S. District Court Judge, U.S. District Court,  
Eastern District of New York, Brooklyn,  
NY.

DEAR JUDGE WEINSTEIN: Mr. Dirk Francois Stoffberg has to date provided the House of Representatives Committee on Foreign Affairs with substantial assistance in an ongoing investigation. It is expected that this substantial assistance will continue into the future.

In addition, Mr. Stoffberg has offered to have his testimony preserved by deposition. He has also agreed to testify at any open or closed Congressional hearing if and when requested to do so. Our investigation pertains

to the question whether the 52 Americans taken captive in Iran were held past the election of 1980 in violation of any U.S. laws. This issue is commonly referred to as the "October Surprise."

Although Mr. Stoffberg's cooperation may not lead to any criminal action, the information which he has voluntarily provided to us has already been helpful and, to some extent, has been corroborated by other evidence. I would, therefore, request that Mr. Stoffberg's cooperation be taken into consideration by you in the determination of his sentence.

I would be pleased to discuss the matter of Mr. Stoffberg's cooperation with you or your law clerk at any time before Mr. Stoffberg's sentencing.

Sincerely yours,

R. SPENCER OLIVER,  
Chief Counsel.

U.S. DISTRICT COURT, EASTERN DISTRICT OF NEW YORK—AMENDED MEMORANDUM AND ORDER

UNITED STATES OF AMERICA AGAINST DIRK STOFFBERG, DEFENDANT

WEINSTEIN, J.:

Defendant pled guilty to violation of munitions export laws. His sentencing guideline range is 8-14 months. Because he threatened violence during the course of his criminal activity, defendant would have been sentenced to 13 months, near the top of the guideline range, were it not for the intervention of Congress. He has already been in custody for 8½ months. The case poses the question: can a request for clemency by Congress support a downward departure in the guideline offense level? As indicated below, the answer is yes.

The Chief Counsel of the Committee on Foreign Affairs of the House of Representatives requests that the court consider defendant's cooperation with the Committee. The letter reads:

"ONE HUNDRED SECOND CONGRESS,  
CONGRESS OF THE UNITED STATES,  
COMMITTEE ON FOREIGN AFFAIRS,  
HOUSE OF REPRESENTATIVES,

Washington, DC, January 10, 1992.

DEAR JUDGE WEINSTEIN: Mr. Dirk Francois Stoffberg has to date provided the House of Representatives Committee on Foreign Affairs with substantial assistance in an ongoing investigation. It is expected that this assistance will continue into the future.

"In addition, Mr. Stoffberg has offered to have his testimony preserved by deposition. He has also agreed to testify at any open or closed Congressional hearing if and when requested to do so. Our investigation pertains to the question whether the 52 Americans taken captive in Iran were held past the election of 1980 in violation of any U.S. laws. This issue is commonly referred to as the "October Surprise."

"Although Mr. Stoffberg's cooperation may not lead to any criminal action, the information which he has voluntarily provided to us has already been helpful and, to some extent, has been corroborated by other evidence. I would, therefore, request that Mr. Stoffberg's cooperation be taken into consideration by you in the determination of his sentence.

"I would be pleased to discuss the matter of Mr. Stoffberg's cooperation with you and your law clerk at any time before Mr. Stoffberg's sentencing.

Sincerely yours,

"R. SPENCER OLIVER, CHIEF COUNSEL."

It is the government's view that the court can impose a sentence of time served, within the guidelines, without considering whether a downward departure is permitted on re-

quest of a representative of Congress. Such an approach is generally appropriate. It is not, however, desirable to avoid the downward departure issue in this case; the matter may arise again and again without an opportunity for Congress to test the courts' authority to depart downward as a reward for a cooperating witness. Cf. *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539, 546-48 (1976) (consideration not barred where the issue is likely to arise again and yet escape review); *Evan Tsen Lee, Deconstitutionalizing Justiciability: The Example of Mootness*, 105 *Harv. L. Rev.* 603, 634-35 (1991) (shift from constitutional to prudential standards on mootness, standing, and ripeness); 644-45, 648 (not an advisory opinion to decide a case on the merits over objection of mootness, ripeness, lack of standing, or that the opinion is not necessary for the disposition).

The proper relationship among the three branches of government, legislative, executive, and judicial, in the field of sentencing continues to be perplexing and important. *Sea, e.g., Mistretta v. United States*, 488, U.S. 361 (1989) (composition of United States Sentencing Commission does not violate the separation of powers). One aspect of that relationship is now presented.

There are a variety of sequences possible in applying departure rules. One is to determine what the sentence would be without a departure. U.S. Sentencing Comm'n Guidelines Manual, at 1 (Nov. 1991), then to consider whether a departure is desirable, then to decide the amount of the departure (in terms of time or offense level), and, finally, to apply the departure to arrive at the actual sentence. See *id.*; cf. *United States v. Kim*, 896 F.2d 678, 685 (2d Cir. 1990) (upward departure); *United States v. Coe*, 891 F.2d 405, 412-13 & n.9 (2d Cir. 1989) (same). This explicit, step-by-step method is desirable in the instant case since the court is being asked by Congress to signal to the present defendant and to future defendants a capacity to treat a Congressional request as an application for an appropriate downward departure.

Section 5K1.1 of the guidelines does not permit a downward departure because, as the government properly argues, in the language of the section, the defendant has not "provided substantial assistance [to prosecutors] in the investigation or prosecution of another person who has committed an offense \* \* \*." Moreover, in the absence of a request from the United States Attorney, a downward departure under section 5K1.1 is generally not available. See, e.g., *United States v. Agu*, F.2d —, —, 1991 WL 237844 (2d Cir. 1991); *United States v. Khan*, 920 F.2d 1100, 1106 (2d Cir. 1990), cert. denied, 111 S. Ct. 1606 (1991).

By contrast, section 5K2.0 of the guidelines permits departure on the court's own motion or on request from the defendant or any other person or body. As the Sentencing Commission points out in its policy statement on section 5K2.0, "[some circumstances [which] may warrant departure from the guidelines \* \* \* cannot, by their very nature, be comprehensively listed and analyzed in advance." Guidelines Manual, Policy Statement to §5K2.0, at 320.

The Court of Appeals for the Second Circuit has suggested that cooperation with a body other than the United States Attorney's Office might fall within section 5K2.0. In *United States v. Agu*, — F.2d —, 1991 WL 237844 (2d Cir. 1991), for example, Judge Newman pointed out that the requirement of a prosecutor's motion for a section 5K1.1 departure was "settled" in this circuit, but he

cited with approval *United States v. Khan*, 920 F.2d 1100, 1106-07 (2d Cir. 1990). See *Agu*, 1991 WL 237844, at —, *Khan* in dicta indicated that information offered "regarding actions [defendant] took, which could not be used by the government to prosecute other individuals" could be used for a downward departure. 920 F.2d at 1107 (defendant may have saved the life of a confidential DEA informant). *Agu* noted that "the cooperation covered by section 5K1.1 is cooperation with the prosecution, leaving cooperation with the courts available as a ground for departure in the absence of a government motion, presumably under section 5K2.0." *Agu*, 1991 WL 237844, at — (citing *United States v. Garcia*, 926 F.2d 125 (2d Cir. 1991)). In *Garcia* the Second Circuit approved a downward departure based on the defendant's "activities facilitating the proper administration of justice" in the courts. *Id.* at 128; cf. *United States v. Sanchez*, 927 F.2d 1092, 1094 (9th Cir. 1991) (based on defendant's assistance in a civil forfeiture proceeding, the district court properly denied downward departure under section 5K1.1 and exercised discretion not to depart under section 5K2.0).

If cooperation with the courts is covered by section 5K2.0, so, too, is cooperation with Congress. Cf. *United States v. Harrell*, 936 F.2d 568 (4th Cir. 1991) (unpublished opinion available on WESTLAW) (Murnaghan, J., dissenting) ("I would remand to the district judge to permit him to reconsider [the effect of] Harrell's cooperation with congressional authorities [investigating fraud at HUD.]). The courts have sentencing authority to reward cooperation of a defendant with an agency other than the prosecution when the United States Attorney has not requested a downward departure.

The Chief Counsel's letter of January 10, 1992 is, in effect, a request for a downward departure. Comity between independent branches of government suggests the desirability of assisting Congress in its important work where there is no strong conflict with a court's other sentencing responsibilities. Balancing congressional needs and the judicial sentencing responsibilities in this case requires a downward departure in the exercise of the court's discretion.

In view of the importance of defendant's cooperation with Congress, a downward departure of three offense levels is appropriate. Absent such a departure, his offense level would be 11, with a guideline range of 8-14 months in prison. With the downward adjustment, his offense level is 8, providing a range of 2 to 8 months. Since he has served 8½ months, he is ordered released forthwith. The sentence is stayed for 7 days to permit the United States Attorney to appeal and to seek a further stay from the Court of Appeals.

So Ordered.

JACK B. WEINSTEIN,

*United States District Judge.*

Dated: Brooklyn, New York, January 21, 1992.

[From the Legal Times, Jan. 27, 1992]

GUNRUNNER PLAYS OCTOBER SURPRISE CARD—  
LAWYER EXPLOITS HOSTAGE PROBE, WINS  
CONGRESSIONAL HELP TO FREE CLIENT

(By Daniel Klaidman)

Two years ago, Thomas Dunn was scraping by as a court-appointed criminal defense lawyer in Brooklyn, taking the usual assortment of drug, robbery, and occasional murder cases. After 5½ years of this routine, he was a little bored.

But on Thursday, Jan. 18, 1990—Dunn's day of the week for picking up cases in U.S. District Court—his luck changed dramatically.

That day, a U.S. magistrate assigned Dunn the case of Ari Ben-Menashe, an Israeli intelligence operative accused of making illegal arms sales to Iran. By taking the case, Dunn was thrust into a world of international conspiracy and cloak-and-dagger intrigue that has taken him from Brooklyn to a jail cell in provincial Germany to the corridors of power in Washington.

The Ben-Menashe defense was a watershed for Dunn because it provided him entree into an even more byzantine international intrigue—the so called October Surprise.

Dunn's Ben-Menashe connection led him to take the case of Dirk Francois Stoffberg, a former South African intelligence agent and private arms merchant—who, like Ben-Menashe, is another shadowy figure involved in the October Surprise. The story of the October Surprise posits that in the fall of 1980, to help elect Ronald Reagan as president, Reagan campaign officials attempted to stall the release of 52 Americans held hostage in Iran.

Now, some crafty layering by Dunn on behalf of Stoffberg has sparked a nasty partisan spat in Washington that centers on the role a powerful congressional staffer is playing in the House of Representatives' October Surprise investigation. Dunn managed to convince a federal judge to make the unprecedented decision to reduce his client's sentence based on congressional intervention.

Through all the politics and security matters, Dunn has deftly played off competing interests in Washington to his client's advantage.

"My client had the information, and Washington was hungry for it," boasts the usually reserved 41-year-old solo practitioner.

While Dunn has good reason to crow, he got a lot of help from his client. Stoffberg claims that in the summer of 1980 he met with future Reagan administration officials William Casey and Richard Allen to discuss U.S. hostages held captive in Iran. He did not reveal this information until he was charged last April with violating the Arms Export Control Act for selling 1,000 9mm Smith & Wesson handguns to a U.S. Customs agent posing as a Chilean broker. In November, Stoffberg pleaded guilty to the charge.

Stoffberg's story of his 1980 activities lured R. Spencer Oliver, chief counsel to the House Foreign Affairs Committee, to Manhattan—and onto Stoffberg's defense team. The longtime Democratic staffer sent a letter praising the South African to U.S. District Judge Jack Weinstein, who later freed Stoffberg.

Oliver is probing the October Surprise for the House Foreign Affairs panel—although he apparently never made known to committee Republicans his actions concerning Stoffberg. His letter has proved a lightning rod for partisan anger over the October Surprise investigation. Republican lawmakers who are critical of the probe have lashed out at Oliver for intervening in a pending criminal case in pursuit of evidence to support the October Surprise hypothesis.

The members say that it was inappropriate for an unelected staffer under the auspices of Congress to lobby a judge to reduce a defendant's sentence.

"By what authority did Spencer Oliver intervene in this case, and why wasn't the minority notified?" asks Rep. Henry Hyde (R.-Ill.), a senior member of the House Foreign Affairs Committee. "The letter should have been signed by somebody in authority."

"Maybe Mr. Oliver is running the Foreign Affairs Committee, and I didn't know it," adds Hyde.

Oliver declines comment. A spokesperson for his boss, Rep. Dante Fascell (D-Fla.),

chairman of the House Foreign Affairs Committee, says that Fascell authorized the letter.

The spokesperson notes that the letter was also authorized by Rep. Lee Hamilton (D-Ind.), who heads the Democratic task force established to probe the October Surprise.

But a spokesman for Hamilton says the congressman "was not familiar with the letter that has been sent to the judge."

This partisan squabbling is of little concern to Dunn, who has sprung his client from jail and in so doing helped to create case law that gives Congress power in sentencing at the expense of federal prosecutors.

"If you have a guy arrested out in Texas," says Dunn, "and there's a congressional investigation totally unrelated to his particular case, now a judge has the power to make a downward departure in the sentencing guidelines based on U.S. v. Stoffberg."

#### CLIENT REFERRAL

For Stoffberg, the case began last year in Konstanz, Germany, when the U.S. Customs Service stung him. Stoffberg was arrested while attempting to cross the Swiss-German border and held by German authorities pending his extradition to the United States.

A German journalist who knew Stoffberg's fiancée advised him to retain Dunn. The German had seen Dunn try the seven-week-long Ben-Menashe case, which ended in an acquittal.

On Sept. 22, Dunn, a former insurance claims adjuster with a self-acknowledged fear of flying, flew to Germany to meet with his client.

During his first interview with Stoffberg, held in a German jail cell, Dunn learned that the former agent possessed some startling information that the lawyer hoped might give him leverage with the U.S. government.

In the 1970s, Stoffberg, as an agent of South Africa, sold weapons to the Shah of Iran's government. A remarkably smooth player in the international arms trade, he was able to continue selling weapons to the Iranians after the 1979 revolution.

According to Dunn, Stoffberg's good relations with officials in the Ayatollah Khomeini's regime led "two American Reagan campaign officials" to meet with his client in London on two occasions in the summer of 1980 to discuss the 52 U.S. hostages seized by Iranian militants after the revolution.

Dunn would not confirm that Casey and Allen were the two officials, but two Hill sources assert that Stoffberg has named those men to congressional investigators.

The claims were indeed explosive, and Dunn knew there had to be a way to use the information to his client's advantage.

"We wanted to cooperate with any governmental entity that was interested in Mr. Stoffberg's story," says Dunn.

But the 1980 graduate of the Western New England College of Law also realized that Stoffberg had been caught red-handed by U.S. agents and would almost certainly be convicted by a jury if the case went to trial.

Furthermore, Dunn surmised that revealing the conspiracy allegations to prosecutors in New York's Eastern District, where Stoffberg had been indicted, would be counterproductive.

"The prosecutors' Republican bosses in Washington were hardly going to allow a deal to be cut based on allegations about the October Surprise," says Dunn.

To make matters worse, Stoffberg refused to cooperate with U.S. prosecutors in their cases against his co-defendants. According to Dunn, his client was wary of violating the South African Secrets Act and returning to

his native land to face stiff criminal penalties.

"We had no defense, that was clear," recalls Dunn.

#### DEALING WITH CONGRESS

Then Dunn remembered a conversation he had with Spencer Oliver, the House Foreign Affairs counsel who was interested in his other client, former Israeli spy Ari Ben-Menashe. Ben-Menashe also claimed knowledge of the October Surprise and was angling to provide testimony to congressional investigators.

In September, Dunn met with Oliver and asked to set up a meeting between Oliver and Stoffberg. To add credibility to his client's story, Dunn told Oliver that in 1981, Stoffberg had played a key role in freeing three Anglican clergymen who had been taken prisoner by the Iranians. The episode, he said, could be corroborated by Swedish diplomats.

According to Dunn, Oliver was interested but non-committal. He wanted to meet with Stoffberg before agreeing to intervene with the court on his behalf.

On Nov. 21, in the U.S. Courthouse in Brooklyn, Stoffberg pleaded guilty to one count of violating the Arms Export Control Act. He was detained in the Metropolitan Correctional Center in Manhattan.

Oliver tried to set up a meeting with Stoffberg at the Office of the U.S. Attorney for the Eastern District of New York. Although prosecutors denied the request, they became interested in Stoffberg's dealings with the congressional aide. Assistant U.S. Attorney Seth Marvin had several long conversations with Oliver in an attempt to learn what Stoffberg was telling the investigator, according to Dunn and others.

Oliver finally met with Stoffberg on Dec. 26 at the Metropolitan Correctional Center. The South African told Oliver about the two London meetings and provided documents, according to Dunn.

Shortly after Oliver returned to Washington, however, he told Dunn that he would not intervene for Stoffberg because Stoffberg had refused to reveal the name of a British intelligence officer who organized one of the London meetings.

#### PLAYING HARDBALL

The development came as a major blow to Dunn.

"All of the sudden it felt like my heart fell out of my chest," Dunn remembers.

So the slightly diffident solo practitioner from Fairlawn, N.J., decided it was time to play hardball with Washington.

"The committee needed my client," says Dunn. "I told Oliver 'no letter to the judge, no cooperation from my client,' and he got the message."

In Oliver's carefully crafted Jan. 10 letter to Judge Weinstein, he writes that Stoffberg has "provided the House of Representatives Committee on Foreign Affairs with substantial assistance in an on-going investigation." The controversial letter goes on to "request that Mr. Stoffberg's cooperation be taken into consideration by you in the determination of his sentence."

At a Jan. 14 sentencing hearing before Weinstein, a federal prosecutor argued that the Oliver letter was no different from any other character reference from a third party: "Congress, like any other party or private citizen, has a right to send a letter to the court, much like a family member would, a physician, a member of the clergy \* \* \*"

The judge shot back rhetorically: "You're not putting Congress in the same position of

influence as a family member in terms of its influence."

Weinstein ruled that under federal sentencing guidelines, Stoffberg was eligible to serve eight to 14 months, but that based on "the importance of defendant's cooperation with Congress, a downward departure of three offense levels is appropriate."

He sentenced Stoffberg to two-to-eight months' imprisonment; because Stoffberg had already served 8½ months, the judge ordered his release. In his Jan. 16 opinion, Weinstein also indicated that he would have sentenced the South African to 13 months in prison had he not taken Oliver's request into consideration.

The U.S. attorney's office declined to appeal Weinstein's ruling.

#### LEGAL REWARDS

Meanwhile, Rep. Hyde and other Republicans continue to cry foul over Oliver's role in reducing the sentence of a convicted arms merchant.

But such political infighting seems distant to Dunn, who was preoccupied last week with defending his client's interests before the U.S. Immigration and Naturalization Service, which is seeking to deport Stoffberg either to South Africa or to Germany.

Dunn says he has not seen the last of Stoffberg, and the work he hopes to do in the future will probably take him even further from his court-appointed criminal practice in Brooklyn.

Says Dunn: "I'll be Stoffberg's lawyer for his book deal."

□ 1510

#### ACCESS TO JUSTICE ACT OF 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-185)

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 the Judiciary and ordered to be printed:

*To the Congress of the United States:*

I am pleased to transmit today for your immediate consideration and enactment the "Access to Justice Act of 1992". The purpose of this proposal is to reduce the tremendous growth in civil litigation that has burdened the American court system and imposed high costs on our citizens, small businesses, industries, professionals, and government at all levels.

A thorough study of the current civil justice system has been conducted by a special working group, chaired by the Solicitor General, Kenneth W. Starr. The working group's recommendations, which were unanimously accepted by my Council on Competitiveness, are reflected in the bill. The legislation seeks to reduce wasteful and counterproductive litigation practices by encouraging voluntary dispute resolution, the improved use of litigation resources, and, where appropriate, modified, market-based fee arrangements. Additional reforms would permit the

judicial system to operate more effectively.

The Access to Justice Act would accomplish reforms in significant areas of litigation:

- a prerequisite for Federal jurisdiction over certain types of lawsuits (the amount in controversy requirement) would be redefined to exclude vague, subjective claims;
- prevailing parties could be entitled to award of attorney's fees in certain lawsuits brought in Federal court;
- the Equal Access to Justice Act would be amended to clarify and limit litigation over the amount of attorney's fees;
- innovative "multi-door court-houses" would be established to encourage utilization of alternative dispute resolution mechanisms;
- award of reasonable attorney's fees in disputes involving the United States would be permitted in appropriate instances;
- prior notice would be required, subject to reasonable limits, as a prerequisite to bring suit in any United States District Court;
- flexible assignment of district court judges would be authorized;
- immunity of State judicial officers would be clarified and protected;
- the Civil Rights of Institutionalized Persons Act would be amended to encourage resolution of claims administratively; and
- improvements in case management in Federal courts would be effected.

I believe this proposed legislation would greatly reduce the burden of excessive, needless litigation while protecting and enhancing every American's ability to vindicate legal rights through our legal system. I recommend prompt and favorable consideration of the enclosed bill.

GEORGE BUSH.

THE WHITE HOUSE, February 4, 1992.

#### APPOINTMENT OF CONFEREES ON H.R. 2194, FEDERAL FACILITIES COMPLIANCE ACT OF 1991

Mr. SWIFT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2194) to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

Mr. SCHAEFER. Mr. Speaker, reserving the right to object, which I will not do, I make this reservation for the purpose of asking the gentleman from Washington [Mr. SWIFT] what this request is?

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. SCHAEFER. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, this is a request to go to conference on the Federal facilities bill, legislation that the gentleman from Colorado [Mr. SCHAEFER] has had considerable interest in over the years.

Mr. SCHAEFER. Mr. Speaker, I certainly support the request of the gentleman from Washington [Mr. SWIFT].

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington? The Chair hears none, and, without objection, reserves the right to appoint additional conferees:

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. DINGELL, SWIFT, ECKART, SLATTERY, SIKORSKI, LENT, RITTER, and SCHAEFER.

As additional conferees from the Committee on Armed Services, for consideration of section 113 of the Senate amendment, and modifications committed to conference: Messrs. RAY, HOCHBRUECKNER, and SAXTON.

As additional conferees from the Committee on the Judiciary, for consideration of section 2(a) of the House bill, and section 103(a) of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, FRANK, and GEKAS.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of section 304(a) of the Senate amendment, and modifications committed to conference: Messrs. JONES of North Carolina, STUDDS, and DAVIS.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 102, 109, and 115-19 of the Senate amendment, and modifications committed to conference: Messrs. ROE, NOWAK, and HAMMERSCHMIDT.

As additional conferees from the Committee on Public Works and Transportation, for consideration of title IV of the Senate amendment, and modifications committed to conference: Messrs. ROE, SAVAGE, Ms. NORTON, and Messrs. NOWAK, BORSKI, HAMMERSCHMIDT, SHUSTER, and INHOFE.

There was no objection.

#### AMERICAN WORKERS SHOULD HAVE KNOWLEDGE OF THEIR POLITICAL RIGHTS

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

Mr. BALLENGER. Mr. Speaker, imagine a portion of your paycheck

going to the campaign of your political rival—a practice that Thomas Jefferson called both sinful and tyrannical—and then you'd have to go through a lengthy court battle to get a fair amount of that portion restored. For workers who don't agree with their union's political choices and yet have to support them, this is the situation in which they find themselves.

At the January 1992 meeting of the Republican National Committee a resolution passed calling for the Congress and the Department of Labor to do everything in their power to legislatively and administratively enforce the 1988 Supreme Court Beck decision so that American workers can have the knowledge of their political rights.

American workers, thanks to this landmark decision, will not have to pay that portion of their union dues that goes for political activity. The problem is that most workers are not aware of these rights, and, therefore, would have to go to court as Harry Beck did.

Mr. Speaker, I place this resolution in the RECORD and I ask that this administration restore freedom of political choice to the workers of our country by enforcing the Beck decision.

#### BECK RIGHTS RESOLUTION—1992

Whereas, the Supreme Court of the United States has ruled that it is a violation of the First Amendment guarantee of free speech to compel workers to fund political activities and candidates through their compulsory dues and other payments to unions, and

Whereas, the Supreme Court's decision in *Communication Workers v. Beck* (108 S. Ct. 2641 (1988)) establishes these employee rights under the National Labor Relations Act, and

Whereas, compulsory dues pour millions and millions of dollars into the coffers of big labor which the union bosses spend in support of candidates whom working Americans do not support and, indeed actively oppose, and

Whereas, officials of the National Education Association union plan to spend teachers' dues money to defeat President Bush's reelection efforts, thus trampling on the political freedom of the NEA's 600,000 Republican members, and

Whereas, officials of the Teamsters union, and of the AFL-CIO, have announced their intention to spend members' dues money to defeat President Bush, despite the fact that nearly half of all union members in these organizations voted for President Bush in the last election, and

Whereas, union members, seeking to exercise their Beck rights have been put off, threatened with the loss of their jobs and benefits and, on occasion, asked to leave the union, and

Whereas, Republican-sponsored legislation has repeatedly called for increased enforcement of Beck rights, only to be rebuffed by the Democrat-controlled Congress, and

Whereas, Republican members of Congress have repeatedly tried to insure that workers' rights are no longer violated in such a grievous and illegal manner, only to be rebuffed by the liberal special interests, and

Whereas, President George Bush in June of 1989 said, "I also propose to strengthen the Supreme Court's Beck decision, which held that union members can't be forced to have

their dues go to political causes they do not support. No Americans—not one—should be compelled to give money to a candidate against his or her will”, and

Whereas, the United States Department of Labor has the right and power and obligation to act administratively to help protect workers from the forcible taking of their dues monies and other payments to unions to support causes and candidates they oppose, and

Whereas, the Republican National Committee, at its January, 1991 meeting in Washington, D.C., fully endorsed the right of American working men and women to support or oppose candidates of their choice, free from political tyranny and coercion, and

Whereas, the Republican National Committee, at its 1991 meeting called upon the Congress and the Department of Labor to do everything in their power to correct union abuses of the rights of workers, only to see those efforts attacked and assailed at every turn by these same liberal interest groups: Now, therefore, be it

*Resolved*, That the members of the Republican National Committee urge forceful action by the Department of Labor on behalf of the political rights of workers, and we further urge the Department of Labor to implement the Beck decision:

One, mandate the posting of notices in the workplace informing workers of their rights to refuse to fund political causes they oppose; and

Two, amend the LM-2 forms to force full and open disclosure of union expenditures, especially political expenditures, as well as collective bargaining costs, on a line by line basis.

Submitted by Morton C. Blackwell, National Committeeman, Virginia.

Note: Charlton Heston was asked to leave Actors Equity when he attempted to exercise his Beck rights.

#### AS FEAR OF A BIG WAR FADES, MILITARY PLANS FOR LITTLE ONES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, I submit the following article from the New York Times, Monday, February 3, 1992. The content addressed the issue of defense policy for the post-cold-war era. My constituents are very interested in the defense issue.

#### AS FEAR OF A BIG WAR FADES, MILITARY PLANS FOR LITTLE ONES (By Patrick E. Tyler)

FORT KNOX, KY.—On a bleak, cold hillside one January afternoon, a class of future Army tank commanders huddled on a set of bleachers as Col. John Sylvester, one of the heroes of the Persian Gulf war, explained why the breakup of the Soviet Union would have no effect on their careers.

A towering Daniel Boone figure with muddy boots and a booming voice, Colonel Sylvester led the Tiger Brigade of the Second Armored Division of M1-A1 tanks against Kuwait International Airport a year ago. Now, as warrior-teacher, he was telling these young captains and lieutenants that even with the cold war's end they might still find themselves in a war someday.

And in war, Colonel Sylvester told them, the enemy will always try to put obstacles on the battlefield "to make you vulnerable so he can kill you." Simple as that.

But what the Colonel didn't say was who that enemy might be. The fact was, he didn't know.

With the cold war ended, the future is sweeping over the United States military. Nowhere is frustration as intense as here at the Army's tank school, where virtually every tank driver since World War II has trained with a Soviet enemy in mind.

#### AN OLD FEAR, NOW GONE

That vision of an enemy that could point 90 or more divisions at Western Europe and still wage global war with the United States was implanted in multiple generations of Americans in uniform. But now it has evaporated, leaving the United States military without the old certainties about its role in the world, its deployment overseas, its need for futuristic weapons and battlefield scenarios.

At no time since the end of World War II has America's two-million-member military establishment faced as much fundamental change and uncertainty as in 1992, the first full year that will unfold without a unified Soviet military and the industrial complex that supported it.

Significant military threats to American security are greatly diminished, but they have not disappeared altogether: Saddam Hussein reminded the world that sizable military challenges might arise in the undefinable era ahead, but these potential adversaries are vaporous shapes.

"This transition period is potentially dangerous," argued Maj. Gen. Thomas C. Foley, who commands the armor school at Fort Knox. "I don't want to say there is a bogey man behind every tree, but you have to admit when the American people say, 'Our interests are being threatened, let's do something about it,' we have got to be ready to go, on a much reduced scale maybe, but ready to go."

#### A GAME WITH ONLY ONE TEAM

For other officers, the loss of certainty is more distressing.

Col. Dennis H. Long is the director of "total armor force readiness" at Fort Knox. His job is to look 15 to 20 years into the future and recommend to the Army what kind of tanks and other armored vehicles the service should design.

"For 50 years, we equipped our football team, practiced five days a week and never played a game," he said. "We had a clear enemy with demonstrable qualities, and we had scouted them out."

Now, he continued, "We will have to practice day in and day out without knowing anything about the other team. We won't have his playbook, we won't know where the stadium is, or how many guys he will have on the field. That is very distressing to the military establishment, especially when you are trying to justify the existence of your organization and your systems."

#### THE QUESTIONS: HOW TO LEARN FROM SMALL WARS

The final collapse of the Soviet empire has caused millions of Americans and many of their representatives in Congress to call for dramatic reductions in the American military. And it has led the Bush Administration to retreat, though in small steps, from the large military budgets that characterized the Korean War era, the Vietnam War era, the late Carter Administration, the Reagan era and even the first days of the Bush Administration.

"For all of my lifetime," said Representative Les Aspin, Democrat of Wisconsin and chairman of the House Armed Services Com-

mittee, "the driving force for everything has been the Soviet threat." Now that it has gone away, he continued in an interview, "we are cut loose from a lot of our certainties, and we must ask ourselves first-principles questions which haven't been asked in 40 to 50 years."

What are those questions?

Former Defense Secretary Harold Brown said the first question Americans must answer is what kind of military power they want the nation to be.

"Is it really America's job to fight in North and South Korea?" he asked. "Apparently it is America's job to fight in the Persian Gulf. What about southern Africa and Latin America?"

"My own guess is that the American public wouldn't see the same motivation" in those regions that it did during the cold war, Mr. Brown said, when global military competition with the Soviet Union led to American intervention in Europe, Central America, the Caribbean, the Middle East and Asia.

"The end of the cold war should mean the end of the cold-war method of judging defense requirements," former Defense Secretary James R. Schlesinger wrote recently in *Foreign Policy*.

In an interview, Mr. Schlesinger said American society must recast its definition of power to include such elements as economic competitiveness, productivity and investment in industry. These other priorities, he suggests, will move to more commanding positions as the need for massive military strength disappears.

#### LOADED WORDS IN THE BUDGET

This transition holds practical problems, however, and most of them are in Washington, where the annual budget cycle requires the Pentagon and the Congress to define "threats" to national security and then to state the "requirements" for weapons and forces needed to meet them. From this process emerges an annual Pentagon budget and five-year spending plan to "acquire" the forces and weapons needed.

But without a big threat, there is little agreement on how to proceed.

Representative Aspin recently suggested that the Persian Gulf war should be the model for future wars. The Iraq experience would be transplanted around the globe to measure the relative strength of other troublesome regional powers as a means to plan forces to defeat them. Mr. Aspin has dubbed this method "Iraq equivalents."

In August 1990, Defense Secretary Dick Cheney and Gen. Colin L. Powell, chairman of the Joint Chiefs of Staff, defined a strategy that would shrink worldwide American forces by 25 percent from cold-war levels while increasing spending for a new generation of high-technology weapons to outfit the American military of the future.

#### MILITARY'S NEW TASKS

This transitional strategy foresaw the threat of regional wars in the Persian Gulf or Korea. It focused on the spreading ballistic missile threat, nuclear proliferation, terrorism, drug trafficking and the possible re-emergence of a Soviet threat in Europe.

The collapse of the Soviet Union quickly undermined this strategy and highlighted the fact that Mr. Cheney and General Powell were building so many new weapons that future defense budgets, after a period of shrinkage, would actually begin growing again by tens of billions of dollars a year later in the decade.

But Mr. Cheney and General Powell have now retrenched further.

Oppressed by the new reality that it must justify itself in a relative vacuum of "threats," the military's leaders are clinging to the truisms of military philosophy, admonishing political leaders in the way Machiavelli might have instructed his prince or Clausewitz his king.

The advice is simple and blunt: any nation that disarms invites attack; wars, when they come, are seldom the wars expected; being as good as a potential adversary is not enough; winning means not only exceeding the strengths of the opponent, but dominating him so completely that the conflict is ended early with favorable results and minimal casualties.

#### THE BACKGROUND: A STRATEGY BUILT ON YEARS OF FEAR

On Aug. 25, 1989, Adm. William J. Crowe Jr., General Powell's predecessor as Chairman of the Joint Chiefs of Staff, distributed his last "national military strategy," a classified guide to waging global conflict with the Soviet Union. He did not know that in just 76 days the Berlin wall would fall, bringing the end of the cold war clearly into view.

"Should deterrence fall and war come," he wrote to Secretary Cheney, "the United States must be prepared for an extended conflict involving the survival of the nation." The document, which was sent to top military commanders, spoke of "total mobilization at home" to build the nation's wartime combat power.

"United States forces will seek out and destroy Soviet naval forces, project power ashore and be prepared to conduct attacks against the Soviet homeland," Admiral Crowe wrote. Should the war go nuclear, the document says, "our forces will hold at risk those assets that the Soviet leadership would need to prevail in a nuclear conflict and to dominate a postnuclear world."

It was a military catechism that epitomized an era—an era in which NATO developed strategies to offset the numerical superiority of the Warsaw Pact; an era in which the United States Navy focused on resupplying Europe in wartime, on dominating the oceans and on building a maritime strategy using aircraft carriers and marines to strike on the Soviet flanks.

#### HARKING BACK TO THEIR COMING OF AGE

For most senior general officers in the American military today, coming to adulthood coincided with the onset of prospective East-West conflict.

General Foley, now the commander at Ft. Knox, recalled that when he arrived in West Germany in 1961 as a young second lieutenant and watched the Berlin wall going up, "I think all of us took very seriously the fact that we could go to war at any time."

"There was a fear," he said, a recognition that those officers who had brought their families to Europe might not get the opportunity to warn them in the event that war broke out with nuclear weapons.

When his wife, Sandy, and two young children arrived by transport ship in Bremerhaven and traveled by train to Bavaria in June 1962, the Foleys had been separated for a year by the Berlin crisis. Their family reunion lasted only three days before Lieutenant Foley had to be back with his unit in a high state of readiness for war.

When there was spare time, the Foleys reconnoitered the escape routes through Germany that Mrs. Foley and the children would use if war broke out.

"That's how serious it was taken," he said. This seminal cold war experience shaped General Foley's lifetime view, leaving him

with the opinion today that the United States should strive to remain a potent military power to deter threats, even if the threats were not readily apparent.

#### THE ANALYSIS: THREAT IS DIVERSE RATHER THAN DEEP

For the military, and the nervous Foleys, the cold war was a time of great building and transition. The first bomber designed to carry nuclear weapons, the B-52 Stratofortress, went on 24-hour alert in 1957. The Air Force's Strategic Air Command became the first among equals of all military commands; its mission was to annihilate Soviet targets with nuclear fire.

In June 1962, the same month that Mrs. Foley followed her husband to Europe, Roy Alcala graduated from West Point and reported to tank school at Fort Knox.

The commencement speaker for Lieutenant Alcala's graduating class at West Point had been President John F. Kennedy, who admonished the cadets that the global competition between the Soviet Union and United States might send them into the third world as cold warriors against the spread of Marxist revolutions.

"I know that many of you feel, and many of our citizens may feel, that in these days of the nuclear age, when war may last in its final form a day or two or three days before much of the world is burned up, that your service to your country will be only standing and waiting," Mr. Kennedy said.

"Nothing, of course, could be further from the truth."

Five Soviet leaders and several wars later, Mikhail S. Gorbachev began the process of turning the world on its end. And after two tours in Vietnam and three years of graduate school at Yale University, Colonel Alcala and many of his contemporaries saw the decline of the Soviet Union long before the Pentagon officially acknowledged it.

"We began to see it in 1986 and the spring of 1987," he said. By this time, Colonel Alcala was running a small research group for Gen. Carl E. Vuono, the Army Chief of Staff.

Sensing the future, General Vuono mobilized his staff to formulate what he called a "successor strategy" that would allow the Army to shrink in size, while maintaining its lethality and mobility for any crisis.

#### CHANGE IN RISK RATIO

"Changing from the containment of the Soviet Union," Colonel Alcala said, meant that "we were preparing our forces so they could act in areas other than mainland Europe while not knowing precisely what kind of threat they would face."

"Our conclusion was that while the risk to national existence was way down, the probability of having to engage was way up.

"It took the exercise against Iraq to shed much of the old language and to demonstrate what we had done," Colonel Alcala said.

General Vuono and Colonel Alcala also understood that the service would have to shrink substantially because no set of hypothetical threats could ever measure up to the demands the Soviet military had put on American military preparedness.

#### THE OUTLOOK: THE DEAD PAST SHAPES THE FUTURE

Veterans of the Pentagon's planning process say the military has spent most of its time for the last two years justifying a slimmed-down version of the cold-war military structure, rather than trying to design a force for the 21st century.

The notion of throwing out a decades-old system is a powerful bureaucratic threat. It rankles veterans.

"It can't be a clean sheet of paper," said Mr. Brown, the former Defense Secretary. "You have an immense capital investment, and you can't throw it away."

Planning for the future need not waste the investments of the past, some experts say. Without a clear and identifiable military threat, why not design a smaller, highly mobile and lethal military that could respond to a crisis anywhere in the world, seize territory, control the air over the battlefield and provide support from the sea, but at half the cost of the military that existed when the Berlin wall fell?

New ideas about so-called all-purpose forces are being offered. Some argue that the military has only begun to explore the possibilities offered by cost-effective combinations of computers, radars and high-technology munitions that can bring more firepower to bear on targets than at any time in history.

Mr. Aspin, head of the House Armed Services Committee, has advocated new procurement strategies to slow the development of new weapons: "rolling over" research and "skipping generations" of weapons instead of rushing into production with every new model.

It appears that the Pentagon is moving in that direction.

#### THE DOUBTS: INERTIA HOBBOLES A VAST MILITARY

Just retired from the Army that he joined in the era of Dr. Strangelove, Colonel Alcala is proud of the imprint his generation left on his service. But he has also begun to believe that the United States can remain the strongest global military power while also shedding much of the "dishonesty, pork and near-term economic gain" that impels the Pentagon's budget.

He says he would be willing to scrap the Army's tank factories and deactivate divisions that have lost their purpose. He would experiment with so-called cadre divisions that would maintain a skeletal core and fill out with reservists in a crisis.

"The right answer is probably unachievable," he said, "because it requires traumatic change and the amputation of useless limbs if we do it right. You have to cut the money, change the strategy and make the force fit the strategy. And you'll never get that on Capitol Hill."

#### AFTER THE THAW—"THE RESIDUAL ROLE FOR THE MILITARY"

(By Robert S. McNamara)

The opportunity for the Western democracies at present is to establish a vision of a new world order. It's the first opportunity of conceiving of such a vision and moving toward it since Roosevelt and Churchill put forth their vision of a post-World War II world. They were looking to a world in which relations among nations were based on a rule of law and a form of collective security founded on the United Nations. That is possible now.

I'm not so naive as to believe this post-cold-war would be without conflict. There have been 125 wars leading to 40 million deaths, largely in the third world, after World War II and before the Gulf War. These were not a function of ideological differences between East and West. They were a function of the age-old causes of war—boundary disputes, economic conflicts, ethnic tensions.

The danger is not that some group of nations will engage in conflict that will endanger the military structure of the great pow-

ers. The danger is that the great powers will fail to follow through on the vision. If the United States will give leadership in that direction and the other great powers will follow, then I believe it should be possible to

cut military expenditures in the world roughly in half.

The residual role for the military is to deal with the conflicts that can't be deterred—such as the Gulf. We have many, many problems in the world, such as the proliferation

of weapons of mass destruction. We've got all kinds of common enemies and challenges, such as the sustainability of development in broadest sense around the world. Population stability and environmental stability are going to be increasingly serious problems.

#### NEW WEAPONS FOR AN OLD WAR

(Some weapon systems designed for cold-war applications)

Weapon	Original mission	Status
B-2 Stealth Bomber	To penetrate Soviet airspace undetected carrying nuclear weapons during wartime. Development by Northrop began in 1978; first flight was in July 1989.	The Pentagon wanted 75 planes at a cost of \$65 billion, but President Bush's budget proposal for fiscal 1993 calls for halting production at 20 planes. The program has already cost \$34 billion.
F-22 Advanced Tactical Stealth Fighter.	To replace the F-15 Eagle and F-16 Falcon fighters and maintain air supremacy over any improved Soviet fighters. The search for this new generation of aircraft that could fly at supersonic speeds without detection began in 1981; Lockheed won the design competition in April 1991.	Full-scale production to begin this year at an expected cost of \$95 billion for 650 planes. In the fiscal 1993 budget, the Pentagon is requesting \$2.2 billion for the program.
SSN-21 Seawolf, named for the first submarine in this class.	To succeed the Los Angeles-class submarine with the mission of preventing the Soviet Navy from seizing the oceans during wartime. The first boat, ordered in January 1989, is under construction.	The Navy wanted 30 boats for a total cost of \$65 billion. President Bush's fiscal 1993 budget proposal calls for ending the program after only one submarine is built.
M1 Tank	To counter heavy armored Soviet tank divisions in Europe	Congress instructed the Pentagon to proceed with the M1-A2, an upgrade of the M1-A1, even though the Defense Department says it already has more tanks than it needs. Current proposals call for \$315 million next year.
Aircraft carrier battle groups	To maintain "deep attack" capabilities against the Soviet Union, and to provide forward air attack abilities around the world.	Three new carriers are under construction, and the Navy wants to build another. The 15 carrier battle groups already deployed cost more than \$20 billion a year to operate. Each carrier along with its battle group costs about \$45 billion over its 30-year life cycle.

#### ACCESS TO JUSTICE ACT OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 5 minutes.

Mr. FISH. Mr. Speaker, today I am introducing the Access to Justice Act of 1992, legislation that will bring about important and needed reforms in the Federal civil justice system. This bill is the outgrowth of certain recommendations made by the President's Council on Competitiveness in its Agenda for Civil Justice Reform issued in August 1991. As chairman of the Council on Competitiveness, Vice President DAN QUAYLE deserves high marks and high praise for his leadership in this reform effort.

I am very gratified to have the Honorable ROBERT MICHEL, the Republican leader, the Honorable NEWT GINGRICH, the Republican whip, and the Honorable DUNCAN HUNTER, the chairman of the Republican Research Committee joining with me as cosponsors of this important measure. Also, I am pleased to have my good friends and Judiciary Committee colleagues, the Honorable CARLOS J. MOORHEAD, and the Honorable BILL MCCOLLUM, as cosponsors as well.

At the very outset, it should be emphasized that this legislation is not intended as an attack on our Nation's legal system or the Nation's legal profession. I am a lawyer myself. I have served for over 23 years on the Committee on the Judiciary in the House of Representatives and have viewed this service as an opportunity to improve the administration of justice for all of our people. In short, I have the utmost respect for the American system of justice and our forms of jurisprudence.

But there is no aspect of our Government that should be considered to be immune from legitimate inquiry, review, and analysis. The Federal court system—with its complex rules and myriad procedures—is and should be

subject to the regularized scrutiny of congressional oversight. Our civil justice system belongs to all Americans.

The fact is that the American people sense that something is wrong with our legal system. They believe there are too many lawsuits and too many excessive damage awards. They believe that too much litigation is hurting the American economy. They believe that too much litigation is costing Americans jobs. They believe that too much litigation is driving up the cost of financing Federal, State, and local government. They believe that too much litigation is driving up the cost of liability (auto, homeowners, commercial) insurance and is a key factor in driving up the cost of health care.

Civil justice reform is about balanced fairness in our legal system. Civil justice reform is about seeking legitimate alternatives to litigation. Civil justice reform is about jobs for Americans—keeping existing jobs in the United States and creating new ones here at home. Civil justice reform is about enhancing American competitiveness so that our economy is allowed to expand and prosper. Civil justice reform is about American productivity. Civil justice reform is about cutting back on wasted transactional costs that produce nothing.

Our bill would make a number of important reforms in the Federal civil justice system without limiting the legal rights of legitimate plaintiffs. It is important to emphasize that this legislation imposes no caps on damages and no limits on attorneys' fees. Instead, it makes commonsense adjustments in the manner of handling Federal civil litigation.

Allow me to briefly summarize what our bill is going to do:

Require that the amount in controversy—\$50,000—for Federal court jurisdiction in diversity of citizenship actions should be based upon actual damages—that is, real economic losses.

Utilize the English rule or fairness rule in cases brought to the Federal courts through diversity jurisdiction. Under our adaptation of the English rule, the losing party will pay the attorneys' fees of the prevailing party but only up to the amount of their own attorneys' fees. This general loser-pays approach on legal fees is used by virtually every other civilized nation. It serves to discourage unnecessary and marginal litigation. Again, I would emphasize that our bill would not apply the rule in all Federal cases but rather only those that are in Federal court as a result of diversity in citizenship. This represents less than 25 percent of the Federal civil docket. For example, civil rights cases, environmental enforcement cases, and Federal question cases would not be affected.

As a means of further encouraging settlements, we propose a 30-day notice prior to filing actions in the Federal courts, specifying the basis of the claim and the amount of damages sought. If a plaintiff fails to notify, they are not substantively penalized. The statute of limitations would not expire; they simply would refile the same case as long as they give notice to the other parties.

To further the alternative disputes resolution [ADR] process, we would establish a pilot program through the designation of multidoor courthouse districts across the United States. These multidoor courthouses would adopt procedures for a speedier, nontrial way to resolve disputes and to expedite discovery.

Protect State court judges against possible personal liability for decisions made in the line of their judicial duties.

Authorize U.S. Government agencies to enter into fee shifting agreements with other litigants.

This civil justice reform legislation would streamline pretrial procedures, speed the trial process, and curb litigation costs. Now, there will be some who

will charge that this legislation is inconsistent with the best interests of the American people. Nothing could be farther from the truth. The American people would be the direct beneficiaries of these reforms. Americans fully understand that changes need to be made and they will expect Congress to take a serious look at this comprehensive reform plan.

Again, I want to compliment the Vice President for his leadership on this extremely important issue. I look forward to working with him and my House colleagues toward the enactment of this very important legislation. Mr. Speaker, not every dispute that arises in our society needs to be resolved in a court. This legislation reflects that commonsense approach.

H.R. 4155

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Access to Justice Act of 1992."

#### SEC. 2. FEDERAL DIVERSITY JURISDICTION; SUM IN CONTROVERSY

Section 1332 of title 28, United States Code, is amended by redesignating subsection (d) as subsection (g) and inserting after subsection (c) the following new subsections:

"(d) In determining whether a matter in controversy exceeds the sum or value of \$50,000, the amount of damages for pain and suffering or mental anguish, punitive or exemplary damages, and attorneys' fees or costs shall not be included.

"(e) On February 1 of each year, the monetary amounts referred to in subsections (a), (b), and (d) shall each be adjusted to the nearest thousand dollars to reflect the change in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, All Items, under its current official reference base as designated by the Bureau of Labor Statistics of the United States Department of Labor. The adjusted amounts shall be calculated by multiplying the relevant monetary amount by the annual average CPI-U for the most recent calendar year, and then dividing that sum by the annual average CPI-U for 1992."

#### SEC. 3. DIVERSITY OF CITIZENSHIP JURISDICTION; AWARD OF ATTORNEYS' FEES TO PREVAILING PARTY.

Section 1332 of title 28, United States Code, is amended by inserting after subsection (e) the following new subsection:

"(f)(1) The prevailing party in an action under this section shall be entitled to attorney's fees only to the extent that such party prevails on any position or claim advanced during the action. Attorneys fees under this paragraph shall be paid by the nonprevailing party but shall not exceed the amount of the attorneys' fees of the nonprevailing party with regard to such position or claim. If the nonprevailing party receives services under a contingent fee agreement, the amount of attorneys' fees under this paragraph shall not exceed the reasonable value of those services.

"(2) In order to receive attorneys' fees under paragraph (1), counsel of record in any action under this section shall maintain accurate, complete records of hours worked on the matter regardless of the fee arrangement with his or her client.

"(3) As used in this subsection, the term 'prevailing party' means a party to an action

who obtains a favorable final judgment (other than by settlement), exclusive of interest, on all or a portion of the claims asserted in the action.

"(4) The court may, in its discretion, limit the fees recovered under paragraph (1) to the extent that the court finds special circumstances that make payment of such fees unjust.

"(5) This subsection shall not apply to any action removed from a State court pursuant to section 1441 of this title, or to any action in which the United States, any State, or any agency, officer, or employee of the United States or any State is a party."

#### SEC. 4. AMENDMENT TO EQUAL ACCESS TO JUSTICE ACT.

(a) BASIS FOR ADJUSTING FEES.—Section 2412(d)(2)(A)(i) of title 28, United States Code, is amended by striking "or a special factor, such as the limited availability of qualified attorneys for the proceedings involved," and inserting "as reflected by the change in the Consumer Price Index for All Urban Consumers (hereinafter referred to in this subsection as the "CPI-U"), United States City Average, All Items, under its current official reference base as designated by the Bureau of Labor Statistics of the United States Department of Labor."

(b) CALCULATION OF ADJUSTMENT.—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(6)(A) If a court determines that the cost of living adjustment permitted by paragraph (2)(A)(ii) should be made in a particular case, the court shall calculate the adjustment in accordance with this paragraph.

"(B) When compensable services in an action are rendered in the present calendar year, the hourly rate shall be calculated by multiplying \$75 times the CPI-U for the month in which the last compensable services were rendered, and then dividing that sum by the CPI-U for October, 1981.

"(C) When compensable services are rendered in more than one calendar year, the adjustment for services rendered in the present calendar year shall be calculated using the formula set forth in subparagraph (B). The hourly rate for services rendered in each previous calendar year shall be calculated by multiplying \$75 times the annual average CPI-U for the year in which the services were rendered, and then dividing that sum by the CPI-U for October, 1981."

#### SEC. 5. PRIOR NOTICE AS A PREREQUISITE TO BRINGING SUIT IN THE UNITED STATES DISTRICT COURT.

(a) IN GENERAL.—Chapter 23 of title 28, United States Code, is amended by adding at the end the following:

##### "§ 483. Prior notice to suit

"(a) TRANSMITTAL OF PRIOR NOTICE.—(1) At least 30 days before filing suit in a civil action brought in a United States district court, the potential plaintiff shall transmit written notice to the intended defendant of the specific claims involved, including the amount of actual damages and expenses incurred and expected to be incurred. The potential plaintiff shall transmit such notice to the intended defendant at an address reasonably calculated to provide actual notice to each such party.

"(2) For purposes of this section, the term 'transmit' means to mail by first-class mail, postage prepaid, or contract for delivery by any company which physically delivers correspondence as a commercial service to the public in its regular course of business.

"(3) The plaintiff shall, at the commencement of the action, file in the court a certifi-

cate of service evidencing compliance with this subsection.

"(b) EXTENSION OF STATUTE OF LIMITATIONS.—In the event that the applicable statute of limitations for that action would expire during the period of notice required by subsection (a), the statute of limitations shall, subject to subsection (d), expire on the thirtieth day after the date on which written notice is transmitted to the intended defendant pursuant to subsection (a). The parties may by written agreement extend that 30-day period for an additional period of not to exceed 90 days.

"(c) EXCEPTIONS.—The requirements of this section shall not apply—

"(1) in any action to seize or forfeit assets subject to forfeiture or in any bankruptcy, insolvency, receivership, conservatorship, or liquidation proceeding;

"(2) where the assets that are the subject of the action or that would satisfy the judgment are subject to flight, dissipation, or destruction, or where the defendant is subject to flight;

"(3) where a written notice prior to filing suit is otherwise required by law, or where the plaintiff has made a prior attempt in writing to settle the claim with the defendant;

"(4) in proceedings to enforce a civil investigative demand or an administrative summons;

"(5) in any action to foreclose a lien; or

"(6) in any action pertaining to a temporary restraining order, preliminary injunctive relief, or the fraudulent conveyance of property, or in any other action involving exigent circumstances that compel immediate resort to the courts.

"(d) DISMISSAL FOR FAILURE TO COMPLY.—

In the event that the district court finds that the requirements of subsection (a) have not been met by the plaintiff, and such defect is asserted by the defendant within 60 days after service of the summons or complaint upon such defendant, the claim shall be dismissed without prejudice and the costs of such action, including attorneys' fees, shall be imposed upon the plaintiff. Whenever an action is dismissed under this subsection, the plaintiff may refile such claim within 60 days after dismissal regardless of any statutory limitations period if—

"(1) during the 60 days after dismissal, notice is transmitted under section (a); and

"(2) the original action was timely filed in accordance with subsection (b)."

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 28, United States Code, is amended by adding at the end the following:

"483. Prior notice of suit."

#### SEC. 6. AWARD OF ATTORNEYS' FEES IN DISPUTES INVOLVING THE UNITED STATES.

(a) IN GENERAL.—Chapter 161 of title 28, United States Code, is amended by inserting after section 2412 the following new section:

##### "§ 2412a. Award of attorneys' fees in disputes involving the United States

"(a) AGREEMENTS FOR ATTORNEYS' FEES.—Except as otherwise specifically provided by statute, the United States is authorized to enter into an agreement which provides that attorney's fees may be awarded against the United States or any other party to the action or proceedings—

"(1) in any civil action commenced by the United States;

"(2) in civil proceedings involving disputes pursuant to the Contract Disputes Act of 1978, including proceedings before boards of contract appeals pursuant to sections 7 and 8 of that Act; or

"(3) In a case in which the United States and another party have agreed to the use of outcome-determinative mediation as defined in section 484(b)(5) of this title, the mediation has resulted in a determination, and the United States or the other party has given notice pursuant to section 484(b)(8) of this title, pertaining to outcome-determinative mediation, that either party accepts the determination.

In a case described in paragraph (3), section 484(b)(8) shall apply to the award of attorney's fees.

"(b) REQUIREMENTS FOR AWARDED FEES.—The following shall apply to the award of any attorney's fees pursuant to subsection (a) (1) or (2):

"(1) Attorneys' fees may be awarded only to a prevailing party in the action or proceedings, subject to paragraphs (2) and (3). The prevailing party shall be entitled to attorney's fees from the nonprevailing party with respect to and only to the extent that such party prevails on any claim advanced during the action or proceedings, except that the amount of attorneys' fees shall not exceed the attorneys' fees of the nonprevailing party with respect to such claim.

"(2) In determining the amount of attorneys' fees for a private party, the court or board of contract appeals (as the case may be) shall take into account the degree of success obtained by that party relative to its original claim or claims, the prevailing market rates in the geographic area for the kind and quality of the legal services furnished, and any other factors relevant to whether an award of attorneys' fees would be reasonable and, if so, what a reasonable amount of attorneys' fees would be.

"(3) In determining the amount of attorneys' fees of the United States, the court or board of contract appeals (as the case may be) shall determine the number of hours spent by the attorneys employed by the United States on the action or proceedings, multiplied by the salaries and benefits paid to those attorneys, and an amount for overhead, computed as an hourly rate.

"(c) AWARD OF ATTORNEYS' FEES EXCLUSIVE.—A party who files an application for an award of attorneys' fees and expenses against the United States under any other provision of law may not pursue an award of attorneys' fees under this section. A party who files an application for an award of attorneys' fees under this section may not pursue an award of attorneys' fees and expenses under any other provision of law. A party who agrees to mediation under section 484 of this title may seek an award of attorneys' fees only under this section and section 484.

"(d) PROCEDURES FOR AWARDED FEES.—(1) A party seeking an award of attorneys' fees under this section shall file an application for fees with the court or board of contract appeals (as the case may be) within 30 days after final judgment in the action or proceedings involved. The application shall show that the party is eligible to receive an award under this section and the amount sought, including an itemized statement from any attorney appearing on behalf of the party which sets forth the actual time expended and the rate at which fees are computed. The party shall serve the fee application upon the party against whom the fees are sought to be awarded.

"(2) Within 30 days after service of the fee application upon the party against whom the fees are sought to be awarded, that party may file a response setting forth its reasons why an award of fees would not be reasonable or why the amount of fees should be re-

duced. In a case in which an award of attorneys' fees is sought against any party, the attorney for that party shall submit a statement of the total amount of attorneys' fees incurred in the action or proceedings in order that the court or board may determine that the fees sought in the application do not exceed the amount of fees incurred by that party.

"(e) REQUIRED APPROPRIATIONS.—Agreements may be entered into under this section to the extent provided in appropriations Acts. Awards of attorneys' fees received by a Federal agency on behalf of the United States under this section shall be credited to an account of that agency, as provided in an appropriations Act. To the extent provided in advance in appropriation Acts, amounts credited to such account shall be available only to pay awards of attorneys' fees under this section against that agency on behalf of the United States. Each such agency is authorized to pay any shortfall caused if funds currently available in such account are insufficient to pay amounts awarded under this section against such agency on behalf of the United States.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'United States' includes any agency of the United States and any officer or employee of the United States acting in his or her official capacity;

"(2) the term 'final judgment' means a judgment that is final and not appealable; and

"(3) the term 'prevailing party' means a party to an action who obtains a favorable final judgment other than by settlement, exclusive of interest, on all or a portion of the claims asserted during the litigation."

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 161 of title 28, United States Code, is amended by inserting after the item relating to section 2412 the following:

"2412a. Award of attorneys' fees in disputes involving the United States."

#### SEC. 7. AVOIDANCE OF LITIGATION THROUGH MULTI-DOOR COURTHOUSES.

(a) IN GENERAL.—Chapter 23 of title 28, United States Code, is amended by adding at the end the following new section:

##### "§ 484. Multi-Door Courthouses

"(a) DESIGNATION OF COURTS.—The chief judge of each judicial circuit of the United States (other than the United States Court of Appeals for the District of Columbia Circuit) shall designate one district court within the circuit to be a pilot Multi-Door Courthouse. The United States Court of Appeals for the Federal Circuit shall designate the United States Claims Court to be a pilot Multi-Door Courthouse for that circuit. Such designation, and the program established by this section, shall terminate at the expiration of a three-year period following such designation.

"(b) ESTABLISHMENT OF ALTERNATIVE DISPUTE RESOLUTION PLANS.—(1) Every court which has been designated as a Multi-Door Courthouse under subsection (a) shall, not later than six months after the effective date of this section, establish an alternative dispute resolution plan.

"(2) The alternative dispute resolution plan shall include, but not be limited to—

"(A) procedures for limited discovery;

"(B) confidentiality of proceedings as to possible subsequent pretrial and trial actions; and

"(C) the selection, use, and payment of nonjudicial personnel who may be selected to conduct alternative dispute resolution

proceedings as neutrals, mediators, or arbitrators.

"(3) The plan shall also establish standards for determining which cases are appropriate for alternative dispute resolution, considering such factors as whether factual issues predominate over legal issues, whether the case involves complex or novel legal issues requiring judicial action, and any other factors the court considers relevant.

"(4) Each plan shall provide that each judge or magistrate judge assigned to a case in a Multi-Door Courthouse established under subsection (a) shall conduct a conference with counsel within 120 days after the complaint is filed to review nonbinding, voluntary alternative dispute resolution procedures that may be used in lieu of litigation to resolve the claims in controversy.

"(5) As used in this section—

"(A) the term 'outcome-determinative mediation' means a procedure in which either a single mediator or a panel of three mediators selected by or under the direction of a United States district court provides the parties with a dollar amount determination that would be awarded if the case is tried; and

"(B) the term 'neutral' means an individual who functions specifically to aid the parties to an issue in controversy in resolving the controversy.

"(6) Each plan shall authorize the parties, if they agree, to use nonbinding alternative dispute resolution procedures in lieu of litigation to resolve the claims in controversy. These nonbinding alternative dispute resolution procedures shall include, but are not limited to, early evaluation by a neutral, mediation (including outcome-determinative mediation), minitrials, summary jury trials, and arbitration.

"(7) Each plan shall provide that—

"(A) the parties may agree as to the use of any alternative dispute resolution procedure listed in the alternative dispute resolution plan to effectuate prompt resolution of the claims involved; and

"(B) the parties may choose to use the neutrals made available by the court or may, if all parties and the court agree, utilize the services of other neutrals not designated in accordance with the court's alternative dispute resolution plan.

"(8) Each plan shall also provide that if the parties choose outcome-determinative mediation and a determination is reached pursuant to such mediation—

"(A) any party may give notice that it intends to accept that determination, while any other party may reject the determination and continue with the litigation;

"(B) a plaintiff, including the United States or any agency, officer, or employee thereof, who rejects the determination and fails to obtain a final judgment that is at least 10 percent greater than the determination shall pay the defendant's costs, as set forth in section 1920 of this title, and attorneys' fees, as set forth in section 2412a of this title, that are incurred after the rejection of the determination; and

"(C) a defendant, including the United States or any agency, officer, or employee thereof, who rejects the determination and fails to obtain a final judgment that is at least 10 percent less than the determination shall pay the plaintiff's costs, as set forth in section 1920 of this title, and attorneys' fees, as set forth in section 2412a of this title, that are incurred after rejection of the determination.

If all parties reject the determination, no costs or attorneys' fees shall be assessed against any party.

"(9) In carrying out their plans, the district courts are authorized to use the volunteer services of nonjudicial personnel to conduct alternative dispute resolution proceedings as neutrals, mediators, and arbitrators. The courts are also authorized to establish and pay, subject to limits established by the Judicial Conference of the United States, the amount of compensation, if any, that each neutral, mediator, and arbitrator shall receive for services rendered in each case."

(B) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 28, United States Code, is amended by adding at the end the following:

"484. Multi-Door Courthouses."

**SEC. 8. FLEXIBLE ASSIGNMENT OF DISTRICT COURT JUDGES.**

(a) STANDARD FOR TEMPORARY ASSIGNMENTS.—Section 292(d) of title 28, United States Code, is amended by striking "upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises." and inserting "whenever the business of that court so requires."

(d) DUTIES OF DIRECTOR OF ADMINISTRATIVE OFFICE.—Section 604(a) of title 28, United States Code, is amended—

(1) in paragraph (23) by striking "and" after the semicolon;

(2) in the first paragraph designated "(24)" by striking the period and inserting a semicolon;

(3) in the second paragraph designated "(24)"—

(A) by redesignating such paragraph as paragraph (25); and

(B) by striking the period and inserting "and"; and

(4) by adding the following new paragraph after paragraph (25), as so redesignated:

"(26) Secure information as to the courts' need for temporary judicial resources to ease overcrowded dockets (including information on delays being encountered in the maintenance of civil suits) and prepare and transmit annually to the Chief Justice, the chief judges of the circuits, the Congress, and the Attorney General, statistical data, reports, and recommendations summarizing the results of this inquiry."

**SEC. 9. IMMUNITY OF STATE JUDICIAL OFFICERS.**

(a) ATTORNEYS' FEES IN PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS.—Section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), is amended by inserting before the period at the end of the second sentence the following: "except that, notwithstanding any other provision of law, a State judicial officer shall not be held liable for any costs, including attorneys' fees, in any proceeding brought against such judicial officer for an act or omission of such officer while acting in an official capacity".

(b) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—Section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended by inserting before the period at the end of the first sentence the following: "except that in any action brought against a judicial officer for an act or omission of such officer while acting in an official capacity, injunctive relief shall not be granted unless a declaratory decree in the action was violated by such officer or declaratory relief was unavailable".

**SEC. 10. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS; PROCEEDINGS IN FORMA PAUPERIS.**

(a) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Section 7(a) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) by amending subsection (a) to read as follows:

"(a) In any action brought pursuant to section 1979 of the Revised Statutes of the United States, by any adult convicted of a crime confined in any jail, prison, or other correctional facility, the court shall continue such case for a period not to exceed 180 days in order to require exhaustion of such plain, speedy, and effective administrative remedies as are available."; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting immediately after "(b)" the following:

"(1) Upon the request of a State or local corrections agency, the Attorney General of the United States shall provide the agency with technical advice and assistance in establishing plain, speedy, and effective administrative remedies for inmate grievances."

(b) PROCEEDINGS IN FORMA PAUPERIS.—Section 1915(d) of title 28, United States Code, is amended to read as follows:

"(d) The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious."

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act, and shall apply to any civil action pending in any court on the date of the enactment of this Act and to any civil action filed on or after such date.

**SEC. 11. IMPROVEMENTS IN CASE MANAGEMENT**

Section 623(a) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7) and (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) study and determine ways in which case and docket management techniques (including alternative dispute resolution techniques) may be applied to improve the cost-effectiveness of litigation and to eliminate unjustified expense and delay, and include in the annual report required by paragraph (3) details of the results of the studies and determinations made pursuant to this paragraph";

**SEC. 12. ASSIGNMENT OF JUDGES; PANELS; HEARING; QUORUM.**

(a) IN GENERAL.—Section 46(c) of title 28, United States Code, is amended to read as follows:

"(c) Cases and controversies shall be heard and determined by a court or panel of not more than three judges (except that the United States Court of Appeals for the Federal Circuit may sit in panels of more than three judges if its rules so provide), unless a hearing or rehearing before the court in banc is ordered by a majority of the circuit judges of the circuit who are in regular active service. A court in banc shall consist of all circuit judges in regular active service, except that any senior judge of the circuit shall be eligible to participate, at his or her election, and upon designation and assignment pursuant to section 294(c) of this title and the rules of the circuit, as a member of an in banc court reviewing a decision of a panel of which such judge was a member."

(b) ADMINISTRATIVE UNITS.—Section 6 of Public Law 95-486 (92 Stat. 1633) is amended to read as follows:

"Sec. 6. Any court of appeals having more than 15 active judges may constitute itself into administrative units complete with such facilities and staff as may be prescribed by the Administrative Office of the United States Courts."

**SEC. 13. SEVERABILITY.**

If any provision of this Act or the amendments made by this Act or the application of any provision or amendment to any person or circumstance is held invalid, the remainder of this Act and such amendments and the application of such provision and amendments to any other person or circumstance shall not be affected by that invalidation.

**SEC. 14. EFFECTIVE DATE.**

Except as provided in section 10, this Act and the amendments made by this Act shall become effective 90 days after the date of the enactment of this Act, and shall not apply to any action or proceeding commenced before such effective date.

□ 1520

**THE POSTAL SERVICE PILOT PROJECT**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, the U.S. Postal Service has done it again. Residents of the small community of Waverly, NE, are being victimized by the impersonal and insensitive Washington bureaucracy of the U.S. Postal Service. And, because of the tunnel vision of the Postal Service management, residents of Waverly, its businesses and its schools are not receiving all of their mail.

Permit me to explain with but one example. This Member recently received a letter from the superintendent of School District 145, a school district which includes two elementary schools, a junior high school, and a senior high school. The school district is not receiving many of its checks, bid proposals, State and Federal report forms, and other important documents.

Why are the residents of Waverly not receiving mail that is addressed to them? Because the management of the U.S. Postal Service is conducting a pilot project in Waverly. It is using a new automated sorting system. And, incredibly, in all of its wisdom, the management of the U.S. Postal Service has decreed that mail addressed to a resident or business or school that does not also include the proper box number will not be delivered, regardless of proper street address.

As the superintendent of schools points out, there are 825 box holders in Waverly and the surrounding rural area. In a community of less than one-half square mile in size, believe me, the schools in that community aren't that hard to find. The employees of the former U.S. Post Office could have and would have been allowed to deliver the mail. They knew Congress would demand service for the citizens of this

country. The Postmaster General of that era would have placed a priority on delivering the mail, not in needlessly returning it to the sender for some petty and ridiculously ill-conceived policy. Yes, that is what happens: no box number and it is sent back to the sender.

Mr. Speaker, this is an outrageous way for the Washington Postal Service to conduct its affairs. The Postal Service was created to deliver the mail, to perform an important public service. In Waverly, NE, and in other communities across the country the Postal Service by this type of practice is causing inconvenience, expense, and delay for the very people it is supposed to serve, senders and recipients of mail. The Postal Service has made efficiency, efficiency at any cost, a much higher priority than service to the American public.

This unfortunate policy in Waverly is not, I stress, the fault of the local postal officials. It is time for the top management of the U.S. Postal Service to stop such nonsense and return to what it is supposed to be doing, that is, to provide service to the American people. There is something badly wrong at the top of the Postal Service, and it is giving public service and all of the people who work for the Postal Service a black eye.

If the Postal Service management would take its collective heads out of the sand, overcome its inside-the-beltway mentality, and listen to local postmasters and local letter carriers, perhaps it would learn something about delivering the mail and what its responsibilities to serve the public are all about.

My colleagues, this Member is going on record today with my demand that the U.S. Postal Service immediately stop this pilot program in Waverly and every place else in Nebraska. This Member will continue his effort until the Postal Service changes its treatment of the residents of Waverly.

#### H.R. 4150, THE ECONOMIC GROWTH ACT OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, today I am introducing by request H.R. 4150 on behalf of myself, Mr. ARCHER, Mr. GINGRICH, Mr. LEWIS of California, Mr. EDWARDS of Oklahoma, Mr. HUNTER, Mr. MCCOLLUM, and Mr. WEBER. The bill encompasses the President's proposals to create jobs, promote economic growth, assist families, and promote health, education, savings, and home ownership. Below is a brief summary outlining the 49 titles contained in H.R. 4150.

##### ECONOMIC GROWTH ACT OF 1992

Title I: *Economic Growth Acceleration Act of 1992*—Implements the seven tax incentives outlined in the President's State of the

Union Address—to promote job-creating investment, promote home ownership, and halt the slide of real estate values—as components of a short term economic recovery package.

Title II: *Tax Relief for Families Act of 1992*—Implements several tax incentives in the President's 1993 Budget to help working families with children; encourage savings; and pay for medical, educational, transportation and other expenses.

Title III: *Long Term Growth Act of 1992*—Provides incentives for investment in research and development through extension of the R&D tax credit; creates opportunity in distressed areas through enterprise zones; repeals the boat tax and implements other aspects of the President's program for promoting long-term economic growth.

Title IV: *Financial Institutions Safety and Consumer Choice Act of 1992*—Authorizes full nationwide banking and branching, and allows commercial firms to own financial services holding companies and permits separately-capitalized financial affiliates for well-capitalized banks.

Title V: *Pension Security Act*—Increases minimum pension plan funding requirements; limits growth in Federal insurance exposure in chronically underfunded plans; and clarifies the status of claims of the Pension Benefit Guarantee Corporation and the treatment of pension plans in bankruptcy proceedings.

Title VI: *Federal Insurance Accounting Act of 1992*—Proposes a change from cash basis accounting to an accrual basis to measure more accurately the liabilities associated with Federal insurance programs.

Title VII: *Medicare Premium Equity Amendments of 1992*—Increases from 25 percent to 75 percent the portion of the Medicare Part B (Physician) premium paid by beneficiaries with gross incomes of \$100,000 (\$125,000 for a couple) or more, effective April 1, 1992.

Title VIII: *Medicare Budget Amendments of 1992*—Changes the way Medicare pays for (1) anesthesia services; (2) durable medical equipment; and (3) laboratory services. Also, moves the Prospective Payment System hospital update to January 1 of each year.

Title IX: *Aid to Families with Dependent Children Savings Set-Aside Amendments of 1992*—Enables recipients of the Aid to Families with Dependent Children program to set aside savings in order to achieve self-sufficiency through self-employment, education, training, or home ownership.

Title X: *Food Stamp Amendments of 1992*—Requires households with absent parents, barring a good-cause exemption, to cooperate with State Child Support Enforcement agencies in order to be eligible for Food Stamps.

Title XI: *Child Support Enforcement Amendments of 1992*—Creates new Federal performance-based incentives for State Child Support Enforcement (CSE) agencies.

Title XII: *Housing Act Child Support Cooperation Amendments*—Provides incentives for families with absent parents to cooperate with State Child Support Enforcement agencies.

Title XIII: *Emergency Assistance under the Aid to Families with Dependent Children (AFDC) Program*—Establishes a general rule that limits AFDC Emergency Assistance to one 30-day period every 12 months.

Title XIV: *Medical Support from Absent Parents*—Enhances health insurance coverage of certain children by their non-custodial parents.

Title XV: *Child Nutrition Amendments of 1992*—Provides a higher percentage of avail-

able meal subsidies to lower-income students under the national school lunch and breakfast programs. The bill also provides for increased research funds to study the effects of the program on children.

Title XVI: *Social Security Cross Program Recovery Amendments of 1992*—Authorizes the recovery of supplemental security income overpayments by withholding social security benefits.

Title XVII: *AMERICA 2000 Excellence in Education Act*—Supports the National Education Goals through activities to promote education reform and improve educational achievement.

Title XVIII: *Student Financial Assistance Improvements Act of 1992*—Promotes greater accountability, and reduces defaults in the student loan program.

Title XIX: *National Energy Strategy Act*—Creates a national energy strategy to: (1) encourage energy efficiency; (2) encourage growth of future energy supplies of oil, natural gas, and nuclear power; and (3) change outmoded regulations which discourage the use of natural gas and competition in the electric-utility industry.

Title XX: *Arctic Coastal Plain Competitive Oil and Gas Leasing Act*—Authorizes environmentally responsible development of oil and gas in the Arctic National Wildlife Refuge.

Title XXI: *Coastal Communities Impact Assistance of 1992*—Authorizes Federal offshore continental shelf (OCS) revenue sharing payments to certain municipal governments located near OCS drilling sites.

Title XXII: *Alaska Power Administration Sale Authorization Act*—Authorizes the sale of the Alaska Power Marketing Administration in accord with an agreement negotiated by the Department of Energy.

Title XXIII: *Access to Justice Act of 1992*—Reforms the civil justice system to help reduce frivolous lawsuits, principally by: (1) allowing winning parties to recover attorneys' fees from losing parties in certain cases; (2) establishing "multi-door courthouses" to encourage the use of alternative dispute resolution mechanisms; and (3) requiring prior notice as a prerequisite to bringing suit in Federal district court.

Title XXIV: *Health Care Liability Reform and Quality of Care Improvement Act of 1992*—Helps control runaway medical malpractice costs by using pools of Medicare and Medicaid payments through the States to: (1) enhance the quality of care through increased research and improved peer review; (2) eliminate the collateral source rule; (3) expand structured judgments, including utilization of alternative dispute resolution mechanisms; (4) eliminate joint and several liability; and (5) cap certain tort damages.

Title XXV: *Product Liability Fairness Act*—Reforms product liability laws to: (1) base compensation on loss actually suffered; (2) impose liability based on fault; (3) provide alternatives to costly litigation for obtaining fair settlements; (4) limit the amount of punitive damages awarded; (5) provide offsets against awards for the amount of payments for public sources; and (6) provide fault-based manufacturer defenses to liability.

Title XXVI: *Civil Liberties Act Amendments of 1992*—Extends eligibility for restitution payments under the Civil Liberties Act of 1988 to certain non-Japanese spouses, increases the amount authorized for payments by \$250 million, and changes the Act's sunset date to September 30, 1994.

Title XXVII: *Federal Credit and Debt Management Act of 1992*—Improves the collection of delinquent debt through increased use of debt collection tools, and improved guaranteed loan program management.

Title XXVIII: *Commodity Credit Corporation Subsidies*—Reduces certain Commodity Credit Corporation subsidies of those with off-farm income of \$100,000 or more

Title XXIX: *Farm Credit System (FCS) Financial Assistance Corporation (FAC) Repayment Act of 1992*—Requires the FCS to begin paying annual amounts sufficient to redeem certain FAC debt.

Title XXX: *Recover Costs of Carrying out Federal Marketing Agreements and Orders*—Recovers the Department of Agriculture's costs of carrying out Federal marketing agreements and orders.

Title XXXI: *Land Grant Universities*—Eliminates provisions for mandatory payments to land grant universities which also receive support through the regular appropriations process.

Title XXXII: *Power Marketing Administration Timely Payment Act*—Establishes a schedule for the Bonneville, Western, Southwestern, and Southeastern Power Administrations to accelerate payments to the Federal Government.

Title XXXIII: *Emerging Telecommunications Technologies Act of 1992*—Makes available for assignment by the FCC a total of 200 megahertz (MHz) of the radio currently used by the Federal Government. Authorizes FCC to assign all future licenses using competitive bidding.

Title XXXIV: *Enterprise for the Americans Initiative (EAI)*—Authorizes investment, debt, and environmental programs to implement the President's initiative to promote economic reform and sustained growth in Latin American and Caribbean countries.

Title XXXV: *Repeal the Trade Adjustment Assistance Program*—Repeals the Trade Adjustment Assistance Program and consolidates it with the job-training programs with EDWAA.

Title XXXVI: *VA Medical Care Cost Recovery Amendment of 1992*—Makes permanent the Department of Veterans Affairs' existing authority to recover costs from health insurers.

Title XXXVII: *Veterans' Home Loan Improvement Act of 1992*—Requires certain fees and sets a minimum downpayment for a second home under the Veterans' Home Loan Program. The bill also corrects a flaw in the no-bid formula used to determine when it is cost-effective to acquire foreclosed property that was guaranteed by VA.

Title XXXVIII: *Permanent Extension of Certain Veterans-related Income Verification and Pension Provisions in the Omnibus Budget Reconciliation Act of 1990*—Makes permanent existing provisions regarding (1) benefits for certain veterans receiving Medicaid-covered nursing home care and (2) the use of Internal Revenue Service and Social Security Administration data for income verification.

Title XXXIX: *Amendments to VA Vocational Rehabilitation and Educational Benefits*—Targets entitlement to certain vocational rehabilitation benefits to veterans with service-connected disabilities and adjusts servicemembers' contribution for the Montgomery G.I. Bill.

Title XL: *Retirement Modification Act of 1992*—Increases employee contributions to the Civil Service Retirement System by 1 percent on January 1, 1993, and an additional 1 percent on January 1, 1994. Also makes permanent existing law regarding withdrawal of retirement contributions in a lump sum upon retirement.

Title XLI: *Railroad Sector Finance Amendment*—Confirms the definition of employee compensation under the Railroad Retirement Tax Act and the Railroad Retirement

Act to that under the Federal Insurance Contributions Act.

Title XLII: *Patent and Trademark Office User Fee Surcharge*—Extends from FY 1995 to FY 1997 the termination date for certain Patent and Trademark Office user fees.

Title XLIII: *Army Corps of Engineers User Fees*—Expands existing Army Corps of Engineers user fees for use of developed recreational sites.

Title XLIV: *Extend Authority to Collect Abandoned Mine Reclamation Fees*—Extends authority to collect abandoned mine reclamation fees through FY 1997 at existing levels.

Title XLV: *Federal Communications Committee User Fee Act of 1992*—Requires the Federal Communications Commission to establish fees to cover the operational costs of the Commission, except for application processing.

Title XLVI: *Limitation on Mandatory Spending*—Establishes an annual enforceable cap on the growth of "mandatory" Federal spending.

Title XLVII: *Extension of Budget Enforcement Act and Application to Credit Programs*—Extends the Federal discretionary spending caps, refines accounting improvements, and extends the pay-as-you-go discipline contained in the Budget Enforcement Act of 1990.

Title XLVIII: *Congressional Budget Reform Act of 1992*—Requires that the annual budget resolution be a joint resolution subject to Presidential approval.

Title XLIX: *Legislative Line Item Veto Act of 1992*—Requires Congress to vote on Presidential rescission proposals.

#### HOUSE POLICY ON ILLEGAL DRUG USE

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 am sure many of the Members of this House are disturbed as much of America is disturbed by the recent reports of cocaine dealing in the Post Office of the House of Representatives. This is a matter that is disturbing to all people who are concerned about the illegal drug use in this country and the fact that this kind of corruption should occur in the House of Representatives or at least as alleged to have occurred in the U.S. House of Representatives is indeed disturbing.

It is disturbing from the standpoint that obviously we do not want illegal drugs here. But it is also an indication that Congress has failed to meet the demands of law and is continuing to fail to live up to its obligations under the law.

The law is quite clear with regard to keeping the workplace of Congress drug free. The law is part of Public Law 102-141. I am going to quote from the law. The law says:

No department, agency or instrumentality of the United States receiving appropriated funds under this or any other Act for the fiscal year of 1992 shall obligate or expend any such funds unless such department, agency or instrumentality has in place and will continue to administer in good faith a written

policy designed to ensure that all of its workplaces are free from illegal use, possession or distribution of controlled substances.

That is a law unlike many others that includes the Congress of the United States. When I inquired earlier today of whether or not such a policy was in place in the House Post Office, I received from the Postmaster, and I thank him for replying promptly, a copy of a letter from the Speaker indicating that all the employing authorities in the House should take appropriate action to have policies in place. But this is evidently the policy, the Speaker's letter.

There is no indication that the employees of that entity were required to sign any statements, were required to acknowledge the policy, simply that they had the Speaker's letter on file. That is not good enough.

Under the law, not under the Speaker's directive, but under the law, the entities of the House are supposed to be applying these measures in good faith. Simply having a Speaker's letter on file in the office is not a good-faith assurance that drug-free policies are being pursued in that particular agency of the House.

The law is also very specific. If and when a violation occurs, no funds can go to that agency. The question is, Is the House going to live up to its standard? If in fact the allegations prove true, if in fact we discover, as an investigation has already uncovered, that cocaine dealing was taking place in the House Post Office, are we then going to obey the law and cut off funds for that entity? Or are we going to replace it with some other contractor who can do the job but make certain that the present entity that is now in place obeys the law?

I have not heard. I am unclear. I tell my colleagues, I have been disappointed over a long period of time at the House's willingness to be compliant with the law in this case. There are still hundreds of Members of Congress who do not have drug-free policies in their offices despite the Speaker's directive and despite the law of the land.

Now it appears as though serious violations are taking place internally within the House, and the question of corrective action is very, very iffy. It appears as though some officers of this House knew about this investigation and knew about these charges as much as 3 to 6 months ago.

□ 1530

Yet, it is not clear how much action was taken. In fact, some reports indicate there was an attempt to get law enforcement officials to back out of the investigation.

That does not give me much confidence that we are going to move aggressively to see that the drug-free workplace laws apply in the House and are maintained in the House. The law

is clear. The law says cut off the funds. I am not aware that the funds have been cut off. But I am aware that the allegations would indicate that no good-faith compliance with drug-free workplace policies has taken place, and it is absolutely essential that that happen.

The law is made to apply to Congress. Congress should obey the law.

#### URGING IMMEDIATE INDEPENDENT INVESTIGATION OF PROBLEMS WITH MANAGEMENT OF HOUSE POST OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. ROBERTS] is recognized for 5 minutes.

Mr. ROBERTS. Mr. Speaker, yesterday I came to the House floor to urge an immediate independent investigation of problems with management of the House Post Office. The allegations that have been made are most serious. They include charges of employee drug dealing, theft of postal funds, slush funds, and a coverup of the problem. On balance, these charges are much more serious than the recent flaps involving restaurant bills and bad checks, because they go to the heart of our ability to manage the House, and because they involve criminal activity.

I recommended an independent counsel, a thorough independent investigation, turning over some activity to the U.S. Postal Service and suspending top management. That recommendation was based on the following:

No single House committee has jurisdiction over all aspects of the problems.

News reports allege some House committee staff and Members may have known about the problem but failed to act.

Allegations about slush funds, piles of money and stamps, interest-free loans to staff and Members of Congress, while not necessarily the basis for a criminal case, are serious enough in themselves to warrant an investigation by the House.

I am puzzled by statements that indicate the problems are not being taken seriously. Said this morning's Washington Post, "The problems reported at the post office have been met with less nervousness in House leadership offices because the Post Office problems do not reflect on legislators."

Quite the contrary. These serious charges reflect on all of us in two ways. First, they call into question our ability to run this institution. Second, sworn statements of House Post Office employees directly linked Members of Congress and other Capitol Hill staff with the slush fund and check cashing problems at the facility.

As background, the U.S. Postal Service conducted an audit and interviews with employees that raised the possi-

bility of criminal charges regarding theft of funds and drug trafficking. It is my understanding that information has been turned over to the Justice Department for disposition. That investigation should run its course without interference from this body.

However, in the course of taking statements for the audit, postal inspectors detailed several major problems with the House Post Office. These problems may or may not be connected to criminal activity, yet they demand the attention of this House through an independent investigation.

Let me elaborate. Normally, I would be reluctant to publicly discuss details of a sensitive investigation. However, news organizations apparently have access to copies of the investigation reports and have reported on the reports in varying detail.

One employee charged that one House Post Office manager's office "had piles of money and stamps everywhere \* \* \* there would be cash and stamps on the floor and [the official] was unconcerned."

The same employee stated that \$100,000 in cash was kept by this manager to cash checks by employees, nonemployees, and even Congressmen. Said the employee being interviewed, "He cashed checks for Congressmen as if he had no other choice."

Numerous other employees corroborated the statements with further details about missing cash, bounced checks covered with post office funds, loans, and drugs.

One employee stated that a post office employee was "caught selling cocaine. [His] father was the lawyer for several people on the Hill and although he no longer works in the post office [he] works elsewhere in the House of Representatives."

Another employee stated she brought the drug dealing to the attention of the House Postmaster who "just turned his head the other way and nothing was done about the drugs."

Those statements should strike fear in the heart of every Member of this institution.

We must ask if they are true. If so, we must ask how those appalling situations were allowed to happen. We must ask who was involved. And we must ask what safeguards and procedures must be implemented so that this situation does not arise again—ever.

We must answer these questions, Mr. Speaker, fairly, firmly, and with no bias as to the answer we get. Our sole objective should be to sort out the truth and fix what's broken in this instance. Longer term, of course, we should be looking at other agencies of the Congress to make sure all is in order.

I am concerned, as all of us in this House should be, that news reports dating back to last summer have hinted at efforts to minimize this problem.

An independent investigation, supported by both sides of the political aisle, is the best way to accomplish the goals I have outlined and to get this mess behind us.

A personal aside, Mr. Speaker: I have spent most of my career and nearly all of my adult life in public service with the House of Representatives. I have a great amount of respect for this institution, for its role in freedom and democracy, and for those who labor here in many capacities.

It is out of that respect that I raise these concerns.

The House of Representatives is an important institution. Its reputation and credibility to a great extent reflect on the credibility and reputation of our Nation—and most certainly on us as individual legislators.

Let's fix the problem as fast as we can. Let's fix it so there is no question that it is, indeed, fixed.

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I am happy to yield to my friend and colleague, the gentleman from North Carolina, and chairman of the House Administration Committee.

Mr. ROSE. Mr. Speaker, I want to say to the gentleman in the well that I talked to him just a few minutes ago before he took the well to tell him that the ranking member on our Committee on Administration and I have talked today, and we are going to conduct a very full, open, and thorough investigation of all of the things that the gentleman has mentioned. A great deal of what the gentleman has talked about has not been corroborated, has not been proven. We are going to look at it, and especially with an eye toward the future of the post office, the way the postal system here is managed, and make our recommendations for the future of that institution. And I think the public needs to know that in a bipartisan way we in the House Administration Committee, and the gentleman in the well is the ranking member on the subcommittee that is responsible for police and personnel, within the committee we are going to conduct that investigation and let the chips fall where they may.

Mr. ROBERTS. If I could reclaim my time, because I know there is a very short amount of time, I am pleased by what the gentleman has informed me. I stand ready to be of all possible assistance.

The gentleman knows I have worked with 3 subcommittee chairmen in regard to the 160 employees of the Postal Service here in the House and the Postmaster. I have tried to work as best I can through the years in a positive way, and I look forward to the investigation. The best news I have heard the chairman say is, "Let the chips fall where they may." I have every confidence that we will do that under your

leadership, sir, and I will be right behind you.

Mr. ROSE. I thank the gentleman.

Let me make one final point. The Justice Department is already conducting its criminal investigation. We are going to look at management, and where we find criminal or rules violations we are going to report those to the proper authorities.

Mr. ROBERTS. I thank the gentleman for his contribution.

#### HAITIAN REFUGEES

The Speaker pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I am making my first remarks in the session out of anguish that the role that this Government is playing with regard to the Haitians who came to this country, as so many people have come previously, seeking relief from tyranny. The inconsistency between American executive branch policy regarding the Haitians with American policy in so many similar situations is appalling. Those of us who think well of our country, who are proud of our country, who believe it has in fact been year in and year out a great defender of freedom are anguished by what can only be described as a racially motivated set of actions.

This is the Government that has been critical of the Government of the United Kingdom because that Government has sought to forcibly repatriate people from Hong Kong to Vietnam. This is a Government which when people arrive from Cuba, without questioning, without any degree of skepticism, automatically accept them as refugees within the law.

Yet, when people flee in desperate circumstances from Haiti, and these are people who are used to poverty, and the argument there motivated solely by poverty is a hard one to sell because there is nothing unique about poverty, tragically, in Haiti. What is new is the depth of despair many in that country have felt when the democratically elected president was overthrown by the military. Then again when efforts to try to put that situation back together with concessions that many regretted had to be made, but with concessions on the part of those who were democratically elected, that also is met with brutality and violence. So we have a situation where people are fleeing a tyranny so brutal that our Government says we do not know what to do. Our Government says that sanctions are not enough. We have perplexity expressed by the American Government because they do not know how to deal with the depth of the brutality of the current rulers of Haiti.

And then when citizens of that country, in desperation risk their lives to

reach freedom, we turn them back physically. We do everything we can legally and in every other way physically to deny them.

What is the difference between the Cubans and the Haitians? What is the difference between the Haitians and the Vietnamese? Unfortunately, the major difference that presents itself is the color of the skin of the Haitians. And the suggestion that is hard to deny that that is one of the factors motivating our Government is as troubling to those of us who love this country as anything I can think of in a long time.

□ 1540

It is not too late for this executive branch to reconsider, Mr. Speaker. It is not too late for them to remember that this is a country which was born as a refuge for people who were fleeing oppression and, in fact, to take the veil off the Statue of Liberty which they have placed on it.

The number of people coming from Haiti, their behavior, nothing about that is threatening to us. Nothing about that relatively small number of desperate people fleeing a terrible tyranny ought to be producing this sad reaction from our Government.

I hope that the executive branch will reverse itself and, if not, Mr. Speaker, there is legislation that I have cosponsored, and our friend, the gentleman from New York [Mr. RANGEL], I know, has taken a lead and others. It is pending before us, and I would hope we would bring forward that legislation and at least give the people a chance to vote that America's commitment to freedom does not depend on the color of the skin of those who seek to take advantage of it.

#### ANNUNZIO URGES TAX BREAK FOR CAR BUYERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, there has been a lot of talk during the past few months on ways to get the country out of the doldrums and moving once again. We need to invigorate the economy to create jobs. The situation has not changed since last summer when I pointed out that the auto industry plays a vital role in our economy. In fact, it has become worse.

The past couple of years have been devastating to the auto industry. It is clear that the health of the automobile industry has been steadily declining. The National Automobile Dealers Association, an industry group, reported recently that in 1989, approximately 14½ million light-duty vehicles, namely automobiles, were sold in the United States. In 1990, sales dropped by about 690,000 units to approximately 13.9 million. Everyone was aware that sales in 1991 were going to suffer even more and at the beginning of the year, it was generally projected that sales would drop to around 13½ million units in 1991.

What actually happened far exceeded even the most pessimistic outlook. Light-duty vehicle sales for 1991 fell by a whopping 1.5 million units compared with the previous year. Despite all of the rebates, discounts, free options and lower interest rates, sales for 1991 reached only 12.3 million units.

The decrease in automobile sales has had a devastating effect on all aspects of the country because the auto industry accounts for nearly six percent of the Nation's total output of goods and services. It is the largest U.S. consumer of steel, rubber, glass, plastic and carpeting. Economists have estimated that one in every six jobs in America are directly or indirectly related to the automobile industry.

Mr. Speaker, consumers must be encouraged to buy automobiles. Last summer, I said the elimination of tax deductions on the interest of car loans had crippled the industry, hindered the Nation's economic growth and unfairly increased the cost of consumers. I pointed out that enactment of the 1986 tax law instituted a 4 year phase out of the deductibility on consumer interest on car loans and removed an incentive for consumers to take out a loan to finance a car purchase.

I said then, and I say now even more emphatically, the tax deduction should be restored.

I introduced H.R. 2884 last July, in an effort to provide an impetus necessary to get the economy moving again. Passage of the bill is needed now more than it was last summer.

Chairman ROSTENKOWSKI of the Ways and Means Committee will continue hearings this week on economic growth and middle-class tax relief. In a recent letter, he said he believes the restoration of the deduction for interest on automobile loans probably would be part of the discussions.

Mr. Speaker, if we really want to get the economy moving again, then the enactment of my legislation should be of the highest priority. Reinstatement of the interest deductibility for automobile loans would provide a stimulus for sales which could be the jump start necessary to get the country moving again.

#### A BILL TO DESIGNATE THE MONTEREY BAY NATIONAL MARINE SANCTUARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise to introduce legislation to designate the Monterey Bay National Marine Sanctuary. The Congress passed legislation in 1988, that required the designation of the Monterey Bay in my congressional district as a national marine sanctuary—Public Law 100-629. The law directed the designation of the Monterey Bay National Marine Sanctuary by December 31, 1989. This deadline has yet to be met. More than 2 years beyond the required designation date, the National Oceanic and Atmospheric Administration [NOAA] has yet to even publish the final environmental impact statement and management plan for the Monterey designation.

On November 20 of this past year I engaged chairman DENNIS HERTEL of the Sub-

committee on Oceanography, the Great Lakes, and the Outer Continental Shelf in a colloquy regarding the delays associated with the designation of the Monterey Bay National Marine Sanctuary. In an effort to promote prompt action on Monterey, Chairman HERTEL committed to pursuing legislation to mandate the designation of the Monterey Bay National Marine Sanctuary, with particular boundaries and an oil and gas activities prohibition, should NOAA fail to release the management plan for Monterey by February 3, 1992. Again, this deadline was not met.

While I am convinced that NOAA is committed to establishing the Monterey Bay Sanctuary, unfortunately, the administration has failed to devote the time and resources necessary to complete this urgently needed designation. In June 1990, the President announced his support for the Monterey Bay National Marine Sanctuary and his decision to permanently prohibit oil and gas activities within the sanctuary's borders. It was gratifying to know of the President's stated support for the sanctuary and his recognition that oil and gas activities are incompatible with the resource protection purposes of the sanctuary.

I was also pleased to hear of NOAA's decision late last month to endorse the largest boundary alternative for the Monterey Bay National Marine Sanctuary. I, along with the Governor of the State of California and members of the State's congressional delegation, wrote to Secretary Mosbacher in support of this boundary alternative for Monterey Bay. It is my belief that this boundary alternative will provide the full range of biological communities in the Monterey Bay region with the comprehensive protection the sanctuary designation was designed to achieve.

These endorsements concerning Monterey by the administration have been encouraging. But all of the administration's announcements, endorsements and press releases on Monterey Bay have not resulted in the final protection needed for this important marine resource. It has been 19 months since the President's 1990 endorsement of the Monterey Bay Sanctuary, 17 months since the release of the draft management plan for the sanctuary, and we are still waiting for the final management plan.

With the introduction of this legislation I hope to send a strong signal to the administration that we need action on the sanctuary now. If the administration is unable to act quickly on designating Monterey Bay, then the Congress will do it statutorily. The legislation I am introducing today will designate the Monterey Bay National Marine Sanctuary upon enactment with the largest boundary alternative and a permanent oil and gas prohibition. The remainder of the regulations for the sanctuary are permitted to be completed per the normal regulatory process.

I hope that it will not be necessary for the Congress to enact this legislation and that the administration will move quickly to release the final management plan for Monterey Bay. In the interim, I will be enlisting the assistance of Chairman HERTEL to actively pursue this legislation in the Congress.

The Monterey Bay, with its remarkable underwater canyon system, is home to one of our Nation's most beautiful and bountiful ma-

rine ecosystems. The designation of the Monterey Bay as a national marine sanctuary will ensure that this treasured coastal resource is protected for generations to come. I urge my colleagues to assist in this effort by supporting this legislation. A copy of the legislation follows:

H.R. —

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

**SECTION 1. MONTEREY BAY NATIONAL MARINE SANCTUARY.**

(a) DESIGNATION.—The area described in subsection (b)(1) is designated as the Monterey Bay National Marine Sanctuary (hereinafter in this Act referred to as the "Sanctuary"), and shall be a national marine sanctuary under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.). The Sanctuary shall be managed and regulations enforced under all applicable provisions of that title as if the Sanctuary had been designated under that title.

(b) AREA INCLUDED.—

(1) IN GENERAL.—Subject to paragraph (2), the area referred to in subsection (a) consists of all submerged lands and waters, including living marine and other resources within and on those lands and waters, within the area described and depicted as Boundary Alternative 5 in the Draft Environmental Impact Statement and Management Plan for the Proposed Monterey Bay National Marine Sanctuary, published by the Department of Commerce in August 1990.

(2) AREAS WITHIN STATE OF CALIFORNIA.—The designation under subsection (a) shall not take effect for any area located within the waters of the State of California if, not later than 45 days after the date of the enactment of this Act, the Governor of the State of California objects in writing to the Secretary of Commerce.

(c) MANAGEMENT.—

(1) MANAGEMENT PLAN.—The Secretary of Commerce shall issue a management plan and such regulations as may be necessary for the Sanctuary in accordance with section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434).

(2) OIL AND GAS ACTIVITIES PROHIBITED.—Notwithstanding any other provision of law, exploration for, developing, and producing oil, gas, and other minerals in the Sanctuary is prohibited.

**THE PLIGHT OF THE REFUGEES FROM HAITI**

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

Mr. OWENS of New York. Mr. Speaker, the gentleman from Massachusetts, in speaking of Haiti, phrased quite well, and summarized it quite well, the conduct of our present Government, the conduct of the present administration, which is without precedent.

Mr. Speaker, never before have people fleeing persecution and terror that is obvious been treated as the people of Haiti have been treated, as the refugees from Haiti have been treated.

I think it is important to start with a basic clarification so that all American people will understand and the

thousands of Haitians in my congressional district will understand that the Supreme Court has acted, but it has not ordered the Haitians must be deported from Guantanamo and sent home. The Supreme Court did not give such an order. The Supreme Court does not give such orders. The Supreme Court was the end of the process whereby legal advocates for the Haitian refugees were attempting to use the Constitution and the laws of the United States to protect the Haitian refugees and prevent them from being deported by exhausting every means legally.

The fight of the legal advocates was against the attempt by the administration to deport the Haitians. It was a fight between the advocates for the Haitian refugees on the one hand insisting that, according to law, the Haitians have a right to stay; according to law, the Government must make provision for them. They have made it to the United States territory, therefore, we must take actions in accordance with our previous precedents and traditions and our present law and allow them to stay.

The administration, on the other hand, took, the position that the law should be interpreted in a new way. They insisted on giving a new twist to the interpretation of the law, and that new twist, in essence, says that no, this is different, you know; these are not refugees seeking asylum for the right reasons. They are not seeking the protection of the U.S. Government for the right reasons.

The battle was waged for several months through several layers of courts, and finally the Supreme Court says by a vote of, I think, seven in favor of the majority decision that the administration is right, that the administration can interpret the law the way it wants to interpret the law and insist that the Haitians go back. That does not mean that the administration at this point does not have the option of doing something else. They do not have to, and nobody has ordered the State Department, the immigration authorities, nobody has ordered anybody to send the Haitians back.

It is up to the President. It is up to the administration, up to the State Department to make a decision now, and they have decided, as of right now, that they are going to deport most of the Haitians at Guantanamo and send them back to their own country which is now, by admission of the State Department and the administration, under an illegal government.

Not only is the present regime in Haiti an illegal regime, but it is also a police state. It is also conducting a reign of terror.

The Organization of American States has an embargo imposed because of the fact that it is an illegal government. The Amnesty International has cited the present government as being re-

sponsible for at least 1,500 murders. The military regime in Haiti—and really they are a group of military thugs, bandits—they have been responsible for the deaths of at least 1,500 persons and probably more, because what has happened is that the military thugs in charge have declared war on all of the allies of the legally elected government.

The legally elected government of President Aristide was elected by 70 percent vote, a vote of 70 percent of the people. The military thugs in Haiti who are in charge are not so stupid that they do not recognize that if they are declaring war on the allies of President Aristide, then they are declaring war on 70 percent of the people. Most of that 70 percent are poor people, people who live in the poorest areas of Haiti.

So they have waged a campaign where they have actually gone, dispatched units, into poor neighborhoods and indiscriminately shot people down, indiscriminately terrorized people.

People in Haiti have been forced to leave their shanties and their usual dwelling places, as bad as they are, and go out to the countryside and sleep in the hills in order to escape the terror of the thugs who are in charge.

Now, all of this has been pretty much documented, and certainly our Government recognizes the seriousness of the situation when they call the Ambassador to Haiti home, and all of the dependents of American Government employees have certainly been evacuated long ago. It is a dangerous situation.

Yet, we are insisting that 14,000 people be returned forcibly to this reign of terror in a police state. We are insisting that the only reason those 14,000 people fled was that they wanted to come here to get better jobs.

Why are we taking that position? Why do we make that interpretation?

We did not bother to interpret the flight of the Hungarian refugees, the freedom fighters we called them, freedom fighters when the Soviet Union invaded Hungary. We brought in 61,826 people from Hungary, 61,000, not 14,000, but 61,000, almost 62,000 people who were brought in from Hungary. We did not interview each one and say, "Are you fleeing the Soviet tanks and the terror, or are you coming here just to get a better job?" We did not interview each of those people and say, "Are you in some way connected with politics which would, therefore, define you as a target of the Soviet invading force or the Hungarian Communist Party?" We did not make that distinction. We did not do that. Because if we had done that, we would have found many, many thousands of people among those 62,000 who had no political connections whatsoever, who were not involved in politics whatsoever. They were fleeing a situation where there was violence and turmoil. They were fleeing a situation where there had been hardship for

many years. They were taking advantage of an opportunity, the pressure on the border, to get out, many of them with their primary concern to seek a better life for themselves and their families. It had nothing to do with whether they believed in democracy, capitalism, or communism. It had nothing to do with that. They were not politically connected.

I personally knew several people who had fled Hungary at the time of the Hungarian revolution. There were a number of them who went into library science during the time that I was librarian at the Brooklyn Public Library, and I met some of them. They were not necessarily political people. They said they were not connected with politics. They were anxious to get out for many good reasons. They had never been interviewed and questioned closely about, "Are you coming here seeking freedom, or are you coming here just to get a good job?"

Large numbers, 61,826 were admitted.

□ 1550

Cubans, 488,000, from the time that Castro came to power to 1989, the most recent figures we have, 488,000, almost 489,000 Cubans have been admitted to this country as refugees fleeing an oppressive system.

Now, these are anti-Castro Cubans, anti-Communist Cubans. We have always taken a position that communism is automatically our enemy, and if you are against communism, you are all right. So these people have not been closely interviewed, either, whether they are coming here just to get a better job, take advantage of the higher standards of living, et cetera, the opportunities, or are they fleeing Castro. They have not been questioned that closely.

Numerous numbers of these people are in the country on a status called parole status. Thousands of Hungarians were brought into the country on a status called parole.

Now, parole is a status that can be granted most easily because it has no obligation. The Federal Government and local governments have no obligation to take care of the people in any way. They must have a sponsor. They are paroled into the country. They have no avenue into citizenship. They have to still clear the hurdle and qualify as permanent residents, after being brought in on parole, as parolees.

So we could admit all of the Haitians to the country tomorrow. They could be admitted into the United States as parolees under parole under present existing law, presenting existing procedures. They could be paroled to sponsors, and there are sponsors standing by waiting—churches, institutions, families, relatives. They are waiting and they will take responsibility for all 14,000 of the Haitians and the United States Government would not be re-

sponsible for a single obligation in terms of the taxpayers' money being used to take care of the refugees who are brought in. This has happened to more than 50,000 Hungarians, and it is not difficult to take care of 14,000 Haitians.

So understand the situation. The highest court in the land has not ordered the administration to do anything. They have merely said that if the administration wants to do it, it has the right to do it. I am saying that leaves many options open to the administration. One of those options is to bring everybody in as a parolee, take no responsibility financially, disperse them throughout the country to the people who will sponsor them and they will be taken care of, until such time as things are resolved in Haiti, until such time as the legally elected democratic President is restored, because that is a principle the United States cannot afford to abandon.

We cannot say to the world that we are going to be the leaders of a new world order and that we ushered that new world order in by going to war to liberate Kuwait and return the status of independence to Kuwait, insisting that every country has a right to its own self-determination and cannot be overrun by a foreign power. We cannot say now we are going to stand by and let a country be overrun by a group of military thugs after it has had a legally reviewed democratic election. Not only was that election legal in Haiti, in accordance with its Constitution, but we had monitors from the United Nations, monitors from the United States. Jimmy Carter was one of the celebrated monitors who monitored that election of President Aristide. So it was not only legal according to the course of their Constitution, it was monitored by internal observers.

We cannot sit by and say that we are going to allow that kind of elected government to be overturned by a group of military thugs and that we will sanction that.

So we must insist, we have insisted, we have talked out of one side of our mouths, that we are 100 percent in favor of the return of President Aristide to his rightfully elected position. We are in support of the Organization of American States resolution. We are in support of the United Nations resolution. We are 100 percent in favor of democracy and doing what is necessary peacefully to return Haiti to democracy.

We say that on the one hand; on the other hand, we have criticized President Aristide as being not a good President. We do not appreciate him because we did not sanction him. We did not support his election campaign. He came out of the blue. It is a mystery how he got elected. We do agree that it was all legal and the people came out

and voted for him, but we cannot understand that. We could not control him. Therefore, automatically he must be bad. The choice of 70 percent of the people must be bad because he was not ordained. He was not coronated by the United States Ambassador to Haiti. That is basically the position we have taken, criticizing Aristide, slowing down the process of enforcement of the sanctions, allowing the Haiti military thugs to bring in several oil tankers and unload them while oil was under embargo. We made no attempt to restrain their getting all the oil that they needed. We are probably allowing them to get all the drug money they need in order to help prop them up, when our government is not paying for that military, because the truth of the matter is that the military thugs in charge were trained by the United States personnel for most of the last 30 years during times when we did not have them under some kind of sanction or embargo. We paid the salaries of the Haitian military. We have been basically in charge of this country. What has happened has been our problem. We have created the problem.

We have a moral obligation to solve the problem, resolve the problem. The best solution to the problem of 14,000 Haitians in Guantanamo is to return democracy to Haiti, restore the government of Aristide and then people can be sent home and it would be fitting and proper to do that.

During the period of time between the election of President Aristide and the overthrow of his government by the military thugs, the number of Haitians who were interdicted on the seas attempting to come into the United States dropped almost to zero. Before Aristide, there had been a significant number. After Aristide was elected, the number went down to almost zero. People did not have anymore to eat than they had before. They did not have any better jobs than they had before, but what they had was a sense of hope. They thought that their country finally was going to become normalized, that all the stealing by the rich middle class, the refusal to pay taxes, the rampant corruption, the exportation of oppression by the military, all that was going to come to an end and that they could look forward to a productive future as human beings, even though they would remain poor and would have to struggle. So they decided to stay.

We had no problem. We did not have to have Coast Guard cutters in large numbers picking up people from the sea. We did not have to have special camps set up at Guantanamo. None of that was necessary because the Haitians had hope and they stayed at home.

So if we move with dispatch and restore democracy in Haiti, we can solve the problem. But let there be no mis-

take about it, we can have an interim solution to the problem right now. We can have a humane solution to the problem right now by admitting all the Haitians to this country with a parolee status.

There have been proposals made that we pay special attention to the pregnant mothers who are on Guantanamo, to the children on Guantanamo, and at least we admit them under parolee status or special status.

I have a proposal from some church groups. Resolutions have been passed in the city council of New York. Church organizations are very active with concrete plans showing that they can take care of people who need immediate attention, like pregnant mothers and children. All these are underway and could be put into operation. All we need is a clarification or a change—not a clarification, a basic change in the position of the present Administration. The present Administration has the power to back away from what can be explained in no way, I see can no explanation for the treatment of the Haitians, except the current atmosphere of racism in the country, the fact that there are pressures, there are people openly advocating that this country declare itself as a white nation, a white man's country, and not accept immigrants from any place but Europe. There are people who are clamoring for the heads of all poor people and saying they are adding to our burden and that because of our serious economic problems we should not allow any of them into the country, especially not these people who have various kinds of special problems. It all adds up to a racist position.

We did not check the Hungarians out to see what kind of problems they had physically or otherwise. We did not check out the Cubans to see what kind of problems they had. As long as they were against communism, they came in.

We are penalizing the Haitians for never being Communists. They have never had a significant Communist movement in the country of Haiti. So therefore the people of Haiti, fleeing oppression and terrorists, fleeing a police state, because that police state and oppression does not happen to come from communism, we do not greet them with open arms. We do not welcome them into this country.

□ 1600

But we can take steps to deal with the situation.

Mr. Speaker, proposals have been made by other groups that we should welcome them. If we do not want to act, if we cannot make the executive branch of government act, then there are other alternatives, though more difficult ones.

Members of Congress have introduced bills. The gentleman from New York

[Mr. RANGEL], my colleague, several months ago introduced a bill which had in it a provision which called for the immediate admission of Haitian nationals, the suspension of any procedures which would keep them out, and allow them to come in until such time as the problem in their country had been resolved.

Mr. Speaker, one provision of the resolution of the gentleman from New York [Mr. RANGEL] called upon the Attorney General to suspend all deportation and exclusion proceedings for Haitians in the United States pending the resolution of the deep political and military crisis in Haiti as called for by the Inter-American Commission on Human Rights.

It also said they should designate Haiti under section 244(a)(b)(1) of the Immigration and Nationality Act relating to temporary protected status, designating Haiti to fall under that act.

In other words, what I have just said before, in the law right now there are sections which will take care of the situation. Mr. RANGEL's resolution called upon the Government to do that months ago.

Mr. Speaker, Mr. MAZZOLI, the gentleman from Kentucky, is calling for the passage of a bill which would do probably no more than the same thing. It basically calls for, really requires, and directs the Government; that is what is becoming necessary now. If the executive branch will not act, if the Administration will not use the tools at its command to seek a humane solution to this problem, then what the bill introduced by the gentleman from Kentucky [Mr. MAZZOLI], which is being discussed, I understand, in the subcommittee of jurisdiction and is called the Haitian Refugee Protection Act of 1991, would direct the Government to do what it should do, what it has the option and power to do at present.

Mr. Speaker, I yield to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, let me thank my friend, the gentleman from New York, for bringing this issue down on the floor in this special order.

Mr. Speaker, not too long ago the world saw the power and the vision of the President of the United States when he thought that Kuwait City was under attack by someone he described as Adolf Hitler.

Yet, the President did not see fit just to rush United States troops there. What he did was to pick up the phone, call the heads of nations around the world, and then finally was able to gain support in the United Nations to where the United States would be part of that effort to remove the person who intruded on the sovereignty of this small, oil-rich country.

Now in our own hemisphere we find a small, fragile democracy that the military—which has no record of doing

anything that is honorable since it has been formed—has overthrown the first President duly and democratically elected. The President of the United States, to his credit, has seen fit to condemn the coup which has taken place by the military and to support the Organization of American States in their efforts to negotiate a peaceful settlement in Haiti, and has also embarked upon the sanctions, an embargo against this country, in an effort to put economic pressures on them.

As a result of these initiatives, we find ourselves asking the Organization of American States, that has not really accomplished anything in a diplomatic initiative since its formation, with the responsibility of restoring peace, democracy and President Aristide to his presidency.

What bothers me is that I do not know now who is in charge of this initiative. I do not know where the leadership is coming from.

All I know is that people are being killed and people are fleeing this country, and yet the United States of America, the leader of the free world, finds itself, instead of providing the leadership to restoring the peace, relying on the Organization of American States, plucking these wretched souls out of the sea as they flee in shark-infested waters, and returning them to Haiti, returning them to a violent society controlled by the military to such an extent that when a person was selected as the compromise Prime Minister between the people who are running Haiti and the exiled President, that the military sought him out, to kill him, and indeed missed him and killed his bodyguard. And as a result of this criminal and horrible behavior, the United States of America has seen fit to withdraw our Ambassador from Haiti.

So, while he sits here in the security of the United States of America, Haitians are now being involuntarily transported back to Haiti and the State Department tells us that they have no reason to believe that retaliatory action is not being taken against these Haitians.

All we can see is that they are being fingerprinted by the same military thugs who shot down one of their own who was considered a compromise candidate for Prime Minister.

While that Statue of Liberty stands out there in New York Harbor, I do not know whether there is any word out there which talks about whether or not you are fleeing from economic or political persecution. It seems as though our President and our State Department would like to make some type of determination whether these people who are risking their lives on the high seas are victims of economic bullets or victims of political bullets.

How can you be just an economic refugee? Was the coup, the taking over of this country and the threatening of the

president, was that economic? Was the military actually chasing our ambassador and killing Haitian representatives, was that economic? Were the thousands of Haitians who supported the President economic? And when we politically put an economic sanction on this country, an economic embargo, and the people find themselves fleeing not only from hunger and famine but also fleeing from the ends of rifles, is that economic or political?

And how do we determine this in these great United States of America? Do we pluck people who are starving to death, who have been taken out of shark-infested waters, whose native language is patois, which is a broken French, and take American citizens from the Immigration Department, pick these people out of the water, put them on Coast Guard cutters and, with forms and ballpoint pens, ask them to state their political background for us to determine whether or not they are fleeing for economic or political purposes?

I say to the gentleman from New York [Mr. OWENS] I suggest that the reasons that have been raised by this administration are not economic, but indeed are political; that there is no question in my mind that if we found 10,000 or 15,000 people fleeing from a European country, that we would not return them to the same type of holocaust that these people may face.

Indeed, those that follow what happened to the Jewish community, when Adolf Hitler allowed them to leave on a ship called the Ship of Fools in 1939, this ship was denied entry into the Port of New York, denied entry into Havana, Cuba. Additional ships were allowed to leave Germany, and those too were refused admission in London and cities in Europe and other European countries. And once that happened, what happened to the Jews? We all know.

What do people say today? "I wasn't there, I had nothing to do with it; I thought it was an internal matter in Germany. I never was against the Jews."

Well, this is a time for the Statue of Liberty to really stand up. It does not say whether you have to be economic or political. I do not think it does. Whether or not the President of the United States is washed into politics in New Hampshire rather than the compassion that America has, the only people who have a right claim to this country who did not come from foreign countries have been annihilated; and that is the native Americans.

It would seem to me, I say to the gentleman from New York, that now is the time for any people in these United States who can find any indication that they came here from some other country other than what we call the United States of America, ought to give the same opportunity to the Hai-

tians, because one day their name may come up and the rest of America may ask, "Are those people economic or political?"

I thank the gentleman from New York [Mr. OWENS].

□ 1610

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman from New York [Mr. RANGEL] for his remarks and for the initiatives that he has taken over the last few months in connection with this problem.

Mr. Speaker, I yield to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Speaker, I thank the gentleman from New York [Mr. OWENS] for yielding, and I would like to associate myself with the remarks by both gentlemen from New York who have spoken so eloquently on this occasion.

Mr. Speaker, I take the well today to join my colleagues from New York in addressing the American people on a matter that I think is of utmost importance because it seems to me that what we have to do is to define and redefine what America is. I do not want to think that the color of the skin of the people or their ethnic origin has absolutely anything at all to do with the forced repatriation.

I say to the gentleman from New York [Mr. OWENS], it seems to me to be a self-fulfilling prophecy, regardless if you take into consideration, and I have looked carefully at some of the work you have done on the Subcommittee on Immigration in the Judiciary Committee, the work they have done; but assume for the sake of discussion that the Bush administration is correct in their analysis that the people are fleeing from economic conditions rather than from political conditions. It seems to me though that to say that these people should be forced to be repatriated back to Haiti, when they have demonstrated that they want to leave Haiti, would not sit well with the people who are in control in Haiti. Can you just see them, regardless of what reason they have for leaving, being marched off those ships, those Coast Guard cutters, and being welcomed with opened arms by the same people, as the chairman has just said, who didn't have enough respect for democracy to allow a free election to stand, where the people in this country chose in a democratic way a president?

Mr. Speaker, President Aristide, regardless of his shortcomings, was chosen by the people, and, if we are going to talk about shortcomings, it seems to me there have been a lot of Presidents in American history about whose shortcomings we could speak. But this is a democracy, and in a democracy the people rule. So, these people who thought so little of democracy, who took away the election of the people, then would welcome with opened arms

these persons who, for whatever reason, have chosen to attempt to make a break for freedom or of what they thought was freedom?

Mr. Speaker, it stands logic on its head to say that, even though they may be fleeing from economic conditions, that they should be repatriated because they would be welcomed back with open arms by the people who are killing and murdering people, and surely they would not kill these people. They would say, "We welcome you back, brother. You've erred in your ways. We know you were fleeing for economic reasons and not for political reasons, and you might have had to tell the INS some other reason, but we understand. Come on back. Let me put my arm around you. Take this weapon here, and help me kill democracy."

Mr. Speaker, that is ludicrous. It was ludicrous when they thought of it, it was ludicrous when they said it, and we do not believe it.

But I still want to believe that there is some other reason for the treatment, the special treatment given these people, when those Coast Guard cutters could be used out in the Caribbean Sea to interdict drugs. We are saying that it is more important to stop human beings who are fleeing from repression, as they see it, from coming to these shores, because they happen to be black than it is to stop another boat load of cocaine because every ship that is tied up out in that pass stopping these freedom boats from coming across the pass and taking them onto Guantanamo Bay could be used, I think the American people believe, for a much more worthy cause. It is better to stop one ounce of cocaine from coming over than 10,000 people.

Mr. Speaker, that is because people work. Most Haitians that I know, and I have very few in my district, are industrious, hard-working, democratic-believing, God-fearing people, and they want to come to this country for the same reason as did most of the other people within the sound of our voices, as the chairman has alluded to, as far as we know, and to the memory of man running not to the contrary. The so-called native Indian, which Columbus mistook because he mistook this for India, and they are probably not Indians, but we will not get into that because I only have 5 minutes, but those are the people who did not come here by boat. I do not care where they came from; Europe, or from Africa, or from Asia, or from Indonesia or wherever; but they came by boat, and they are no more entitled now to close the gate on some other ship of souls who come here believing in the Statue of Liberty, it seems to me, than anyone else.

So, Mr. Speaker, I look very carefully at the reasons, and I believe that the district judge in Florida was correct, and I am appalled that the Supreme Court in its wisdom, or for the

lack of it, would set aside the order of the district court without having the record before it, which is a political decision. They did not have the record from the U.S. district court before them. They did not have the record from the Court of Appeals from the 11th Circuit before them. They went on the request of the Solicitor General and set aside the stay order, which is only to maintain the status quo, which makes it moot.

So, assume for the sake of discussion, and I will be finished because the gentleman from New York [Mr. OWENS] has been very generous with the use of the time, but ultimately those who advocate on behalf of the Haitian refugees are able to make a prima facie case. If they win in court, they lose the battle because all their clients will have been repatriated back to Haiti and probably killed in prison by the time the case gets to the Supreme Court on its merits.

So, we are saying, "Give us your tired, those yearning to be free, except if they happen to be black, except if they happen to be former slaves, and then we'll give them so much legal gobbledegook that, by the time the case gets to the Supreme Court, it won't mean anything to them. They'll be back in Haiti suffering whatever reward or punishment the people in control of Haiti believe is due them by the time we get a decision."

Mr. Speaker, I think it is wrong, and I do not think we have fooled anybody, and I am happy that the gentleman from New York [Mr. OWENS] has brought this important measure to the floor in order that we can shed light on it.

The only weapon we have is the people who are out there watching. We do not have any other voice. We cannot pass legislation soon enough to effect any change. They will ship up those Coast Guard cutters and have them all back in there before a bill can get through this Congress, and be vetoed by the President and overridden by the Congress, and so we are talking about a wrong for which there is no remedy.

But ultimately the people in this country have a voice. If they light up the telephones, if they call, not only Members of Congress, but the Secretary of State and the President, they can stop what is going on. They can stop pushing those people off those boats back over into Haiti to receive the most horrible kind of punishment imaginable. People who do not believe in democracy should not have our support, but we have this agreement with the Government of Haiti that allows them to stop these ships and interdict them, and ask these people these questions, and send them back to Haiti.

I can only add that I thank the gentleman from New York [Mr. OWENS] very much for allowing me this time, and I associate myself with his re-

marks. Anything that any of us can do to be helpful in the future, please let us know.

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman from Texas [Mr. WASHINGTON] for his remarks, and I yield now to the gentleman from Detroit [Mr. CONYERS].

Mr. Speaker, in view of the fact that we have several additional Members who have come in, we would like to divide the time equally.

Mr. CONYERS. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. OWENS] for calling this special order. I would like, Mr. Speaker, to make the following points:

The court merely lifted the stay of the lower court. The Supreme Court did not require that the United States begin forcing the return of Haitians. So, we are not operating under a court order to return anybody anywhere.

That being the case, the President, as the Chief Executive, has the ability still to make this Haitian crisis a priority, and, instead of merely accepting the coup in Haiti as a fate accomplished, he could bring his full power and influence to this crisis, and I would like to suggest that, in addition to stopping the forced return of Haitians, he could begin to make sure that we return to office the first elected president in the history of Haiti, President Jean-Bertrand Aristide.

□ 1620

The best solution to this crisis is to let the Haitian people manage it themselves, to allow the elected president to lead his people by allowing the embargo to be fine-tuned. This is a very crude embargo in which there are all kinds of sieves. I would suggest that there be a naval embargo also accompanying the embargo on goods. The United States and the Organization of American States could enforce a more finely tuned economic embargo. The goal would be then to force the Haitian military to accept the return of President Aristide and increase our leverage at the negotiating table.

The Haitians in the United States and on the U.S. ships should be granted temporary protective status. By bill, H.R. 3873, has been before the Committee on the Judiciary, on which I am proud to have served for some time, and I hope that it or some similar measure that accomplishes the same thing will be acted on.

Haitians should be treated in the same manner as others fleeing oppressive government, and it has been thoroughly documented that that difference and this unfair treatment in trying to determine whether a military bullet is an economic bullet or a political bullet is an exercise in futility, and will suggest terror and hard times for those people who are being forced against their will to go back to their country.

The Attorney General should implement existing authority under the immigration emergency fund to aid those who are fleeing the dictatorship in Haiti. The Coast Guard should stop the forced return of the Haitian boat people. There is nothing in the Supreme Court decision that requires that they force return of Haitian boat people. The Coast Guard can help rescue those who are trying to escape Haiti, but it should not be aiding the Haitian military.

Finally, we should increase the number of Haitian immigrants that are allowed to enter the United States, which is a pitifully small number. I include in the conclusion of my remarks editorials from both the Washington Post and the New York Times that add additional arguments to the cogent ones that have been heard on the floor during that special order.

Mr. Speaker, I want to join my colleagues in noting the terrible situation in Haiti and the dreadful response being made to that situation here in Washington. I believe that the Bush administration's decision to forcibly return Haitians to Haiti is an outrage and I have concluded that Congress should now grant temporary protective status to refugees.

I am personally saddened and distressed at the Bush administration's approach to the crisis in Haiti. It just makes no sense to celebrate the end of the cold war by enforcing a 1981 agreement signed with the Duvalier regime that was overthrown by the people of Haiti. I wish that the President had decided to treat Haitians in a manner that is consistent with our longstanding tradition of granting refuge to those fleeing oppression. President Bush likes to be called a foreign policy President, but he does not want to admit that the Haitian crisis is a priority. All that the Haitians are asking is to be treated like other refugees that have come to our shores because of anti-democratic coups. We should do no less.

During the closing days of the first session of the 102d Congress, I hoped for the best in Haiti and in Washington. But I also thought we had to prepare for the worst. That is why I introduced legislation, H.R. 3873, to legally grant Haitians temporary protective status and to terminate the interdiction of Haitians fleeing Haiti. I hope that my colleagues will read that bill and join me in pushing for its consideration.

Mr. Speaker, last year I had hoped that the negotiations led by the Organization of American States would bear fruit. The only solution to this crisis is for Haitian President Jean-Bertrand Aristide to be returned to the office he was elected to by the Haitian people. The best solution to this crisis is to let the Haitian people manage it themselves. The elected President should be allowed to lead his people. I also believe that the United States and the Organization of American States should enforce the OAS economic embargo. Our goal is clear: Force the Haitian military to accept the return of President Aristide. We should not tolerate other nations ignoring the embargo.

I also had hoped that the U.S. Federal court in Miami would be successful in forcing the Department of Justice to grant Haitians the

most basic rights and basic American due process. We have watched the legal battle pay out over the past several months, and unfortunately the Supreme Court has refused to protect the rights of these refugees until the case can be settled.

I had also hoped that the United States State Department would recognize that real nature of the military dictatorship in Haiti.

Mr. Speaker, I regret that my hopes and the hopes of the Haitians were dashed.

Given this reality, it is hard to understand the stance of the U.S. Attorney General, William Barr. I think we should demand an explanation for why he does not use his authority under law to grant Haitians temporary permission to stay in the United States—so-called temporary protective status. The Attorney General is flouting the law, and because of his callousness, thousands of innocent Haitians will suffer needlessly.

Now we have seen all too clearly the face of the violence and repression in Haiti. The evidence of the repression has been clearly demonstrated in recent weeks. First, we have seen respected human rights groups, such as Amnesty International and Americas Watch, reporting the dangers of political activity in Haiti. Second, the State Department itself recalled the U.S. Ambassador last week to protest a violent attack on political leaders. Yesterday, the United Nations High Commissioner for Refugees criticized the United States deportation decision.

But most important, over 15,000 Haitians have voted with their feet. These thousands of Haitians have risked their lives to flee the crisis in their homeland. Haitians may be overwhelmingly poor and illiterate, but they know a violent dictatorship when they see one. I just do not understand how the U.S. Government can be so blind.

Mr. Speaker, we should let our Coast Guard help and rescue Haitians fleeing Haiti, but the United States Coast Guard should not be in the business of forcing Haitian men, women, and children to return to misery and torment at the hands of a military dictatorship. Watching the pictures of the Coast Guard taking Haitians back to Haiti makes this Member incredulous.

I hope that my colleague will join me in pushing for swift action to help these long suffering refugees. I insert editorial comments of the New York Times and the Washington Post for the RECORD.

#### HUMANITY FOR HAITIANS

Under ordinary circumstances, the United States cannot admit every Haitian who arrives on these shores seeking a better life. But today's circumstances are not ordinary. The U.S. cannot decently force terrified asylum-seekers to return to the hell their homeland has become.

Since the Supreme Court lifted a restraining order on Friday, the Bush Administration has seemed intent on shipping Haitians would-be refugees home. Congress needs to retrieve America's reputation for compassion by quickly approving emergency legislation.

Haiti has long been the Western Hemisphere's poorest nation. Its people have been willing to risk danger, detection and deportation for the opportunity to work in the U.S. Haitian immigrants have made a positive contribution to American society. But

allowing in all who want to come would be unfair to the thousands of people from other impoverished, more distant countries who patiently wait their turn for legal admission.

Since a violent coup late last year, Haiti has become the hemisphere's most dangerous nation as well as its poorest. Armed thugs terrorize poor neighborhoods, trying to crush support for Haiti's exiled President, Jean-Bertrand Aristide. More than 1,500 people have perished. Amnesty International reports. The Bush Administration, hoping to dislodge the military regime, supports a trade embargo that adds to the privations of Haitian life.

But even as the Administration tries to force political change in Haiti, it has sought court permission to ship back all fleeing Haitians who do not meet the narrow legal requirements for asylum. Those requirements involve a demonstrable fear of direct personal victimization, but not say, a reasonable fear of being caught up in the deadly violence being unleashed by the military regime.

The Administration's own reasonable fear is that once word reaches Haiti that people are not being turned back, an unmanageably massive flight will begin. And it worries about alienating Florida voters with an inundation of Haitians in an election year. Those are real risks. But with safeguards like temporary sanctuary, both humanity and prudence can be served.

Further court tests lie ahead, but the Coast Guard is now free to repatriate most of the 12,000 Haitians held at Guantánamo, Cuba. Even though the situation in Haiti is particularly turbulent, the Administration seems determined to move quickly. That leaves it up to Congress to show the compassion America has displayed in the past for Cubans, Vietnamese and others in a similar predicament.

A bill introduced yesterday by Representative Romano Mazzoli would grant Haitians now in U.S. custody a "temporary protected status." It would hold up involuntary repatriations until the President could certify that a democratically elected government was again securely in power in Haiti. If Congress moves quickly, the bill could be on the President's desk in days.

An early return to democratic government may seem unlikely under Haiti's present circumstances. But it is the formal objective of U.S. diplomacy. If that is no longer a realistic goal, America's entire policy toward Haiti needs to be rethought, and strengthened.

Haiti's nascent democracy has been hijacked by thugs, some of them apparently involved in drug dealing. Good policy and good politics argue against the Bush Administration acquiescing in their rule. Common humanity argues against America forcing people back into their bloody hands.

#### HAITI'S REFUGEES

Forcible repatriation of refugees—sending people back to a country where they face not only great hardship but the risk of physical harm—is an ugly business. The United States has now returned to Haiti the first several hundred of some 10,000 whom the Coast Guard has plucked out of the sea on their way, they had hoped, to Florida. For a country with the resources of the United States and its deep commitment to human rights, this is a sorry response to the Haitian tragedy.

No Haitians ought to be forced to return until some degree of peace and order prevails in their land. But the Bush administration

backs uneasily away from that standard. As things are now going, it may be a very long time before Haiti sees much peace and order.

In retrospect, it's clear that the United States and the Organization of American States made a fundamental political miscalculation last October. The army had pushed the democratically elected president, Jean-Bertrand Aristide, into exile. The hemisphere's governments immediately joined hands to impose a tight embargo. The idea was that the economic pain inflicted by the embargo would force the army to give up power and allow the president to return. But that overlooked the nature of the Haitian army.

It is much less an army in the modern sense than a loose confederation of armed bands not reliably under the control of its officers. Many of these armed bands are engaged in preying on the civilian population, running drugs and smuggling. Since the embargo enhances the smuggling trade, the soldiers have little interest in ending it. Diplomats of the OAS had worked out an intricate arrangement under which President Aristide would return and govern with another politician, Rene Theodore, as his prime minister. Ten days ago armed police, who in Haiti are subservient to the army, broke into one of Mr. Theodore's meetings, beat people at random and, to emphasize their purpose, murdered one of his bodyguards with a machine gun.

The embargo continues to cause great suffering, but not among the gunmen. Since it isn't serving its purpose, this embargo needs to be relaxed. The Bush administration has been debating the exemption of at least the assembly industry—the factories that imported components mainly from the United States and reexported the products. There were more than 35,000 jobs in those factories before the embargo. To persist in the present total embargo is to increase the distress, purposelessly, in a country now ruled by cruelty and violence. To force refugees to return there under these conditions is worse. It is a violation of American values.

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman for his remarks and I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I want to thank the gentleman from New York, and I want to thank him for holding this special order. I would like to associate myself with the gentleman's remarks and with those of my colleagues.

I would like to just share some personal comments. A friend of mine has been calling me regularly, not just to cite the statistics, not just to share with me her feelings about how terrible and how immoral the actions are currently, but to share with me her personal fears of a mother who was left in Haiti, of a brother who was left in Haiti, of cousins and nephews left in Haiti.

In the last telephone call that she had, and I want to tell the Members that it was not easy, because during the whole term over there you could not even get through. You did not even know how a brother was doing or how a mother was doing. When she finally got through, the words of her mother, as the mother was trembling, because

she did not know who was listening, were terribly frightening to me. You did not know when there was going to be a knock on the door, and even if they knocked, which they do not often do, you did not know who was going to be shot down next. You did not know, when you heard the gunshots in the house next door, whether it was going to be you. That is the kind of fear that people are living under in Haiti.

So when we see a little boy on the front page of the New York Times having his fingerprints taken, being sent back to his country where terrorism is rampant, where there is no democracy, where the rights of the individual are not respected, how can we in the United States of America who stand up tall, being proud of our democracy, how can we not stand up and speak out? This is immoral, this is wrong, and I want to associate myself with my colleagues on the legislation they have introduced.

Amnesty International has said that the refugees face a killing field and certain persecution if they are sent back to Haiti. That corroborates exactly what my friends have told me. So far it is estimated that 1,500 people have been executed by the new government.

The United States must stand up, because if we do not stand up now, how can we stand up as a democracy to the rest of the world?

Mr. OWENS of New York. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PAYNE].

REQUEST BY MEMBER TO PROCEED OUT OF ORDER WITH A SUBSEQUENT SPECIAL ORDER

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that at the end of the special order of the gentleman from New York [Mr. OWENS], I be allowed to proceed for 60 minutes with my special order.

The SPEAKER pro tempore (Mr. FROST). Is there objection to the request from the gentleman from New Jersey?

Mr. BONIOR. Mr. Speaker, reserving the right to object, I have no objection. If the gentleman wants to go ahead of me, I would be delighted. I was going to raise this issue in my special order and he can share that time with me then go ahead now, as far as I am concerned.

Mr. Speaker, I withdraw my reservation of objection.

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

Mrs. BENTLEY. Mr. Speaker, reserving the right to object. I understand the importance of the issue. I appreciate all that, but I wish they had indicated before. I have been sitting over here now for an hour or more waiting my turn. I have to object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. WASHINGTON. Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker, there was no objection to the original request for the addition of time. The only question was whether it be taken out of order. There being no objection, his additional 60 minutes has been granted?

The SPEAKER pro tempore. That is correct, but he may not have it out of order.

Mr. PAYNE of New Jersey. Mr. Speaker, as a member of the House Foreign Affairs Committee and as a person long committed to improving the plight of refugees worldwide, I am deeply disturbed by the mass deportation of Haitians longing for freedom from oppression.

In recent years, the United States, as the leader of the free world, has taken justifiable pride in our role as a model for emerging democracies around the globe. We have been eager to lend a helping hand to newly liberated nations as the Berlin Wall crumbled and the Iron Curtain fell.

We have been a strong advocate for many nationalities who have fled their homeland to escape danger and to seek asylum in the United States. Recent press reports detailed a daring exploit involving a plane carrying Cuban defectors which was guided safely to United States soil with radar cover and other technical assistance offered by our Government.

In view of our enthusiastic efforts to promote democracy around the globe, we cannot avoid this troubling question: Why is our Government treating Haitian refugees so differently? Why are we so callous about their fate?

In one of his most famous novels, the author George Orwell made the satirical observation that, "Everyone is equal, but some are more equal than others." Unfortunately, that notion seems to apply to our policy toward those seeking political asylum.

The dangers facing Haitians forced to return under the present regime are well-documented. The Inter-American Commission on Human Rights of the Organization of American States recently estimated that there have been 1,500 deaths since the September 30 coup.

I recently had the opportunity to meet the ousted leader of Haiti, the true, duly elected representative of the Haitian people, President Aristide, at his residence in exile in Venezuela.

During his service, President Aristide was committed to freeing his people from the economic slavery that has made their lives so hard for so long. Yet, the level of support from the United States was not what it should have been.

Our Government has criticized Singapore and Malaysia for not taking in the Vietnamese boat people. We criticized Hong Kong when they withdrew their policy of admitting boat people.

It seems very inconsistent that we would now turn our backs on our

neighbors in Haiti, who are undoubtedly facing severe reprisals—possibly even death—upon their forced return. We know that already the Haitians who were sent back have been put through the intimidating process of being fingerprinted.

We can only pray that they will be spared from the terrible fate that others have no doubt faced.

Mr. Speaker, let us reclaim the role of the United States as a fair, compassionate haven of democracy. I urge my colleagues to support Mr. RANGEL'S initiative and to help us halt these inhumane deportations immediately.

Mr. Speaker, let me thank the gentleman from New York for taking this special order.

□ 1630

Mr. OWENS of New York. I thank the gentleman from New Jersey for his remarks.

Mr. Speaker, I yield to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I simply want to join the gentleman from New York [Mr. OWENS], the gentleman from New York [Mr. RANGELL], and other colleagues, because I believe that this is the kind of an issue where no one should be quiet, whether it is a private citizen writing a letter, whether it is a telephone call as the gentleman from Texas [Mr. WASHINGTON] has suggested, a telephone call to a Representative, or whether it is doing it the way we are doing it here on the floor. No one should keep quiet when the real integrity of this country I believe is at question.

Mr. Speaker, every day we hear Members get up here at this same podium and speak about how great it is to live in this country and how great it is to see the rest of the world going out of their way in life-risking circumstances to be more like us.

Even those of us who stand up here and claim that all is not well understand that this is a wonderful country and the world is trying to change to be like us.

But I think in the process we run into a danger. The danger is that if we are not true to ourselves, if we are not true to our own ideals, then we run the risk of speaking out of both sides of our mouths and eventually losing all the good will that we either won through military action in the gulf or by simply behaving over the last 40 years as people who defended peace and democracy and justice.

And so when we look at the Haitian situation, I think it is really, if you will pardon the expression, larger than Haiti. It is us. We are in those boats. We are at risk, just like the Haitian people are. Because if at this moment in our history, after saying all the wonderful things we said about Euro-

peans just a year or two ago who were hurting, in danger of being slaughtered, who are in danger now of civil strife, if we said all the things that we said in favor of their defense and their freedom and their dignity, and then turn around and push, physically push out of our borders, people who everyone can see are hurting, people who tell you either in broken English, in perfect English, or in their own language, that if they go back they run the risk of being killed, and yet we say there is no proof that they will, we have never had any proof that anyone is going to be killed all over the world.

Yet we have committed people, committed resources, committed the soul of this country in many instances throughout the world, understanding that, well, dangers existed.

Every time I see a Haitian being given \$15 and put on a bus to eventually get on a boat to return to Haiti I feel bad for them, but I feel worse for us. Because we cannot continue to lie to ourselves. That is what we are doing at this point in our history.

This moment, it seems to me, is a crucial moment. Everyone has said it and will keep saying it because it is wonderful, the world has changed, and we are the ones that are being imitated. And what do we do? Well, we have a war, and that war is supposed to be part of the new world order.

And then the first instance, interestingly enough, ironic enough, the first instance we have to show a new world compassion, which is part of that world order, we say "You are not allowed here. You are not allowed here because you are not here for political reasons, you are here for economic reasons."

As the gentleman from New York has well stated on so many occasions in the well of this House, during the time that the dream of democracy and possibility of democracy existed in Haiti, people were not running to this country. Now, the poverty was the same. President Aristide, as much as he promised he would in his presidency and administration, did not have enough time to make a change in the economy of their country. Yet people did not run here. Why? Because the thought of democracy, the thought of freedom, the thought of a better tomorrow, kept them at home. So they are obviously here for political reasons.

What do we do? We say we have to figure out a different way to deal with you.

In addition to this, as the gentleman well knows, it creates for us right here in our own communities, communities like the ones that we represent, friction. We have one island in the Caribbean where nobody wants to come or is allowed to come. Then we have another island in the Caribbean where if you want to come, you cannot come.

Now, the President, the administration and the Supreme Court, does not

have to go to 138th Street in the Bronx and deal with the fact there are members of two communities saying, "Mr. Congressman, how come he can stay and I can't stay?"

There is no answer, because they both should stay. They are both running away from a situation that we condemn, that we say should not exist.

So as the gentleman from Texas suggested, perhaps it is not within a single group's power, be it this Congress, be it someone else, to change this. But maybe, just maybe, this is one of those occasions where the American people set foreign policy before government does. Maybe this is the time where American people stand up and say, "My God, I can see by the look on the faces of these people that the Haitians are not here on a vacation. They are here to escape some thug," incidentally, as has been said in this well, that we trained militarily, who is going to kill them.

People do not go back to their country and get fingerprinted because they think it is some guy from Harlem who just came back from Haiti. This is not the reason they are fingerprinted. They are being fingerprinted to keep a record of who dared defy the government and leave and make comments against the government.

□ 1640

I would not want to be in their shoes, but we are. Our soul is in their shoes because the world is looking at us and, again, the first chance we get at proving that we are the leaders of this new world order, we show new vision by sending people back.

Let us all join together not only in this House but let us join together throughout this country, stand up for what is right and say, "They are our brothers and sisters and they should stay here with us until we can solve the situation."

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman from New York. I think those are fitting words with which to close.

Mr. BLACKWELL. Mr. Speaker, I rise today to bring to the attention of this body the tragic and difficult situation in Haiti which has impacted on the conscience of all Americans of good will. The events in Haiti born from violence, intolerance, and economic injustice have brought to our shores once again, thousands of Haitians who have fled a distorted political economy.

The policies designed to restore constitutional order in Haiti must be reviewed and their focus must be sharpened. The enemies of the Haitian people are those in Haiti who seek to impose their political will through violence.

A solution must be directed to all of those who have been identified as having used violence or advocated violence. The trade embargo, while intended to restore democracy, has aimed high but hit low.

Policies must be developed that hit at the coup makers and those who break up political

meetings with murderous violence. To gain a nonviolent solution, pressure must be put on all parties to the conflict. Only then will the international community be able to focus its attention on the underlying problems in Haiti, problems of gross economic disparity, social injustice, and the lack of a democratic political culture.

I am most interested in the tremendous amount of work that needs to be done to help Haitians develop a strong and free labor movement. I am committed to do my part in this effort.

It will be in postcoup Haiti that the character and resolve of the international community will be tested. We cannot afford to wash our hands of Haiti. Our brothers and sisters in Haiti require that we bring the best America has to offer to Haiti. Let's keep our eye on Haiti.

Ms. NORTON. Mr. Speaker, today Haiti is completely out of control, with a government terrorizing its own people. Yet, shamefully, the Bush administration has decided that the thousands of Haitians who have fled in horror will be in no danger if they are returned.

The human tragedy unfolding in Haiti is no less significant in this hemisphere than the invasion of Kuwait was in the Middle East. President Bush needs to take two actions immediately. First, until a political solution is obtained which restores democracy in Haiti, the United States and other countries should continue to offer a safe haven to Haitian refugees. Second, the President should take the leadership, as he did in the Persian Gulf, with the OAS and the international community, to help achieve stability in Haiti.

We have insisted upon democracy thousands of miles across the oceans. We can demand no less in our own hemisphere. The fledgling democracy in Haiti was killed in its infancy. We must help it to be born again.

I do not underestimate the task. The economic sanctions we have applied may have had an unintended effect on the Haitian people. All the more reason to look again at ways to start again.

We have stood with refugees from everywhere—from the Soviet Union, from Eastern Europe, from Southeast Asia. We must find a way to stand with the refugees in our own backyard.

#### GENERAL LEAVE

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER (Mr. FROST). Is there objection to the request of the gentleman from New York?

There was no objection.

#### HAITIAN REFUGEES AND THE AMERICAN ECONOMY

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

Mr. BONIOR. Mr. Speaker, I wanted to come down and join my colleagues

here on this issue and then speak about the broader economic issues that face this country. I listened with deep interest to my colleagues speak about the situation that so many Haitians face at this very hour. This issue has been with us for many, many years. But it crystallized itself in the fall.

I thought perhaps we might even act on the legislation that was needed before we left here last fall and was terribly disappointed that we did not. It is beyond me to understand, and I cannot express this more eloquently than my colleagues who have just spoken, the gentleman from New York [Mr. SERRANO] and the gentleman from New York [Mr. OWENS] and the gentleman from Texas [Mr. WASHINGTON] and the gentlewoman from New York [Mrs. LOWEY], but what troubles me so deeply about this issue is that here are people who have risked their lives at incredible peril to them, to themselves and their families, to get away from a land that has persecuted them and their relatives, to get away from a situation that offers no hope.

And they are told they have to go back, that we have no room for them. And they say to themselves, "Well, you had room for the Irish, and you had room for the Germans. And you had room for the people who came or wished to come to this country from Nicaragua just a few years ago, and you had room for the Salvadorans. And you have room for the Cubans. But you have no room for us."

There is something going on here that I think everybody understands quite clearly. And one would think, given the tremendous emotional debate that we had in this country on political asylum that was given to those from Cuba and El Salvador and Nicaragua, that our hearts and hands would be open to these poor people who have risked so much. But there is an issue here that is operating, and it is color of skin. And we all know it.

I would just say to this administration that please revisit this issue. It is terribly important, as my colleague from New York has said, it is terribly important because it deals with our own soul. It is our own soul that is at stake here. We will send a terrible, terrible message, we have already sent a terrible message, if we continue on the policy that is in place today.

I hope in the next day or two that we will have before us on the floor of this House a resolution that will express the views that were so eloquently expressed by my colleagues this afternoon and that, in fact, we can move legislation that will put an end to this regretful policy that this administration has adopted.

Mr. Speaker, I would like to move on to another issue, and that is the state of the economy today and what is happening out there in America.

On the day before Thanksgiving a man from my district in Michigan went

to his mailbox. He had worked for 40 years in a factory, tough work, work where his muscles were sore, where his hands were dirty at the end of the day. And he was expecting his \$500 monthly pension check in the mailbox. He has got that check every month since he left his job.

Well, the envelope was there, but in the envelope was not \$500. It was 32 bucks. And a letter that said this was all he was going to get from now on.

It turned out that the monthly health insurance premium that he had negotiated for him had tripled and it was taken out of his check. His dreams were shattered and, as I later found out that weekend, we had literally hundreds of employees who received the same bad news, received the same letter.

Last week these people listened to the President's State of the Union Address with great expectation, hoping that finally the President would understand their situation as it relates to health care and other issues, but particularly health care, and do something about it, that he would come forward and offer to the country a bold new vision to deal with the health care crisis in America, to control costs and to provide affordable quality health care to the American people.

But like middle-class families all across this country, they left the speech scratching their heads. They wondered why the President still does not seem to get it, why he still does not understand the real problems facing middle Americans.

That is just not my perception of what I heard from my constituents on the speech or about the speech. It is what pollsters are reporting all across America. Seventy percent of the people that were polled in this country in poll after poll indicated that they did not think the President went far enough to solve the problems of the economy.

Look at his State of the Union speech. Just last Saturday, his own appointed Secretary of Housing, Jack Kemp, called it full of gimmicks, gimmicks, gimmicks for the middle class when it comes to jobs, gimmicks when it comes to health care, gimmicks when it comes to tax cuts. The President offered us a capital gains tax cut. And then he said, right there, that it is time for the gimmicks to end. And he threw out some statistics that people making \$50,000 or less, 60 percent of the tax cuts on capital gains will go to them.

What he did not tell us, what he did not tell us is that 60 percent of the overall benefits will go to the top 1 percent or 2.5 million people with an average salary, yearly income of a half a billion dollars a year.

If we take that a little lower, for those top 4 or 5 percent, they will get 85 percent of capital gains benefits if they have it. People making \$200,000 a

year or more will do very, very well. The rest will not.

There is an old Abbott and Costello joke where Abbott asks Costello, he says, "Lou, if you had \$50 in one pocket and a \$100 in the other pocket, what would you have?"

And Costello says, "I would have somebody else's pants."

Well, the fact of the matter is that the American people know that these tax cuts have been going into somebody else's pockets. And what we saw last week was the same type of game trying to be forced on the American people, thinking it was going to go into their pockets when in reality we know that plan was basically put together to help the people who have gotten the benefits over the last 10 or 12 years, the people of extreme wealth who need, and I believe in many instances want to sacrifice to help this economy move, get moving again by providing their fellow citizens with a break this time.

The speech was just another repetition of the same tired trickle-down theories that I believe got us into the recession in the first place.

Kevin Phillips, the writer, pundit, put it, I think, very well, in characterizing the speech. He said, "Pretzels for the middle class and caviar for the rich."

□ 1650

This year we should see America in its dawning moment. This should be an exciting time for us. There should be great joy. After all, the cold war is over and we won it, and the President, to his credit, was eloquent on that issue when he spoke to us. I sat right there and I watched him become emotionally choked when he talked about the victors who had sacrificed for these 47 years in a variety of different wars to make the victory possible. Stories about our victory should make us rejoice. Stores sell chunks of the Berlin Wall as souvenirs. The very dateline of news stories' imply a victory for freedom and democracy: Ukraine, Croatia, Slovenia, and with an ease that nobody could have predicted a few years back, the Soviet Union has disappeared. FSU, former Soviet Union.

But at the very moment we should be celebrating, the country is in a funk, it is frustrated. It is frightened, and in many ways it is fed up. People who have played by the rules all their lives, they got their education, they married, they may have served in the service for their country, they had kids, they bought a home, they punched a clock, they ate at their desk, they worked overtime when they could get it to make all of this, and now these people cannot make ends meet today. They just feel a terrible squeeze from every direction possible. Middle-class people work harder, they work longer, and they are falling further and further behind. The American dream that our

kids can have it better than we could is slipping from our grasp.

Americans have never expected the Moon, but we did expect a few things, that when we got sick we could afford a doctor, if we saved we could afford a home or send our kids to college. Now middle-class Americans feel like an endangered species. We are now in the 18th month of a very cruel, long, and a protracted recession, and an administration that has been preoccupied with events around the world just cannot seem to focus on the problems of the people around the block.

The Secretary of Treasury said the recession, when it was blooming, was not a big deal. Well the recession is a big deal. Look at the figures that came out last month. The jobless rate is 7.1 percent, a new high. But we know that is not the figure. That is the official figure. The real figure is 10 percent, and that includes people who have given up looking for work, that are not counted in that figure, and it includes people who have taken part-time jobs, maybe 15 or 20 hours a week because they cannot get full-time jobs. That is 15 million people in this country who reside in households that make up roughly 40 million people.

Almost half a million people are out of work in my State of Michigan alone. It is a big deal all right.

Someone once wrote that statistics do not bleed. These figures do not tell the whole story. They certainly do not tell the whole story of my community in Michigan.

Working families there have been squeezed from almost every angle, squeezed by this recession, squeezed by a system that has raised taxes on the middle class but given the very wealthy a \$25,000 a year tax cut, a repetition of that advocated just recently by our President a week ago, squeezed by a system that has got a health care system whose costs are increasing more than three times as fast as people's wages, squeezed by an education system that is leaving millions of Americans unable to read the label on a bottle of poison, and which had increased the cost of a college education 88 percent over the last 10 years, and squeezed by tough competition from abroad.

For a decade, middle-class Americans have been told that the solution was this idea of trickle down economics. We have been told that that would produce good jobs, that would keep us healthy and wealthy and wise and competitive.

We have waited and we have waited for 10 years, and where are the jobs? The President says we need economic growth. Of course we need economic growth, but under this administration over the past 3 years we are losing 9,400 jobs a month.

The way to economic growth is not the same policies that have put us into

this sorry mess, and that is what we got last week, try the same thing. Let us stay with the status quo. Capital gains, untargeted, unspecified, capital gains on race horses, capital gains on artworks, nothing specified to put this country to work, nothing specified to get our economy moving in the sectors where it is needed, with one exception in housing. The way to economic growth is not the same policies that have put us into this situation. It is not the kind of economic royalism whose tax cuts for the wealthiest have added \$1.2 trillion, that is with a "t," \$1.2 trillion to our Nation's national debt.

How do we get out of this mess? How do we recover? Not with the President's grab bag of halfway measures and giveaways for the wealthy. We need to think big. We need to think where we want this country to be 5, 6, 7, or 8 years from now or at the end of this century. We need an outline for a 10-year plan to rebuild America, rebuild America's future with an agenda for the middle class. And that incorporates a lot of things. It incorporates an industrial policy. That is going to take the Government sitting down with business and labor and deciding where we want to be in 5 years in computers, in microbiology, in automobiles, in steel, in textiles, and you name it, where we want to be and how we want to get there. It incorporates an idea called planning, this terrible word that people have run away from since I have been here. For some reason we think it cannot just happen willy-nilly, it will just come together. It takes a little thought, a little more foresight, a little strategic thinking.

Everybody does it now. The Koreans do it, the Taiwanese do it, the people from Singapore do it, and of course we know the Japanese and the Germans and the French do it. But it takes that type of foresight and that type of strategy.

It also takes some other things. Let me start with a few.

We have heard a lot of talk about tax cuts lately. A middle-class tax cut is in order, and it should not be paid for, in my opinion, by the defense savings that we are going to generate because the world has changed. And we will save anywhere from between \$50 and \$100 billion over the next 5 years. Those savings ought to be used to rebuild this country, our roads, our highways, our bridges, our parks, our schools, which are falling apart. That ought to be reinvested in the wealth that we already have in this country that is crumbling, that is falling apart. It creates jobs, and it rebuilds America.

It ought to be reinvested in education. It ought to be reinvested in a plan for apprenticeships, a plan in higher education so anybody who wants to get a higher education in this

country is not denied it. Somebody suggested to me the other day an idea that makes sense to me. I am sure there are problems with it and I am sure there are traps in it, but it makes sense to me.

I would like for just a second for us to think differently, and think bigger and think new. And the idea was if you wanted to go to college and you could not go to college, we are going to let you go to college. We will pick up the tab. But once you graduate and you are skilled and you go to work, you pay us back.

□ 1700

And maybe you pay us back with a little bit more so that the next kid down the street who wants to go to college can do it. It makes a lot of sense to me. I know there would be some people who would fall through the cracks from whom we would not get paid back, but it seems to me that it expands the opportunity, and it provides some hope for the future.

Mr. Speaker, let me get back to taxes for a second. You know, this idea that we should not do this middle-income tax cut for middle-income people, I think we need to do that. I think we need to regain the confidence of middle-income people.

Some people say, well, you know, you put 500 bucks in their pockets, that is not a lot of money. That is a lot of money to a lot of people. That is a downpayment on an automobile, that is a mortgage payment perhaps for some people, that is putting some money aside for them so that they could send their kids to school, and it is building from the middle up. It is putting money in people's pockets so they can spend it, so they can invest it in their future.

I have not figured out yet this idea of trickle down. You give the capitalist and the venture capitalist and the other capitalists all of this money, and people who already have it, and for some unknown reason they are going to buy machinery and equipment, and that is going to get us moving again. Well, of course, that is a part of it, but if the people in the middle do not have the dollars to purchase what they make, there will not be the jobs to produce the goods to sell here or abroad.

What I and others have suggested is that we start this movement with the middle class in the broad middle rather than at the top, and by doing so, we are going to send an important message, an important signal to the people of this country that we reject the politics of the past, and the way to do that is to give the middle-income people of our country a break and let the wealthy share in a part of it, let the wealthy share in the payment of that tax cut to the middle class. You can do that. It is possible with the numbers to do that.

Second, we need a fundamental reform of our health care system. We need a system of national health insurance.

You know, in 1980, health care for the average American family cost about \$2,500 a year, in 1980, and now it is about \$6,500 a year, and if we continue to do nothing, if we continue to bury our heads in the sand, it will be \$14,000 by the turn of the century. That will bankrupt families, businesses, and certainly the Government. We cannot afford that.

Such premiums are a cruel and a hidden tax on American families. After you have worked hard all day, you should not have to stay up all night worrying about whether your kids' health care is covered, and you should not have to work 40 years in a plant, come home to get your pension check out of the mailbox and find it has been cut from \$500 to \$32 because your health care premium has tripled, and you should not have to, because you have worked as a nurse in nursing homes around this country taking care of our fathers and mothers and grandparents, have to come home without any health insurance and take care of your own child.

I have had women in my district, single mothers, come into my office and plead with me, even belonging to unions, to do something about a national health care plan for America, because they were taking care of our fathers and mothers and grandparents in nursing homes without any health insurance for themselves or their children.

Americans have been hit by a triple whammy: Health care costs are up, benefits are down, and employers are not paying the bill. The costs are coming right out of the average American's paycheck. We are paying more and more for less and less coverage.

It does not have to be that way. It is not that way in most countries, industrialized countries, in the world. It is not that way in France. It is not that way in Germany or Japan or Canada.

We need a national health care system that will control costs so that they never, never increase more than wages, a system perhaps like Medicare that will preserve your right to choose your own doctor. Choosing your own doctor is a right that ought to be in the plan we adopt, one that will make sure no job is without health insurance, that will include long-term care, so that you do not have to worry about breaking your own savings that you have built up over a lifetime, or ruining your children's future economically.

That will, above all, improve quality. Americans have a right to health care, and we have a right to the very best health care. And for those who argue that we have the very best health care, what is your retort to the fact that the

United States is 23d in the recovery from heart attacks and 22d in the world from infant mortality? A baby born in Detroit has less of a chance to survive than a baby born in Honduras. We can do better than that. A child is twice as likely to reach the age of 1 in Japan than it is in the United States.

Today's health care costs threaten the security of our families, and they strangle economic opportunity as well. It is a big economic issue.

The experts call it the job lock. The other day I heard a story about a man who desperately wanted to change jobs. We all know of people who want to move on or change jobs because they feel trapped, and this man could not. He was locked in. It turns out he had a son with Down's syndrome, and if he changed, his new company's insurance would not pick up the tab. Down's syndrome, as you know, is a preexisting condition. That has got to change. Nobody should be locked out of a job because of a system we could change with just a little bit of common sense.

The costs of health care are stifling our ability to compete. Last year General Motors spent more on health care than it did on steel, and Chrysler tells us that health care adds \$700 to the sticker price of a car built in Detroit, but just across the river in Ontario, \$223.

In this Nation, American families pay a tremendous price for our failure to act in the Reagan and Bush years. It is time for change. Each day we delay, the cost rises, and in health care, it rises at an astronomical rate.

The best care spins out of reach of even the average family. Businesses, large and small, see their profits vanish. We must act now.

Tax cuts for the middle-income people. Health care. What else?

Well, third, it is time to recognize that the world is changed. With the fall of the Soviet Union, it is time to get our own house in order here at home. It is time we started to take care of our own here in America.

We can cut the defense budget and invest that money here, and as I said, it ought to be used, I believe, to help reduce that deficit. It ought to be used on housing, roads, bridges, schools, parks, jobs for America.

And, fourth, and finally, we have got to be tough on trade. You know, in places like Macomb and St. Clair Counties in Michigan, people grew up thinking of themselves as GM families or Chrysler families or Ford families. I remember seeing my grandfather go off to work each morning at Dodge Main in Hamtramck in Michigan, so I find remarks about America's workers that we heard out of Japan over the last few days outrageous to call American workers lazy, which is the height of arrogance. You will never hear me utter a derogatory word about the Japanese people, but it is perfectly proper to take on their policies.

Japan has taken advantage of the United States in a way just as outrageous as the remarks of some of their leaders, and we have got to fight back. The only way to do that is to demand results from a country that is undercutting our economy at every turn.

From that standpoint, the President's trip to Tokyo was a disaster, and I do not laugh about his getting the flu. We all get sick, and he was.

But look at the agreement: the Japanese have a \$100 billion auto parts market in Japan, and we get 1 percent. The agreement? A target maybe of another 1 percent. It is not good enough. We need reciprocity.

They can sell here. We should be able to sell there. It is as simple as that. It is not a complicated issue, and we cannot.

They complain that our goods are not quality goods. They are quality goods. We are making better products today. For those of you who may not have seen the Washington Post today, in the business page, "U.S. Cars, Vans Make Inroads In W. Europe." "Detroit's Big Three Saw Sales Rise 65% in '91."

We are selling American automobiles over there because they let us. We can get into their markets and their people are discovering we are making a better vehicle.

Yes, we had bad years, and yes, we did not make good cars in the early 1980's, the 1970's and mid-1980's, but we have improved our quality.

The guru of quality, J.D. Powers, a person who measures quality of American foreign cars, says this:

Quality has improved so much in recent years that there is less than 1 percent car difference among the 72 highest quality models sold in America. Thirty-four of those are from U.S. nameplates: 17 from G.M., 11 from Ford, 6 from Chrysler.

The perception out there is that we do not, but the fact of the matter is that we do make good quality automobiles today.

We need to stop playing the fall guy, though, for Japan. If they will not let us into their markets, by God, we have got to give them the message. They understand tough talk. They understand, more importantly, tough action.

My colleagues might remember, and I keep raising this because I think it is a good illustration, not because I was involved in it, but about 18 months ago when we had Desert Shield before Desert Storm was put into action, we were sending a half million troops over to the Mideast to the Persian Gulf, I had an amendment pending on the defense bill. The amendment basically said, Japan, pay your share of your own defense. They spend 1 percent of their GNP on defense. We spend 6 times that. Yet we have 50,000 troops, and had them, stationed in Japan, costing us, the taxpayers here in the United States, \$5 billion a year. We have got a

\$42 billion trade deficit with the Japanese, yet we are defending them with 50,000 of our troops, taking \$5 billion out of our taxpayers' pockets. That did not make any sense to me, especially since Japan was only picking up a very small, from my perspective, share of that cost.

I said, pick up a share of that cost, get it up to 75 percent or we are bringing them home.

I offered that amendment right when we were talking about sending our troops to the Persian Gulf and, of course, the Japanese constitutionally are not allowed to send their troops out, nor are the Germans, as a result of an agreement after the Second World War, but they are not prohibited from helping to defray the costs, especially when the Japanese were getting 90 percent of their oil from the Persian Gulf.

So we asked them to contribute \$4 billion to that effort. They said, "No, we can't do that." They are very good bargainers. "We will give you \$1 billion."

We said, "No, we want \$4 billion."

They said, "No, we will give you only \$1 billion."

Two days later, I believe it was 2 days later, I offered the amendment on the floor on defense. It passed 273 to 50, something like that, the biggest defeat they had, and boy, I will tell you, they have got lobbyists all over this town, high-paid people who work this Congress for their interest. And they got beat pretty bad.

So I am sitting at home, sitting in my living room at home the next evening or the evening after that, I cannot remember, and I get a call late in the evening, 10:30, the Japanese Ambassador to the United States.

"Mr. Congressman, the Cabinet has just met and we have agreed to increase our payment for the Persian Gulf effort from \$1 billion to \$4 billion, as you asked."

When you get tough, you get results. I am not asking for anything more for us than a chance to compete, just a chance to compete.

This year I joined the distinguished majority leader and others to cosponsor legislation that would require Japan to reduce its auto trade deficit 20 percent each over the next 5 years. It is time to stand up for America in trade.

In his poem "Mending Walls," Robert Frost, narrator of the poem, describes a man who thinks good fences make good neighbors. He comments, "Before I build a wall, I would ask to know what I was walling in or walling out."

I do not want America to wall our opportunity, new ideas, and competition.

Yes, we have to correct our own flaws here. I understand that. I have tried to illustrate that we are doing that. We are making a better product and we can make a better product than we are making now, a newer more innovative product.

Certainly when it comes to education, we must improve the way we train young people before they enter the work force. Right now there is no link between what our young people are learning in school and what they need to know for the sophisticated jobs of the 21st century. We need for instance, I believe, an apprenticeship program, patterned to some extent, not exactly, but taking some of the ideas of the German apprenticeship program.

Most people in this country do not get out of school until they are 22. We need a school system that builds skills for them, not skills imposed by some rigid bureaucracy that is living in the State capitals or in Washington, but relevant skills, skills taught through a partnership with schools, businesses, government, and labor. That gets back to the whole notion of an industrial policy, an industrial strategy, knowing where we are going, where we want to be and then putting the troops and training the troops to get us there.

I use a military term because I think we are in fact in an economic war and we have to train those individuals in our society who are in school to be competitive, to function in that economic battle that they are about to be engaged in.

We need education that can prepare us for the tough competition that is out there. Americans do not shrink from competition. We are used to it. We welcome it, and I dare say the comments that have been made over the last several days by the governmental leaders at the highest level in Japan will stir Americans to compete in a way that the Japanese will wish they never would have shaken.

We do not shrink from competition. We are used to it. We welcome it.

Look at the booming sales last year of American cars in Europe, as I mentioned. Last year alone Detroit's Big Three sold 1.6 billion dollars' worth of U.S. made cars and vans, a 65-percent increase, because we have access.

American workers are making quality products at competitive prices, and those products sell when we get a chance.

But we cannot be fools. Japan has gotten virtually a free ride from the United States. It is time they learned that the free ride is over.

So, first, a middle-income tax cut, put some confidence back into the average working family and some money into their pockets.

Second, reform of the health care system.

Third, cut defense and invest savings in America's future by rebuilding this country again.

Fourth, get tough on trade. That is how we get this economy moving again.

Can we do it? Well, we have a sense of pessimism and gloom in the country. Of course, we can do it. We can really

create that middle class agenda for America's future. I believe we can do it. I believe we can.

How can you believe anything else after four decades of America's triumph, whether it is going to the Moon or conquering polio? Since 1945, America has fed, it has clothed, it has protected much of the world. Tremendous sacrifices we have made. We won the World War and then almost single-handedly engineered the greatest prosperity that the world had ever seen, and we did it greatly by hard-working men and women who made those Chevys and those Fords and those Chryslers that rolled off the assembly lines, one of the most universal symbols of greatness that we have seen in the modern world.

Even in these days, it is to America that people turn. Those people who are trying to reach our shores from Haiti, that disgracefully we will not allow them to stay, they are coming here because they know what America stands for in terms of freedom of expression, economic freedom, whether it is a newly elected President of Czechoslovakia quoting Thomas Jefferson or those Haitians setting out in their leaky boats to reach the Florida coast.

This has truly been an American century. President Bush is probably the last person in America to have recognized the recession. It was with such pain that I watched after we here pleaded for him and his party to recognize what the country was going through, watched him day after day saying, "It's behind us. It's over. We are on our way up, not to worry," and he said it in Maine near a boat or a boat dock or on the first tee of a golf course.

□ 1720

Not that he does not deserve those things. He works very hard. But the contrast was very, very biting and difficult for many people to take. But the President has admitted now that we have a problem and that we want to work together on common grounds to solve this problem. I do not believe a lot of what he said is going to work, and we are going to try to steer him in the direction, like we steered him in the right direction on unemployment, on middle-income tax cuts and on other things.

We are going to do the best we can to get there. There is much more to do. I believe we can create an America where a person who has worked hard all his or her life can go to the mailbox and find that pension check that was promised to them; we can create an America where you can take a new job knowing you will still be able to pay the doctor's bills for you and your family. We can shift our focus to a middle class again. We built America with our middle class, with people who are at the heart of this country, what this

country is all about; cut their taxes, reform health care, and get tough on trade.

We need to turn this country around, and we need to start now.

I think I can speak for our leadership in this body by saying we are going to do all we can to move a package to get this country turned around. We began today by taking care of those less fortunate, who need some time and space until we can get the economy moving again, by extending the unemployment benefits, but they want a job. We are going to report a package that will help. It will not be the total answer, it might even be the biggest part of the answer, but will help stimulate, we believe, the economic growth in this country, to help get people back to work again, to create some optimism, not just for the wealthy. They have had their day, they have had their decade. But for those people in the middle, those people who have been struggling to get to the middle, who have been left out, who have been shut out, where the door has been closed in their face; we are going to try to create that opportunity. We are going to do all we can as fast as we can to get there.

I look forward to working with each and every one of my colleagues to make the promise of a real America, the promise for which Haitian-Americans are struggling to arrive and stay, the struggle for which our ancestors from Europe and Asia and all the other places from which they came to create this great Government, this great country of ours, make that a reality again.

I thank my colleagues.

#### REACTIONS ON THE STATE OF THE UNION WITHIN THE BELTWAY VERSUS THOSE REACTIONS OUTSIDE THE BELTWAY

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

Mr. GINGRICH. Mr. Speaker, I want to talk some about the necessary revolution between the country and the capital.

Mr. Speaker, I have spent the weekend thinking about the State of the Union, the reactions I have heard around the country, about some of the complexities of how we deal with issues in Washington. It has occurred to me that it is very hard for the news media to cover fundamental change, because they do not have the words to explain it, they do not have the framework to think about it. It is very hard for people to understand what the argument is about if you are truly in the middle of a very fundamental shift in how people think and how people describe what is going on.

That is compounded by a problem which, having gotten away from Wash-

ington this weekend, I had a chance to be in Arizona and to be back home in Georgia, to think about how people talk in Georgia, for example, compared to how they talk here in Washington.

It occurred to me there are two very different realities in America today. There is the reality in Georgia—I will use one example—on the issue of workfare. Workfare is a very popular basic concept. That is, the requirement that able-bodied adults under the age of retirement should have to work if they get money from the Government, that is supported, according to U.S. Today, by about 80 percent of all Americans and only 13 percent opposed.

When the same question was asked in what I think is its hardest form, that is, "Do you believe people on welfare should be required to work, including mothers with young children," which I think is the toughest way to say it. In an Atlanta Constitution poll across the South, it was about 78 to 10 overall, and in the black community it was 82 to 11 in favor of work.

So, again and again and again we have a situation where the American people, by huge numbers, somewhere around 8 to 1 or 7 to 1, are saying, "We want workfare."

Then you come to Washington; you run into staffs who have spent their lifetimes studying the minutiae of the welfare state, and they begin to say, "You have to understand why you cannot do this, why you cannot do that, why you cannot do the next thing."

What I have concluded is that there are two realities in this country. There is the reality of America, what people think who live outside Washington, and there is the reality of the Washington news media, the Washington intellectuals and the Washington bureaucrats. Of course, you have people who got almost like—

You have people who might be at Stanford or Harvard or at Princeton, who actually are an extension of the Washington bureaucracy and of the Washington experience. So, you have these two very different views.

Now, the Washington reality, as best I can understand it, is about 13 to 15 percent of the country. The American or national viewpoint is somewhere between 75 and 80 percent of the country. You see this in a wide range of issues.

I am struck by the fact that when I talk about the necessary revolution to replace the welfare state, that almost everywhere I go and talk about it, if it is outside of Washington, people respond very enthusiastically; or if I talk about it in Washington to people who are visiting for a couple of days, a trade association, a corporate group or tourists or almost any group, when they come here and you say, "Look, the welfare state is failing and we need to replace the welfare state, we have to go to workfare to replace welfare, we need to make prisoners work and pay

them a minimum wage and charge them the cost of incarceration, we need to have a fundamental change in our education system so that our children can compete with Germany and Japan," well, in case after case after case when I talk to people even in Washington if they live outside Washington they nod their head, "yes," they applaud, they say, "That is right, that is where we have to go."

Then you talk to the professional Government, and the professional Government begins to explain to you, "No, you can't change this; no, you can't change that; no, you can't change the next thing."

I think the easiest way to explain what is going on, and this is, frankly, an issue which affects every Democrat and every Republican, affects the Congress, affects the executive branch, affects the White House, what is going on is very simple: If you think in terms of Thomas Kuhn's "The Structure of Scientific Revolution," his concept of a paradigm—that is, an intellectual model—the welfare state is an intellectual model. It assumes higher taxation. It assumes a bigger bureaucracy, a redistribution of wealth, defines the poor as essentially helpless, they cease to become citizens and become clients, and the welfare state is supposed to take care of them. It is essentially anti-free enterprise and assumes that people do not change their behavior based on what happens to them economically.

That is, in the welfare state, if you lower taxes, that does not increase work, so you do not get any feedback, what is called a dynamic model; you get a static model.

When you raise taxes, people do not avoid it, and again you do not get a dynamic model, you get a static model. It is a very important concept because it goes to the heart of the tax fight we are going to see here in the next few weeks. It goes to the heart of the difference between the left and how the rest of us feel.

□ 1730

Mr. Speaker, I want to simply emphasize this point, and let me give this example. I say to my colleagues, "If you were to wake up in the morning, and you believed in the traditional, medieval way that the Sun revolved around the Earth, you would have one set of views that come from that. If, on the other hand, you woke up, and you believed that the Earth revolved around the Sun, you would have a different set of views, and you would say different things, and you would expect different things."

Well, in a very real sense, the difference between those of us who would replace the welfare state and those who would try to make the welfare state work, and who would try to improve it, protect it, and strengthen it, is about

as big a difference as the difference in believing the Sun goes around the Earth or believing that the Earth goes around the Sun, and I think what happens in a lot of our news coverage, and what happens in a lot of our debates in Washington is that we never get down to the fundamental debates. The result is a large number of Washington institutions are simply wrong intellectually by the standards of the rest of the country, but they are dominant in Washington, and they then define what happens.

Let me give my colleagues just a couple of examples by saying, "If you cut taxes, I believe you encourage people to work, and you encourage them to invest, and you encourage them to create jobs. On the other hand, if you raise taxes, I think you discourage people from working, and you discourage people from investing, and you discourage people from creating jobs. That's very fundamental."

On the other hand, in the welfare state, their computer model does not show any change in behavior, so if, for example, we were to raise the income tax to 90 percent, the Joint Committee on Taxation, which is a perfect welfare state example of a committee, would take 90 percent times everybody's income and would say, "Here's the amount of money you would get."

Yet the truth is, if people began to realize that for every dollar they earned, 90 cents was going to the Government, they would work less. They would start saying, "Wait a second. I'm not going to get a job on the weekend. I'm not going to work overtime. Why should I give the U.S. Government 90 cents out of every dollar?"

Mr. Speaker, the result would be a decline in work, and, in addition, cheating would go up. There is a point on the scale where it suddenly becomes worthwhile to avoid taxes and to hide taxes. People start opening Swiss bank accounts, and they start doing things in cash.

I have a friend who moved out of a welfare state, and he said that the reason he left was he was trying to build a house. Four different contractors told him they would build the house for 45 percent less if he paid them in cash because then they would not report any of the cash, and they would not pay any taxes on it. He said he did not want to live in a community which was now that corrupt, that every single person, four consecutive contractors, had said in effect, "If you will break the law in order for me to avoid taxes, then I'll build your house for a lot less money."

Mr. Speaker, I say to my colleagues, if you believe in a dynamic model; that is, if we raise your taxes, you will work less; if we lower the taxes, you get to keep the money you earn more; if we make it more rewarding—a simple way to put this: Imagine that we put a dollar reward on every time someone

drank a glass of water, and we put a \$10 tax every time someone drank a Coca-Cola, and I come from Atlanta. I do not want anybody who is in Coca-Cola to think that I am proposing a \$10 tax. But this is a theory. We would tomorrow see a lot more people drinking water because they would want the dollar reward, and we would see a lot fewer people drinking Coca-Cola. In fact, their sales would collapse overnight.

Now that is a dynamic model. We have changed the equation in behavior changes. Humans do different things. Yet here in the Joint Committee on Taxation, in the entire fight that we are going to have in the Committee on Ways and Means, what we are going to see is the Democratic leadership imposing a welfare state model which does not show any behavior change.

Another example: In the welfare state, people were told, "Oh, you can give young children money when they get pregnant, but you won't change their behavior. You won't have 12-year-olds getting pregnant just because you give away money."

Well, what we now know of course is that for two generations the welfare state has steadily lowered the age at which women are getting pregnant, and it has steadily lowered the likelihood that they will get married. So, by giving away money, and giving away public housing, and giving away food stamps, we have created an environment in which the signal we sent to young girls was: "It's OK to get pregnant earlier and earlier because the Government will take care of you." The signal we sent to young boys was: "It's OK to get the girl pregnant because nobody is going to expect you to marry her, or to live with her, or to take care of her," and then suddenly one day, having sent those signals which lead to a very dynamic human response, the welfare state wakes up and says, "Oh, gee. Why do we have all these young girls, 12, 13, 14 years old, getting pregnant and having children?"

There seems to be a state of shock that, having rewarded the behavior, we are getting what we reward.

Now why is this concept important? Why is it worth taking time this afternoon to talk about? I have to say that I am just sort of fed up with living in a leftwing legislative dictatorship in which all the rules of the game are designed to punish those of us who believe there has to be a necessary revolution to replace the welfare state. I am fed up with being told we are going to have to accept rules of the House which are totally artificial, leftwing, welfare state rules which will count the Joint Committee on Taxation's estimates even though we know intellectually they are wrong.

Imagine that we had on the Committee on Armed Services a computer that said only lead airplanes can fly, that

an airplane has to weigh at least 50,000 tons and be made out of solid lead or it cannot count as an airplane. We would all laugh it out of existence. We all know that an airplane cannot be made out of lead that will fly, and yet what we have on the Joint Committee on Taxation and on the rules of the Committee on Ways and Means is a totally rigged game designed to favor the welfare state.

How is it rigged? Well, it is rigged, first of all, because the Democrats have a 2-to-1 majority, and they are willing to use the majority in a very partisan way. Second, it is rigged because they want to take up a tax bill only counting other tax measures to offset it.

Let me give my colleagues an example of what I mean. I am prepared to support a cut in defense spending to have a middle class tax cut. Now that means, when we bring a bill to the floor, it has to have both the middle class tax cut and it has to have the defense cut in the bill, because otherwise we would have an unbalanced bill. What I am told that the welfare state Democrats want to do is, they want to bring in a bill which will only count taxes. So, they will then say to us, "Since you can't count the defense cuts, you're not allowed to have a middle class tax cut paid for by defense cuts because the rules of the House say that."

Now they will ignore the fact that for all of the last couple of years, over and over and over, the welfare state Democratic leadership has waived the rules any time they want to. If they want to bring a bill to the floor, they write a rule to bring it to the floor. If they want to write a bill that has never been to a committee, they write the rule so it comes straight out of the Committee on Rules. Anything they want to do. It is like playing against a team who owns the referee, and the referee says, "When their team is at bat, you get 15 strikes, and, when our team is at bat, you get one strike."

Now they say that is fair; we have got to play by the rules. So, rule No. 1 that they are going to try to make up is: "We cannot, representing the President, working with conservatives, trying to replace the welfare state; we cannot be creative in how we pay for the tax cut." Rule No. 2 they are going to say: "You have to count the incredibly archaic, wrong computers that the Joint Committee on Taxation—which are a joke if you believe in an economic model."

Let me give my colleagues an example of what I mean by being a joke. They are going to produce what they call a distribution chart. Now a distribution chart is a fancy chart which provides for how much money different people get out of a tax change. For example, if we raise taxes, they are going to say in a certain way that the rich will pay this amount and the poor will

pay that amount. If we cut taxes, they will say that the rich will benefit by this amount, the poor will benefit by that amount.

Now let me explain. My No. 1 goal and, I think, President Bush's No. 1 goal in trying to cut taxes this year is to create jobs. Our No. 1 goal is to try to help the economy recover. The tax cuts we care about are going to put the people to work by encouraging investment, by encouraging the creation of factories, by opening up new opportunities. Let us say, as one economist told me today, that President Bush's capital gains tax cut to 15 percent will generate enough new jobs that it will literally be worth, let us say to take a modest example, 2 million jobs over the next 5 years.

Now, 2 million jobs is not a lot, but it is a start. It helps us get out of the recession, and to the 2 million families that have those jobs it means a whole lot.

Let me make two points here. Point No. 1, at no point in the Joint Committee on Taxation study are we going to find the income tax from 2 million jobs added to the Government revenue, nor are we going to find the 2 million people leaving unemployment detracted from the Government revenue. Now, 2 million people who leave unemployment, therefore, they do not get an unemployment check. They go to work so they send in an income tax check. They represent a tremendous change in how much the Government is spending and how much the Government is raising. The Joint Committee on Taxation, which is in my judgment, intellectually a joke, is going to have none of that in its model.

The second point. Two million Americans having a job who are unemployed today have an enormous benefit. When we look at a distribution table of benefits, I believe we ought to count the income from the 2 million jobs. Now, if you assume that that average American makes \$23,000 a year, then that capital gains tax cut to middle class working Americans is worth \$46 billion the first year in new jobs. That is, the first year they go to work they will get \$46 billion in additional income. Yet no place on the distribution chart are you going to see that \$46 billion show up, so the chart is simply intellectually phony. It is a welfare state bureaucrat writing up a static welfare state model as though the free market did not exist and entrepreneurship did not exist and the whole system of the market economy did not exist. It is something we would expect in Russia before we had Yeltsin, but we certainly would not expect it in a free society that accurately modeled what really happens.

So the rules will be rigged. They will say to us, the welfare state Democrats will say first, you cannot bring to the floor a bill which shows spending cuts as a way of paying for a tax cut. Sec-

ond, you cannot bring to the floor a bill which counts the flow of money to the Federal Government from economic growth. Third, we are going to score it under a distribution table which will not count a single job held by a single person, as though we could have a 15-percent capital gains, and which is a 13-percent cut for somebody in the 28-percent bracket.

One could have, as the gentleman from Texas [Mr. ARCHER] pointed out today, under the very same principle about an 8-percent capital gains tax for people in the 15-percent bracket. That means that we have a tremendous chance here for a person in the 15-percent income tax bracket, if they inherit a little money, if they saved a little bit, if they own a small business, to have only an 8-percent tax rate when they pay a capital gains tax, so it is an advantage to those folks. In addition, it is a tremendous advantage to every person who will have a job.

Yet, in the welfare state people just cannot think that way. Let me carry it a stage further. I cited last week the Reader's Digest article from the January Reader's Digest, "How the Union Stole the Big Apple." I think it is one of the most important articles I have read in years. I think it raises a very profound question.

When we talk about aid to education, the Reader's Digest article points out that in New York City the contract they were describing in the article pays \$57,000 a year to janitors in public schools who are required to mop the floor three times a year; not three times a week, not three times a month, not three times a quarter; they are required three times a year, once every 4 months, to mop the school floor, and for that they get \$57,000 a year.

Now, they are required to sweep every other day. They cannot be required to sweep daily. They are required to mop the cafeteria once a week. The cafeteria is used five times a day. That is, it is used 25 times a week. They mop it once a week.

The Reader's Digest, in the article "How the Union Stole New York City," quotes a principal saying, "When I have students in a class in the cafeteria after lunch, they study around the filth."

There are two points to be made here. First of all, no American child should be forced to go through a cafeteria whose union contract only requires mopping the cafeteria once a week when there are 25 meals served in that cafeteria. They should not be forced to eat around filth.

Second, consider the budget point. Why should we take as a given, paying \$57,000 a year to a person who only mops three times a year? Why should we not say as part of our budget process, "Yes, we are going to give Federal aid to New York City, but in return for that Federal aid we expect real work to

be done. We expect that work to be done on a regular basis. We expect to be able to actually get something for the taxpayers' money."

It turns out if we look at the Citizens Budget Commission analysis of New York City, that New York City, by simply becoming as efficient as other big cities, that is, by simply becoming as efficient as Cleveland or Detroit or Philadelphia, hardly paragons of efficiency, hardly systems like IBM or Federal Express or United Parcel Service, but just by getting New York City to cut out the inefficiency that is worse than a normal big city, they would save \$5 billion a year.

Now, if we were to pass a budget here that said in order to get Federal aid New York has to be no more inefficient than Detroit or Philadelphia, we should be able to write in there that saves \$5 billion. It saves \$5 billion to the taxpayers in New York, it saves \$5 billion to taxpayers in New York State, it saves that \$5 billion to the taxpayers in the country. That is money we do not have to transfer to pay for inefficiency.

Yet under the rules of the House there is almost no way to get at that, because the truth is that the welfare state Democrats are not going to bring to the floor a bill which gets at a \$57,000 janitor who only has to mop three times a year.

Let me carry it a step further. We believe that we ought to encourage long-term savings. We think that in an opportunity society healthy economies come when people save their money, put it away, and have that money invested to buy houses, to buy factories, to create jobs, to do all the many things, and to buy municipal bonds so the city can build a waste sewer treatment plant. The more the American people save, the lower the interest rate, the less expensive it is for businesses to go out and build new factories, for cities to go out and build the new incinerator or build the new library or build the new bridge or build the new highway, and the less expensive it is for the Federal Government to pay for its bonds, and finally, the less expensive it is for a couple to buy a new house.

Yet, because the welfare state bureaucracy is so embedded in the city of Washington, even when we are trying to move toward new savings we have proposals by the bureaucracy that would lead to less savings.

I was fascinated over the weekend to notice that one of the minor items in the President's budget is to cut off annuities that are essentially a way of buying an insurance program that adds up interest over the years without taxation. There is no question in the welfare state that an annuity is in a sense sort of cheating. It is allowing people to have savings that are in an insurance company that grow without being

taxed, something that other people cannot do.

Yet I would argue if you started from the model of an opportunity society and you want to encourage people to save, instead of cutting out the tax-free savings annuities we would be extending the tax-free provisions to other savings accounts. We would allow other people to save.

Why is this so important? If you are 25 years old and you save \$100, that is not very much money unless you are allowed to compound the interest. Let us say you can get 8 percent a year over time. Eight percent a year means that every 9 years your money is going to double, so you get 8 percent the first year and then you get 8 percent the second year and it compounds, and everybody who is watching knows that compound interest builds up, so at 25 you get \$100 if you do not save another dime. At 34, if we do not tax interest on savings, you have \$200. At 43 you have \$400. At 52 you have \$800. At 61 you have \$1,600. At 70 you have \$3,200 from that initial \$100.

However, what if the Government comes in and taxes the interest on your savings? Then you lose for your whole lifetime the compound interest. In other words, instead of having \$8 extra the very first year you saved at 8 percent and you had \$108, the Government comes in and says, "No, we want our share." To make the math easy, if you are in the 28-percent bracket they take \$2 away.

□ 1750

You do not just lose that \$2, you lose the \$2 the first year, plus all of the interest that would build up for your entire lifetime. And the result is an amazing amount of money.

So what we have got going today is a situation in which by taxing interest on savings, we dramatically lower the value of savings. We dramatically lower the advantage of savings.

So this person over here who is saving and working hard and doing the right things, we tax them. Meanwhile, if they have a twin brother or a twin sister who is on welfare, we do not charge them any taxes.

So they are in effect paying taxes on their savings in order to take care of their brother or sister who is not paying any taxes and is not doing any work. And that is why so many people believe in workfare.

But let me carry it a step further. What the bureaucrats in Washington will tell you is we ought to punish the insurance companies and we ought to punish the people who save by raising taxes on annuities, because, after all, we are taxing everything else.

I would say no, no, no. Just the opposite. In order to begin the transition, in order to have a necessary revolution that will replace the welfare state, what we need to do is stop taxing interest on savings.

I think in that sense one of the President's great problems is that he says to the bureaucracy, "I want to go to the right." The bureaucracy says, "Well, sir, we agree, and we understand you want to go to the right. But not now. Can we go a little bit to the left before we go to the right?"

The answer is going to have to be no. If we are going to truly have a revolution and replace the welfare state, the answer has to be no, we are not going to go any more to the left. We are not going to create any more welfare state. That is over. It has failed. We have to instead move in the right direction.

Now, I think this revolution is tremendously important because unless we are prepared to replace the welfare state, and I mean replace it in health care, replace it in education, replace it in our city governments and our Federal Government, replace it in our industries, unless we are prepared to have a revolution, to replace the welfare state, to go out and vote for candidates who are committed to workfare, who are committed to making prisoners work and paying the minimum wage and then charging the costs against prison, who are prepared to change the education system until our children can compete with the Germans and Japanese.

I look forward to the day that I wake up and the Atlanta newspaper or the Marietta newspaper or the Jonesboro newspaper says, "Georgia students outscore Germans and Japanese in math and science." That is when I will know we have begun to truly effectively replace the welfare state.

Yet in that setting, when we come in with an idea that we know will work, and I am going to give you one in just a second, an idea that will make health care less expensive, our welfare state Democrats tell us, "Oh, no. You can't even bring that to the floor of the House."

I will give you a specific example. President Bush has proposed for 3 years in a row that we pass legislation to reform malpractice.

Now, malpractice lawsuits are essentially a device by which trial attorneys, trial lawyers, working with plaintiffs, file charges against doctors or against hospitals. In a lot of cases the goal is to force a negotiation. Never to get to trial, but just to raise the threat enough to force a negotiation.

Doctors increasingly, in order to be ready for that kind of trial, engage in what is called defense medicine. Defensive medicine is the process where a doctor will say, "You really don't medically need this test, but because I don't want you to sue me, I am going to give you a test you don't need so if you ever sue me, I will already have the proof that I did the right thing."

Dr. Louis Sullivan, the Secretary of Health and Human Services, estimated

that defensive medicine raised the cost of Medicare by 20 percent. That is, we spend billions of additional dollars on unnecessary tests and unnecessary diagnoses, sometimes on unnecessary surgery and on unnecessary medicine, in order to be prepared in case there is a lawsuit.

Now, you will hear many of our welfare state Democrats say they are very worried about health care. Ask them, are they worried enough about health care to pass a malpractice bill, to reform the system, to bring down the defensive medicine, to allow doctors to practice medicine without fear, to go back to only requiring tests that are necessary?

That would save, I would guess, a minimum, based on Dr. Sullivan's estimate, a minimum of \$15 billion this year. It would save private insurance companies even more money.

This may be a provision that saves \$30, \$40, \$50 billion.

Yet, because you cannot prove it, because it does not fit the welfare state model, it is impossible to bring a health bill to the floor that counts any of the savings, even though we know they are there and we know they are real.

So once again we are put in a box. If it is a new idea to replace the welfare state, that does not count. You cannot quantify it. You cannot put it in your budget. You cannot use the dollars for anything else. You are driven into which welfare state idea do you like best, which new Government proposal do you like best, because you are not allowed to have innovative, preventive, better ideas.

I will give you a second example. The concept of quality we now know saves a lot of money. One of the great ironies of what Edwards Deming and Juran and others did was in developing quality as a set of techniques. They developed a program which actually lowers cost.

When I was a child people said quality is more expensive. What they have discovered is quality is cheaper. It is cheaper for a very commonsense reason. In a lot of our automobile plants up to one-third of the work is fixing something which wasn't done right the first time. There are very big areas in European and American automobile factories where the cars that are not quite right, the cars that have defects, have to be repaired. And it turns out that is very expensive.

If instead, and you can think of this with regard to something as simple as typing a letter, imagine that you only typed letters correctly. You did not have to go back and proofread them, you did not have to go back and change them, you did not have to go back and edit them so much you had to retype them.

It is estimated that we spend as much as 35 percent of our work redoing

something that was a mistake the first time. That is, 65 percent of our work is doing it the first time; 35 percent of our work is having to redo it.

Now let me apply that to a 40-hour week. That means that 14 hours out of a 40-hour week. That means that 14 hours out of a 40-hour week are just fixing things we did wrong. We are only actually working productively 26 hours out of 40.

What Deming and Juran and others are suggesting is that if you think through quality systematically, as Phil Crosby says, if you do something right the first time, he says do the right thing right the first time, then you could lower the cost by an amazing minimum of 15 percent, maybe as much as 35 percent.

Let us apply that to domestic discretionary spending, about a \$208 billion item.

If you believe the quality experts, the people who taught Japan how to be productive, about a minimum of \$30 billion and as much as \$70 billion of that amount is going to be wasted effort. Things that are not built quite right, things that have to be repaired, work that has to be done over.

Now, if we were to come in and say we want to liberate the civil service, we want to allow let us say the Department of Labor or the Department of Commerce or the Department of the Interior to rethink its entire Department built around the concepts of quality, what we would find is that it violates the civil service laws, it violates the procurement laws, it violates the union contracts, it violates the work rules, it violates the Office of Personnel Management, and we would be just thrown out automatically. People would laugh at us. They would say that is not realistic.

Yet when you go out and talk to IBM or you talk to Federal Express or you talk to United Parcel Service, what you discover is that to truly get to quality you have to change a lot of things. And when you change them, you have a revolutionary increase in productivity.

In a new study of the automobile industry by a team at MIT [the Massachusetts Institute of Technology] a study which was called *The Machine That Changed the World*, a study of the Japanese, but also of American and European manufacturing, they concluded that what they call lean production, that is, applying quality across the board so that everything is done right the first time, that the model that they have studied at Toyota and elsewhere takes one-half the manpower, one-half the space, one-half the inventory, and one-half the time to produce products.

Now, you can tell competitively if your competitor is taking half the manpower, half the time, with half the space, using half the inventory, to

produce a product, they are going to beat you every time.

American automobile companies are trying to learn how to do it. They are trying to apply lean production. The Ford Motor Co. has come the furthest. It is fair to say I think today that the Cadillac and Buick divisions of General Motors are beginning to make progress.

□ 1800

Then we look at the Federal Government. If we see some efforts to get to lean production, we certainly see this with Motorola. We see it with Milliken. We see it with a number of other companies that are much more efficient than they were 10 years ago. But then we look at the Federal Government or New York City government or State governments, none of which are applying anything like the kind of downsizing.

Notice when we see banks that are going through a process of using information systems, applying quality, getting more work done with fewer people, when we watch IBM do the same thing, when we watch Xerox do the same thing, is it not fascinating that there is no downsizing of the Federal Government?

There are no agencies that become more efficient. There are no agencies that apply the information systems so that they have fewer people overall. The result is the Government just gets bigger, and bigger, and bigger, and it hires more and more people. And it absorbs more resources.

What is even worse, because it is not modernizing, government is incapable of applying quality because it is not using the new technologies and the new management approaches. Government cannot deliver the services that we are getting used to in the private sector.

Everyone is used to this. In fact, we are so used to it we have two clocks in our heads. One clock we use in the private sector. We walk into an automobile showroom. We walk into a McDonald's. That clock has a second hand, and we measure whether or not those businesses are responsive by how many seconds it takes to notice that we are in the room.

Then we have a totally different clock in our head. The clock that is there when we walk into a government office, and that clock has 15-minute intervals.

Now, there is no reason that has to be true because the fact is we pay for government just as much as we pay for a hamburger. Our taxes make us a customer of government just as much as we are a customer at the auto dealership.

We are used to the idea that we cannot apply quality, and we cannot apply the improvement of productivity. And we cannot apply the new lessons of lean production to develop a government that is more effective.

For example, if we were to come to the floor on the Republican side and say we are prepared to replace the welfare state; we are going to have workfare in our budget. We think that will save \$7 billion. The welfare state bureaucrats would rule it out of order. "You cannot do that."

We are going to say we are going to repeal malpractice. We estimate that is worth \$20 billion. We are going to go to a new system of arbitration and a new system of listening to complaints and allow people to get reasonable compensation but no more \$1, \$5 and \$10 million grants with the lawyers getting expenses plus a third.

Bureaucrats from the welfare state say that does not count.

If we said we are going to modernize five Federal bureaucracies and we are going to go through the process of change that we can absolutely show is happening in banking and in insurance companies and in newspapers and in television stations and at IBM, and we are going to estimate that our cost next year, using this new approach, will be 12 percent less than the current system and that will save \$6 billion, they would rule it out of order.

What the welfare state does is it says, we will not count any changes based upon better efficiency, better approaches, based upon new technologies. We will only count increases. We will only count more money and more space and so we end up with a system which, if we try to apply it to a company, would guarantee they went broke.

It is a totally crazy way of doing business. It makes no sense, except in Washington, DC.

Let me come back and summarize. I believe we have to have a revolution to replace the welfare state. I believe it is absolutely necessary because we are never going to compete with Germany and Japan and other countries when we have welfare, drug addiction, illiteracy, 12-year-olds getting pregnant. The whole process of high taxation, high regulation, lots of red tape, Government domination. We are just not going to be competitive.

I thought it was very prophetic that when Boris Yeltsin came to the United Nations that the one place he went to that was away from the United Nations was the Federal Reserve Bank where he had dinner and made a speech to 50 industrialists, asking them to invest in Russia to create jobs, to modernize the country. I thought to myself, would it not be wonderful if someday Mayor Dinkins of New York City could go to the very same bank in his city and learn how to make New York City productive again and learn how to encourage businesses.

The fact is, businesses are fleeing New York City. Jobs are running away from this city. Taxes go up; bureaucracies go up; welfare goes up; crime goes up; regulations go up. Safety goes

down; comfort goes down; service goes down. And the businesses just say it is not worth the cost anymore and literally hundreds of thousands of jobs have left New York City. And every principle which those business leaders told Boris Yeltsin about ought to be applied to New York City. And yet we live in a world where the mayor of St. Petersburg is now more conservative than the mayor of New York City. It is a very strange situation.

If we are going to have the necessary revolution to replace the welfare state, those of us who believe in it, I think, have to be prepared to stand by our principles every day of this session of Congress. I am not going to stand by and allow the Committee on Ways and Means to rig the game against job creation, against free enterprise, against a dynamic incentive-oriented model that recognizes the way entrepreneurs behave. I am not going to stand by and let the Joint Committee on Taxation apply a welfare state model which is intellectually mindless and then claim that that represents the real results or claim that that represents the distribution table.

I am not going to stand by and have the welfare-state-dominated Committee on Rules set up a rule which rigs the game. I am going to insist that we be allowed to count a dynamic model, that if we cut taxes, we show that more people are going to go to work, that more people are going to be involved, that more people are going to invest, that we show that if we are prepared to cut defense spending to pay for a middle-class tax cut, that that be made in order so we can use that money.

And then if there is a distribution table of benefits, that the benefits include the jobs that are created and that it does not just measure Government but it measures the private sector. And that this incredibly antiprivate sector, antiprivate business, antientrepreneur bias for the welfare state Democrats not be made part of the playing field.

They have every right to come in here and make their debate about their issues the way they believe. I recognize that. I respect it.

But they cannot be allowed to rig the game so that only the welfare state can win. They cannot be allowed to rig the game so that business and job creation and opportunities and the chance for people to have a better life is ruled off the board. That is not fair. That is totally wrong.

I hope, Mr. Speaker, that we can agree in the next few weeks to genuinely fair rules. I hope that we can agree to find a way to replace the Joint Committee on Taxation's current model with something which resembles the real world. I hope that we can agree to a rule which is going to bring to the floor a tax program which does cut defense in order to have a middle-

class cut and which does count the real flow of jobs, the real wealth created by jobs and the real creation of opportunity as part of how it measures what is going on.

I look forward very much to the next few months. I believe this year could be one of the most creative years in American governmental history, because I think the American people by huge margins do want workfare. They do want to replace the welfare state. They are tired of the same old baloney, and they are ready to have a chance to have the kind of Congress and the kind of representation and the kind of change that they believe is so desperately necessary.

And I am going to do all I can to help every American communicate with their Congressman and their Senator to make sure that they get the kind of opportunities that they deserve so our children can have the kind of opportunities that they deserve.

#### WE WUZ ROBBED OF TAX REVENUE

The SPEAKER pro tempore (Mr. HARRIS). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, the current blasts of criticisms from Japan of American workers is unwarranted. American workers are working longer with a shrinking of leisure time. We have become more productive. Manufacturers have been holding down costs. Productivity has improved. From 1979 to 1985, hourly output in factories increased 2.8 percent annually and from 1985 to 1990 it rose to 3.5 percent. Compensation for Americans changed radically in 5 years. In 1985 it averaged \$13.01 for production workers but, by 1990, France, Canada, Norway, and Germany were surpassing American pay levels.

This is contrary to remarks made by politicians in Japan that 30 percent of American workers are illiterate and lazy, that they need to learn how to work harder, that they are only interested in fat paychecks.

Certainly there are some workers who need to reevaluate how they work. Why don't each of us do an unofficial survey wherever we are working on how much time we really spend on our jobs? Do we waste time at the water cooler or on the phone instead of tending to work? For the next week, why not check ourselves on just how we do work? Then we will have a polled result to combat the Japanese insult.

I, personally, know that the maritime industry had poor statistics a few years ago, but the work situation has turned around substantially.

Sure, we will hear some horror stories of work not done in American busi-

ness, but I put my faith in the American worker. Today's Journal of Commerce quotes Richard Huber, Continental Banking Corp. vice chairman, about the work habits in Japan.

He said:

Having worked in Japan for five years and having been there last week, the Japanese office is as inefficient as any I've seen outside the Third World. It is a little comical. Their offices are grossly inefficient with people sitting around hours just to be there.

We will find out that Americans are also doing better in other areas than the Japanese. Just one example is in the manufacturing of steel. We are outshining the Japanese who are supposed to have the state-of-the-art technology.

But, in manhours per ton we are lower than Japan, Germany, the United Kingdom, and France. In employment costs per ton we are lower than Japan, Germany, the United Kingdom, Canada, Korea, Mexico, Brazil, and Taiwan. Steel is just one area where American workers are shining through in the workplace.

What is causing the problem between the United States and Japan is not the American worker, instead it is the trade deficit. If the U.S. worker is so bad then how have we managed to change a merchandise deficit of nearly \$30 billion with the European Community to a surplus of nearly \$20 billion in 5 years.

Americans must be doing something right and perhaps, just perhaps, the Japanese share a portion of the blame for the trade deficit.

What happens when a Japanese transplant firm is located in the United States. According to Clyde Prestowitz, the author of *Trading Places*.

A transplant factory which opened recently generated \$595 million in capital costs of which \$312 million was spent in Japan and \$283.2 million spent in the United States.

A Big Three assembly plant cost \$595 million, but all but \$20 million was spent in the United States.

Now just what does that mean to the American taxpayer?

Evidence given in the hearing of the Subcommittee on Oversight of the House Ways and Means Committee revealed that an estimated tax bill of \$50 billion is unpaid by foreign firms, \$30 billion of which is owed by Japanese firms. This figure is without the interest, penalties, and fines that American firms would have to pay if they were in tax arrears.

Senator HELMS explained clearly and concisely in his testimony to the committee of the consequences for American competitiveness when foreign firms underpay their taxes.

He said:

Individuals and competing American firms—have had to make up the loss. That is, they have had to shoulder an additional burden of tens of billions of dollars in additional taxes to compensate for this cheating. To the extent that Americans do not pay the

complete bill, it simply adds to the federal deficit.

The Senator said:

The American economy takes a double shot from this system. First, the money which foreign firms should have paid in taxes originates in the private sector. Second, the additional taxes which American individuals and firms have to pay are just that much more which is extracted from the productive private sector of the economy and transferred to government.

Just how is this done? One way is through transfer pricing. The price of a product is artificially raised when shipped to the United States so the margin of profit is cut in the United States, thus reducing the tax burden for the foreign firm.

Or, a subsidiary may borrow from the parent company and repatriate the money to their country of origin. Foreign firms have an advantage over American firms in the filing regulations of the Security and Exchange Commission.

Foreign companies do not have to reveal financial information which is required of American firms, so it is impossible for our Government to check to see if they are paying their fair share of taxes. In fact, American firms are required to file this information all over the world and sometimes it is published in the newspapers. But not here. Foreign companies have a privilege to hold on to their financial information. There are many ways in this bag of tricks to avoid taxes and the Japanese have found most of them, if not invented new methods.

According to the Chrysler Corp., the Japanese automobile firms lost \$11.7 billion on sales of motor vehicles in North America from 1987 to 1990. During the same period of time, Japanese manufacturers realized a profit of \$36.4 billion in the Japanese market. Some American officials have alleged the loss is due to trying to undercut the American market.

Work at these foreign companies translates into value added in terms of jobs. There the figures of the foreign company versus an American company are revealing. For automobiles it means that Japanese imports account for 1 percent value added, Japanese transplants, 48 percent, and United States manufacturers, 88 percent.

As I understand those figures, there is a 40-percent difference in value-added jobs in the American company over the Japanese. That means more tax revenue.

In December, the Christian Science Monitor reported that Yamaha Motor Co. paid \$123 in taxes in 1987. For a multibillion-dollar company to have that kind of tax bill in the United States is strange to me.

Incidents like this are also happening in other countries. The Financial Times reported last week that the British have a warrant out for the arrest of Octav Bodnar, chairman and managing

director of Nissan United Kingdom for alleged corporate tax fraud over a period of 17 years. Charges included an intent to defraud.

Perhaps this is the way the game is played in Japan and elsewhere, but not in the United States.

Direct quotes from the Japanese, which were originally omitted in the English translation from the hearings were entered in the record. They said, "in light of IRS examination of other Japanese automobile importers, it is unlikely our pricing procedures would stand up to scrutiny."

In fact, all Japanese subsidiaries have reported a steady decrease in their income in the United States from \$1.8 billion in 1984 to \$219 million in 1987. In fact, all foreign subsidiaries made a total gross profit of US\$543 billion and claimed tax deductions of US\$544 billion.

This means the American taxpayer is picking up the slack for the foreign subsidiaries who avoid paying their fair share of taxes.

American firms must ante up their taxes and face an unfair challenge if foreign firms do not. In fact, American businessmen can safely say, "we wuz robbed" competitively by these foreign shenanigans.

The United States has carried the burden of Japan's defense for 50 years, so it is unfair that they also expect the American taxpayer to carry the burden of taxes owed by Japanese firms. Let the Japanese show their often-proclaimed good faith and friendship in America by paying taxes owed by Japanese firms instead of criticizing American work habits.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of illness;

Mr. CLEMENT (at the request of Mr. GEPHARDT), for today after 2:30 p.m., on account of official business; and

Mr. HUTTO (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCEWEN) to revise and extend their remarks and include extraneous material:)

Mr. FISH, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. MICHEL, for 5 minutes, today.

Mr. WALKER, for 5 minutes, today.

Mrs. BENTLEY, for 60 minutes each day, on March 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 26, and 31.

Mr. ROBERTS, for 5 minutes, today.  
Mr. PAXON, for 30 minutes, on February 18.

Mr. MCEWEN, for 5 minutes, today.  
(The following Members (at the request of Mr. SMITH of Florida) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.  
Mr. MORAN, for 5 minutes, today and 5 minutes on February 6.  
Mr. LIPINSKI, for 5 minutes, today and 60 minutes on February 5.  
Mr. FRANK of Massachusetts, for 5 minutes, today.  
Mr. ANNUNZIO, for 5 minutes, today.  
Mr. GEJDENSON, for 5 minutes, today.  
Mr. PANETTA, for 5 minutes, today.  
Mr. MCCURDY, for 5 minutes, on February 5.

Mr. GONZALEZ, for 60 minutes each day, on February 20 and 24.  
Mr. BONIOR, for 60 minutes each day, on April 1, 7, 8, 28, and 29.

Mr. GEJDENSON, for 60 minutes each day, on February 18, 25, March 3, 10, 17, 24, 31, and on April 7 and 28.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PAYNE of New Jersey, for 60 minutes, today.

#### EXTENSION OF REMARKS

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

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

Mr. FISH.  
Mr. VANDER JAGT in two instances.  
Mr. BEREUTER.  
Mr. GRADISON.  
Mr. DAVIS.  
Mr. SOLOMON.  
Mr. OXLEY.  
Mr. GINGRICH.  
Mr. CLINGER.  
Mr. GALLO.  
Mr. RIDGE.  
Mr. IRELAND.

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

Mr. EDWARDS of California.  
Mr. YATRON in three instances.  
Mrs. COLLINS of Illinois.  
Mr. FALBOMVAEGA.  
Mr. TRAFICANT.  
Mr. ENGEL.  
Mr. THOMAS of Georgia.  
Mr. GAYDOS.  
Mr. TALLON.  
Mr. LANTOS.  
Mr. DOWNEY.  
Mr. DARDEN.  
Mr. SWETT.  
Ms. HORN.  
Mr. YATES.  
Mr. STALLINGS.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's

table and, under the rule, referred as follows:

S. 1256. An act to direct the Secretary of Health and Human Services to develop and implement an information gathering system to permit the measurement, analysis, and reporting of welfare dependency rates; to the Committees on Ways and Means, Agriculture, and Education and Labor.

S. 1963. An act to amend section 992 of title 28, United States Code, to provide a member of the U.S. Sentencing Commission whose term has expired may continue to serve until a successor is appointed or until the expiration of the next session of Congress; to the Committee on the Judiciary.

#### ADJOURNMENT

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

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 5, 1992, at 1 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

2764. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the first annual report on the operation of the Enterprise for the Americas Facility; to the Committee on Agriculture.

2765. A letter from the Secretary of Defense, transmitting notification of the Defense Nuclear Agency's decision to exercise the provision for exclusion of the clause concerning examination of records by the Comptroller General, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

2766. A letter from the Oversight Board, Resolution Trust Corporation, transmitting the salary plan for Oversight Board graded employees and executives; to the Committee on Banking, Finance and Urban Affairs.

2767. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide funding for the Resolution Trust Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

2768. A letter from the Potomac Electric Power Co., transmitting a copy of the balance sheet of Potomac Electric Power Co. as of December 31, 1991, pursuant to D.C. Code, section 43-513; to the Committee on the District of Columbia.

2769. A letter from the Secretary, Department of Health and Human Services, transmitting the status and accomplishments of transitional living youth projects funded under part B of the Runaway and Homeless Youth Act, pursuant to 42 U.S.C. 5715(b); to the Committee on Education and Labor.

2770. A letter from the Secretary of Education, transmitting the final report on the distribution of Federal elementary-secondary education grants among the States, pursuant to Public Law 100-297, section 6207; to the Committee on Education and Labor.

2771. A letter from the Secretary of Health and Human Services, transmitting the annual report for 1991 on compliance by States with personnel standards for radiologic tech-

nicians, pursuant to 42 U.S.C. 1006(d); to the Committee on Energy and Commerce.

2772. A letter from the Acting Assistant General Counsel, Department of Energy, transmitting a notice of meeting related to the International Energy Program; to the Committee on Energy and Commerce.

2773. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Netherlands (Transmittal No. 5-92), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

2774. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on human rights in countries receiving development assistance, pursuant to sections 116(d)(1) and 502(b) of the Foreign Assistance Act of 1961, as amended, and section 505(c) of the Trade Act of 1974, as amended; to the Committee on Foreign Affairs.

2775. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2776. A letter from the Acting Director, U.S. Information Agency, transmitting the follow-up report on Public Diplomacy of the 1990's, pursuant to 22 U.S.C. 1469; to the Committee on Foreign Affairs.

2777. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting the Commission's 33d annual report of the Advisory Commission on Intergovernmental Relations, pursuant to 42 U.S.C. 4275(3); to the Committee on Government Operations.

2778. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the follow-up to Privacy Act New Systems Report on Intended Addition to Systems of Records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2779. A letter from the Director, Congressional Budget Office, transmitting CBO's study on budgeting for administrative costs under credit reform, pursuant to section 503 of the Federal Credit Reform Act of 1990; to the Committee on Government Operations.

2780. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the National Society of the Daughters of the American Revolution's "Annual Proceedings of the One Hundredth Continental Congress," pursuant to 36 U.S.C. 18b; to the Committee on the Judiciary.

2781. A letter from the Postmaster General of the United States, transmitting the Annual Report of the Postmaster General for Fiscal year 1991, pursuant to 39 U.S.C. 2402; to the Committee on Post Office and Civil Service.

2782. A letter from the Administrator, General Services Administration, transmitting prospectuses for the fiscal year 1993 General Services Administration's Public Buildings Service Capital Improvement Program, pursuant to section 7 of the Public Buildings Act of 1959; to the Committee on Public Works and Transportation.

2783. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's 68th quarterly report on trade between the United States and the nonmarket economy countries, pursuant to 19 U.S.C. 2441(c); to the Committee on Ways and Means.

2784. A letter from the U.S. International Trade Commission, transmitting a draft of

proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1993 and fiscal year 1994; to the Committee on Ways and Means.

2785. A letter from the Administrator, Agency for International Development, transmitting a report on the quantity of agricultural commodities programmed under II in fiscal year 1991; jointly, to the Committees on Agriculture and Foreign Affairs.

2786. A letter from the U.S. Coast Guard, transmitting the report regarding a reexamination of the policies of the United States restricting use of certain ports of entry by ships, and crewmembers thereof, of the former Union of Soviet Socialist Republics; jointly, to the Committees on Appropriations and Merchant Marine and Fisheries.

2787. A letter from the Department of the Air Force, transmitting notification that the performance of a Rockwell B-1B full scale development [FSD] contract will continue for a period exceeding 10 years; jointly, to the Committees on Armed Services and Small Business.

2788. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting a copy of the report to the President on the construction of the Alaska Natural Gas Transportation System, pursuant to 15 U.S.C. 719e(a)(5)(E); jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

2789. A letter from the Secretary of Labor, transmitting a report on the new interim final H-1B visa regulations; jointly, to the Committees on the Judiciary and Education and Labor.

2790. A letter from the Deputy Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); jointly, to the Committees on Public Works and Transportation and Appropriations.

2791. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation entitled, "Economic Growth Tax Act of 1992"; jointly, to the Committees on Ways and Means, Agriculture, Banking, Finance and Urban Affairs, Education and Labor, Energy and Commerce, Government Operations, House Administration, Interior and Insular Affairs, the Judiciary, Merchant Marine and Fisheries, Post Office and Civil Service, Public Works and Transportation, and Veteran's Affairs.

#### REPORT OF COMMITTEE 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. DELLUMS: Committee on the District of Columbia. H.R. 3581. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to eliminate congressional review of newly passed District laws, to provide the District of Columbia with autonomy over its budgets, and for other purposes (Rept. No. 102-429). Referred to the Committee of the Whole House on the State of the Union.

#### REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1558. A bill to amend the Panama Canal Act of 1979 to provide for a Chairman of the Board of the Panama Canal Commission, and for other purposes; with an amendment; referred to the Committee on Armed Services for a period ending not later than February 21, 1992, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(c) of rule X (Rept. No. 102-428, Pt. 1). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PANETTA:

H.R. 4148. A bill to designate the Monterey Bay National Marine Sanctuary; to the Committee on Merchant Marine and Fisheries.

By Mr. BENNETT:

H.R. 4149. A bill to establish an employment program to make grants available to the States to provide employment to the unemployed, and for other purposes; to the Committee on Education and Labor.

By Mr. MICHEL (for himself, Mr. ARCHER, Mr. GINGRICH, Mr. LEWIS of California, Mr. EDWARDS of Oklahoma, Mr. HUNTER, Mr. MCCOLLUM, and Mr. WEBER) (by request):

H.R. 4150. A bill to create jobs, promote economic growth, assist families, and promote health, education, savings, and homeownership; jointly, to the Committees on Ways and Means, Agriculture, Armed Services, Banking, Finance and Urban Affairs, Education and Labor, Energy and Commerce, Foreign Affairs, Government Operations, House Administration, Interior and Insular Affairs, the Judiciary, Merchant Marine and Fisheries, Post Office and Civil Service, Public Works and Transportation, Rules, and Science, Space, and Technology and Veterans' Affairs.

By Mr. BOEHLERT:

H.R. 4151. A bill to revive the authorization of appropriations for the general revenue sharing program for fiscal year 1992; to the Committee on Government Operations.

By Mr. DARDEN:

H.R. 4152. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to permit an eligible individual to operate a public works vehicle without requiring the individual to pass a written or driving test for operation of a commercial motor vehicle; to the Committee on Public Works and Transportation.

By Mr. DEFAZIO (for himself, Mrs. UNSOELD, Mr. WILSON, and Mr. AUCOIN):

H.R. 4153. A bill to amend the Internal Revenue Code of 1986 to provide incentives for domestic timber production and processing; to the Committee on Ways and Means.

By Mr. DELLUMS:

H.R. 4154. A bill to provide for participation by the United States in a climate stabilization program; jointly, to the Committees on Interior and Insular Affairs, Rules, Ways and Means, Agriculture, Energy and Commerce, Merchant Marine and Fisheries, Foreign Affairs, Science, Space, and Technology, and Education and Labor.

By Mr. FISH (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. HUNTER, Mr. MCCOLLUM, and Mr. MOORHEAD):

H.R. 4155. A bill to provide greater access to civil justice by reducing costs and delay,

and for other purposes; to the Committee on the Judiciary.

By Mr. JONES of North Carolina (for himself, Mr. LENT, and Mr. DAVIS):

H.R. 4156. A bill to authorize appropriations for fiscal year 1993 for the Federal Maritime Commission, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KOLTER (for himself, Mr. ROE, Mr. HAMMERSCHMIDT, and Mrs. BENTLEY):

H.R. 4157. A bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; jointly, to the Committees on Banking, Finance and Urban Affairs and Public Works and Transportation.

By Mrs. LOWEY of New York:

H.R. 4158. A bill to prohibit grants under the community development block grant program to communities that fail to enforce laws preventing the use or threat of force against individuals for exercise of abortion rights; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MCCLOSKEY (for himself, Mr. JACOBS, Mrs. SCHROEDER, Mr. KOPETSKI, and Mr. WILLIAMS):

H.R. 4159. A bill to amend title 5, United States Code, to provide that a Federal employee who, in the aggregate, serves for at least 4 years in a 6-year period, on a temporary basis, may not by regulation be excluded from the Government's health insurance, life insurance, or retirement program, by reason of being a temporary employee, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NAGLE:

H.R. 4160. A bill for the relief of Aloysius H. Schmitt; to the Committee on Armed Services.

By Mr. OWENS of Utah (for himself, Mr. LEVINE of California, Mr. SENSBRENNER, Mr. CAMPBELL of California, Mr. MCNULTY, Mr. BROOMFIELD, Mr. PALLONE, Mr. DOOLEY, Mr. ANNUNZIO, Mr. LEHMAN of California, Mr. CONDIT, Mr. ROHRBACHER, Mr. FRANK of Massachusetts, Mr. WAXMAN, Mr. VISLOSKEY, Mr. MOORHEAD, Mrs. BOXER, and Mr. BONIOR):

H.R. 4161. A bill to restrict trade and other relations with the Republic of Azerbaijan; jointly, to the Committees on Ways and Means, Foreign Affairs, and Banking, Finance and Urban Affairs.

By Mr. YATRON:

H.R. 4162. A bill to amend the Internal Revenue Code of 1986 to allow the one-time exclusion of gain from the sale of a principal residence to individuals who are permanently and totally disabled; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. BATEMAN, Mrs. BENTLEY, Mr. TAUZIN, and Mr. FIELDS):

H.R. 4163. A bill to ensure the availability of the vessel *SS United States* for use as a maritime museum in the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. CAMP (for himself, Mr. ACKERMAN, Mr. BEVILL, Mr. CLEMENT, Mr. COBLE, Mr. DAVIS, Mr. DEFAZIO, Mr. DONNELLY, Mr. DOOLITTLE, Mr. EMERSON, Mr. ESPY, Mr. FALCOMA, Mr. FORD of MICHIGAN, Mr. GEKAS, Mr. GILMAN, Mr. GRANDY, Mr. HORTON, Mr. HUGHES, Mr. HYDE, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. MCDADE, Mr. MCGRATH, Mr. MCNULTY, Mr.

MARTIN, Mr. MARTINEZ, Ms. NORTON, Mr. QUILLLEN, Mr. RAMSTAD, Mr. RANGEL, Mr. RIGGS, Mr. SCHUMER, Mr. TALLON, Mr. TAYLOR of Mississippi, Mr. TRAXLER, Mr. VANDER JAGT, and Mr. WOLPE):

H.J. Res. 397. Joint resolution designating the week May 3, 1992, through May 9, 1992, as "National Correctional Officers Week"; to the Committee on Post Office and Civil Service.

By Mr. COUGHLIN (for himself and Mr. HUGHES):

H.J. Res. 398. Joint resolution designating August 4, 1992, as "National Neighborhood Crime Watch Day"; to the Committee on Post Office and Civil Service.

By Mr. DUNCAN:

H.J. Res. 399. Joint resolution designating the week beginning November 1, 1992, as "National Medical Staff Services Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. ENGEL (for himself and Mr. PALLONE):

H.J. Res. 400. Joint resolution designating October 1992 as "Italian-American Heritage and Culture Month"; to the Committee on Post Office and Civil Service.

By Mr. IRELAND (for himself, Mr. LEWIS of Florida, Mr. DORNAN of California, Mr. CALLAHAN, Mr. MARTINEZ, Mr. BACCHUS, Mr. HUTTO, Mr. FASCELL, Mr. LEWIS of California, Mr. BENNETT, Mr. EMERSON, and Mr. FROST):

H.J. Res. 401. Joint resolution designating February 1992 as "National Grapefruit Month"; to the Committee on Post Office and Civil Service.

By Mr. MORAN:

H.J. Res. 402. Joint resolution approving the location of a memorial to George Mason; to the Committee on Interior and Insular Affairs.

By Mr. ROE (for himself, Mr. DINGELL, Mr. IRELAND, Mr. LAFALCE, Mr. JONES of Georgia, Mr. McMILLEN of Maryland, Mr. LEHMAN of Florida, Mr. LIVINGSTON, Mr. MATSUI, and Mr. TRAXLER):

H.J. Res. 403. Joint resolution to authorize the President to proclaim the last Friday of April 1992 as "National Arbor Day"; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H. Res. 336. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Banking, Finance and Urban Affairs in the second session of the One Hundred Second Congress; to the Committee on House Administration.

By Mr. ROSTENKOWSKI:

H. Res. 337. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Ways and Means in the second session of the One Hundred Second Congress; to the Committee on House Administration.

By Mr. FORD of Michigan (for himself, Mr. WILLIAMS, Mr. GOODLING, and Mrs. ROUKEMA):

H. Res. 338. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Education and Labor in the second session of the One Hundred Second Congress; to the Committee on House Administration.

By Mr. STOKES:

H. Res. 339. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the

Committee on Standards of Official Conduct in the second session of the One Hundred Second Congress; to the Committee on House Administration.

## MEMORIALS

Under clause 4 of rule XXII:

325. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to lead-abatement programs; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

## ADDITIONAL SPONSORS

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

H.R. 44: Mr. ENGEL, Mr. KOSTMAYER, Mr. MATSUI, Mr. TORRES, Mrs. LLOYD, Mr. HERGER, Mr. LAFALCE, Mr. OBERSTAR, Mr. ORTIZ, Mr. COYNE, Mr. ROE, Mr. SWETT, Mr. HERTEL, Mr. SKAGGS, Mr. BUNNING, Mr. DORNAN of California, Mr. REGULA, Mr. CUNNINGHAM, Mr. GORDON, and Mr. TRAXLER.

H.R. 78: Mr. SMITH of Oregon.

H.R. 187: Mr. BORSKI, Mr. BONIOR, and Mr. LEVIN of Michigan.

H.R. 213: Mr. SYNAR.

H.R. 413: Mr. CARR, Mr. ROBERTS, and Mr. ORTON.

H.R. 431: Mr. KLUG, Mr. HASTERT, Mr. KOPETSKI, Mr. ALEXANDER, Mr. SPENCE, Ms. NORTON, Mr. BLAZ, and Mr. ENGLISH.

H.R. 461: Mr. KILDEE and Ms. SNOWE.

H.R. 565: Mr. UPTON, Mrs. COLLINS of Illinois, and Mr. SMITH of Oregon.

H.R. 670: Mr. JOHNSON of South Dakota.

H.R. 793: Mr. BOUCHER, Mr. PRICE, Mr. CHANDLER, and Mr. SPENCE.

H.R. 911: Mr. ENGEL, Mr. GREEN of New York, and Mr. WEBER.

H.R. 1124: Mr. MARTIN, Mr. DOOLITTLE, Mr. MYERS of Indiana, Mr. SENSENBRENNER, Mr. SANDERS, and Mr. WOLPE.

H.R. 1126: Mr. OLVER, Mr. KOPETSKI, Mr. WAXMAN, Mr. MATSUI, Mrs. BOXER, and Mr. BONIOR.

H.R. 1240: Mr. OWENS of New York.

H.R. 1241: Mr. BROWDER, Mr. BRYANT, Mr. COSTELLO, Mr. EWING, Mr. INHOPE, Mr. IRELAND, Mr. JOHNSON of Texas, Mr. JACOBS, Mr. KOPETSKI, Mr. LIVINGSTON, Mr. RICHARDSON, Mr. STALLINGS, Mrs. MINK, and Mr. LEWIS of California.

H.R. 1335: Mr. MARTINEZ.

H.R. 1380: Mr. LEWIS of California, Mr. CUNNINGHAM, Mr. MARTINEZ, Mr. RAMSTAD, and Mr. SENSENBRENNER.

H.R. 1414: Mr. RUSSO.

H.R. 1473: Mr. DONNELLY.

H.R. 1531: Mr. WISE, Mr. ALEXANDER, Ms. NORTON, and Mr. TRAFICANT.

H.R. 1536: Mr. OWENS of Utah.

H.R. 1546: Mr. PENNY, Mr. ROHRBACHER, Mr. WILSON, and Mr. LEWIS of Florida.

H.R. 1628: Mr. DYMALLY, Mr. RINALDO, Mr. MYERS of Indiana, Mr. LEHMAN of Florida, Mrs. KENNELLY, Mrs. UNSOELD, Mr. SIKORSKI, Mr. ANTHONY, Mr. ARCHER, Ms. WATERS, Mr. SAWYER, Mr. GOODLING, Mr. HAMMERSCHMIDT, Mr. ZIMMER, Mr. GALLO, Mr. BAKER, Mr. RITTER, Mr. LOWERY of California, Mr. FRANKS of Connecticut, Mr. COYNE, Mr. RIDGE, Mr. WELDON, Mr. DELAY, Mr. COUGHLIN, Mr. HAMILTON, Mr. MILLER of Washington, Mr. FASCELL, Mr. PORTER, Mr. EVANS, Mr. RAHALL, Mr. QUILLLEN, Mr. FAWELL, Mr. SHUSTER, Ms. OAKAR, Mr. TANNER, Mr. JOHNSON of Texas, Mr. WISE, Mr. MCCLOSKEY, and Mr. BORSKI.

H.R. 1655: Mr. KOPETSKI, Ms. NORTON, Mr. ENGLISH, and Mr. TRAFICANT.

H.R. 1801: Mr. HOYER.

H.R. 1882: Mr. LENT, Mr. KOLTER, Mr. MARKEY, Mr. CAMP, Mr. WALSH, Mr. DORGAN of North Dakota, Mr. BARRETT, Mr. PICKLE, Ms. KAPTUR, Mr. CRANE, Mr. HANSEN, Mr. EWING, and Mr. BERMAN.

H.R. 1987: Mr. EDWARDS of California, Mr. SLATTERY, Mr. KILDEE, Mr. MARTINEZ, Mr. SANDERS, Mr. LANTOS, Mr. KOPETSKI, and Mr. OWENS of New York.

H.R. 2070: Mr. HARRIS, Mr. SOLOMON, Mr. MOORHEAD, Mr. DE LUGO, Mrs. MORELLA, Mr. LOWERY of California, Mr. SMITH of Oregon, Mr. SKELTON, and Mr. RAVENEL.

H.R. 2106: Mr. OLVER and Mr. LEWIS of Georgia.

H.R. 2179: Mr. BROWN.

H.R. 2248: Mr. DAVIS, Mr. BORSKI, and Mr. STAGGERS.

H.R. 2374: Mr. BORSKI.

H.R. 2401: Mr. LIGHTFOOT.

H.R. 2448: Mr. REGULA, Mr. KLECZKA, Mr. LIPINSKI, and Mr. OLIN.

H.R. 2492: Mr. BORSKI.

H.R. 2528: Mr. FISH, Mr. MACHTLEY, Mr. DICKINSON, Mr. OXLEY, Mr. UPTON, and Mr. GALLEGLEY.

H.R. 2569: Mr. RAMSTAD and Mr. CAMPBELL of California.

H.R. 2579: Mr. BAKER.

H.R. 2618: Mr. RICHARDSON, Mr. RAHALL, Mr. WHITTEN, Mr. STAGGERS, Mr. HAMMERSCHMIDT, Mr. LEWIS of Florida, Mr. BOUCHER, Mr. PANETTA, Mr. MOORHEAD, and Mr. FRANK of Massachusetts.

H.R. 2649: Mr. CRANE.

H.R. 2715: Mr. LIPINSKI and Mr. GUARINI.

H.R. 2766: Mr. RAMSTAD and Mr. ENGLISH.

H.R. 2815: Mr. HANSEN.

H.R. 2872: Mr. ARMEY.

H.R. 2890: Mrs. MINK and Mr. EMERSON.

H.R. 2906: Mr. LENT and Mr. EMERSON.

H.R. 3015: Mr. SHAYS and Mr. FOGLIETTA.

H.R. 3071: Mr. ALEXANDER.

H.R. 3138: Mrs. JOHNSON of Connecticut, Mr. GILMAN, Mr. OWENS of New York, and Mr. LANCASTER.

H.R. 3142: Mr. PETRI.

H.R. 3166: Mr. WALKER, Mr. LIVINGSTON, Mr. LEWIS of Florida, Mr. CONDIT, Mr. SMITH of New Jersey, Mr. BROWDER, Mr. HAMMERSCHMIDT, Mr. MCCLOSKEY, Mr. MARKEY, Mr. GEKAS, Mr. CUNNINGHAM, Mr. SLATTERY, Ms. SNOWE, Mr. MOLLOHAN, Mr. COLEMAN of Texas, Mr. SAXTON, Mr. SPRATT, Mr. RAVENEL, Mr. BUSTAMANTE, Mr. LOWERY of California, Mr. KYL, and Mr. HERTEL.

H.R. 3352: Mr. SMITH of Florida.

H.R. 3373: Mr. ATKINS, Mr. KYL, Mr. WHEAT, Mr. MRAZEK, and Mr. DUNCAN.

H.R. 3393: Mr. DELLUMS and Mr. GLICKMAN.

H.R. 3395: Mr. LENT.

H.R. 3438: Mr. RIGGS.

H.R. 3439: Mr. RIGGS.

H.R. 3440: Mr. RIGGS.

H.R. 3451: Mr. SCHAEFER.

H.R. 3501: Mr. OXLEY, Mr. PAYNE of Virginia, and Mr. HALL of Ohio.

H.R. 3553: Mr. HALL of Texas and Ms. PELOSI.

H.R. 3616: Mr. ARMEY.

H.R. 3641: Mr. NOWAK and Mr. MARTIN.

H.R. 3654: Mrs. BENTLEY, Mr. BONIOR, Mr. BRYANT, Mr. CARPER, Mr. DOOLITTLE, Mr. GILMAN, Mr. HAMMERSCHMIDT, Mr. HORTON, Mr. HUNTER, Mr. HYDE, Mr. IRELAND, Mr. JOHNSON of Texas, Mr. LIVINGSTON, Mr. OXLEY, Mr. ROBERTS, Mr. ROTH, Mr. SAVAGE, Mr. SMITH of Texas, Mr. VANDER JAGT, and Mr. WILSON.

H.R. 3742: Mr. BROWN.

H.R. 3776: Mr. LEVINE of California and Mrs. MORELLA.

H.R. 3779: Mr. HOCHBRUECKNER, Mr. PETERSON of Minnesota, and Mr. KOPETSKI.

H.R. 3782: Mr. MRAZEK, Ms. PELOSI, Mr. SWETT, Mr. SWIFT, and Mr. OWENS of New York.

H.R. 3785: Mr. SENSENBRENNER.

H.R. 3801: Mr. HARRIS, Mr. SCHIFF, Mr. PICKETT, Mr. FROST, Mr. JEFFERSON, Mr. TOWNS, Mr. JONES of North Carolina, and Mr. BENNETT.

H.R. 3826: Mr. DURBIN, Mr. EVANS, Mr. JEFFERSON, Mr. KOLTER, Mr. MRAZEK, Ms. NORTON, Ms. PELOSI, Mr. RANGEL, Mr. ROGERS, and Mr. VENTO.

H.R. 3844: Mr. MFUME, Mr. ROYBAL, and Mr. PAYNE of New Jersey.

H.R. 3852: Mr. FRANK of Massachusetts.

H.R. 3908: Mr. STALLINGS.

H.R. 3937: Mr. GOSS, Mr. FROST, Mr. GUARINI, and Mrs. LLOYD.

H.R. 3975: Mr. GEJDENSON, Mr. TORRES, Ms. KAPTUR, Mr. POSHARD, and Ms. WATERS.

H.R. 3978: Mr. NOWAK, Mr. KOLTER, Mr. RAY, and Ms. KAPTUR.

H.R. 3982: Mr. SMITH of Florida.

H.R. 3994: Mr. ECKART.

H.R. 4002: Mr. ACKERMAN, Mr. BRYANT, Mr. DEFazio, Mr. ERDREICH, Mrs. LLOYD, and Mr. SERRANO.

H.R. 4019: Mr. FAWELL, Mr. KOSTMAYER, and Mr. ZIMMER.

H.R. 4023: Mr. DOWNEY, Mr. McGRATH, Mr. LENT, Mr. SANDERS, Mr. SPRATT, Mr. SMITH of New Jersey, Mr. DWYER of New Jersey, Mr. ROE, Mr. PASTOR, and Mr. MORRISON.

H.R. 4024: Mr. BROWN.

H.R. 4025: Mr. BROWN, Mr. CAMPBELL of Colorado, Mr. WELDON, and Mr. HUGHES.

H.R. 4040: Mr. McGRATH, Mr. BURTON of Indiana, and Mrs. LLOYD.

H.R. 4051: Mr. HARRIS, Mr. KLECZKA, Mr. BRUCE, Mr. CHAPMAN, and Mr. LIPINSKI.

H.R. 4073: Mr. DE LUGO, Mr. SANDERS, Mr. YATES, Mr. FRANK of Massachusetts, Mr. HUBBARD, Mr. McNULTY, and Mr. VENTO.

H.R. 4080: Mr. SENSENBRENNER, Mr. FORD of Tennessee, and Mr. GALLEGLY.

H.R. 4086: Mr. COSTELLO, Mr. HALL of Texas, Mr. SMITH of New Jersey, and Mr. FORD of Michigan.

H.R. 4097: Mr. HOYER.

H.R. 4107: Mr. GILMAN and Mr. FASCELL.

H.R. 4121: Mr. WALSH, Mr. CUNNINGHAM, Mr. SCHIFF, and Mr. FIELDS.

H.R. 4127: Mr. SENSENBRENNER, Mr. STEARNS, Mr. DOOLITTLE, Mr. EMERSON, Mr. LIVINGSTON, Mr. McCRERY, Mr. HANSEN, Mr. DANNEMEYER, and Mr. ROHRBACHER.

H.R. 4128: Mr. YOUNG of Alaska, Mr. WILSON, Mr. DUNCAN, and Mr. BATEMAN.

H.R. 4145: Mrs. JOHNSON of Connecticut, Mr. SWETT, Mr. ZIMMER, and Mrs. MEYERS of Kansas.

H.J. Res. 22: Mr. PAXON.

H.J. Res. 99: Mr. PAXON.

H.J. Res. 122: Mr. LIPINSKI.

H.J. Res. 200: Mr. HOYER, Mr. VENTO, and Mr. OBERSTAR.

H.J. Res. 234: Mr. ENGEL.

H.J. Res. 283: Mr. ESPY and Mr. MATSUI.

H.J. Res. 350: Mr. ANDREWS of New Jersey, Mr. ASPIN, Mr. ATKINS, Mr. BATEMAN, Mr. BOUCHER, Mr. BROWDER, Mr. BRYANT, Mr. CAMP, Mr. CHANDLER, Mr. CONDIT, Mr. DELLUMS, Mr. DINGELL, Mr. DOOLITTLE, Mr. DUNCAN, Mr. DYMALLY, Mr. ERDREICH, Mr. FIELDS, Mr. FRANK of Massachusetts, Mr. FUSTER, Mr. GORDON, Mr. HAYES of Louisiana, Mr. HUBBARD, Mr. JOHNSON of South Dakota, Mr. JONES of Georgia, Mr. KLECZKA, Mr. KLUG, Mr. LAGOMARSINO, Mr. LEACH, Mr. LEWIS of California, Ms. LONG, Mr. MARKEY, Mr. MARTIN, Mr. MATSUI, Mrs. MEYERS of Kansas, Mr. MINETA, Mrs. MINK, Mr. NATCH-

ER, Mr. NEAL of North Carolina, Ms. OAKAR, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mrs. PATTERSON, Mr. PAXON, Mr. PRICE, Mr. RAVENEL, Mr. REGULA, Mr. RITTER, Mr. ROYBAL, Mr. SABO, Mr. SAVAGE, Mr. SAWYER, Mr. SERRANO, Mr. SKELTON, Mr. SMITH of Iowa, Mr. SPENCE, Mr. STOKES, Mr. STUDDS, Mr. TALLON, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TORRES, Mr. VENTO, Mr. WAXMAN, Mr. WISE, and Mr. YOUNG of Florida.

H.J. Res. 351: Mr. AuCOIN, Mr. FRANK of Massachusetts, Mr. PAYNE of Virginia, Mr. DORGAN of North Dakota, Mr. WALSH, and Mr. OWENS of New York.

H.J. Res. 388: Mr. EMERSON, Mr. PAXON, Mr. WALSH, Mr. HARRIS, Mr. FROST, Ms. LONG, Mr. TOWNS, Mr. VENTO, Ms. KAPTUR, Mr. McDERMOTT, Mr. ROE, Mr. FORD of Tennessee, Mr. OWENS of Utah, Mr. OWENS of New York, Mrs. KENNELLY, and Mr. UPTON.

H.J. Res. 390: Mr. BATEMAN, Mr. STOKES, Mr. RICHARDSON, Ms. SNOWE, Mr. TAYLOR of North Carolina, Mr. HUGHES, Mr. McHUGH, Mr. JEFFERSON, Mrs. MORELLA, Mr. JONES of North Carolina, Mr. VANDER JAGT, Mr. KOLTER, Mr. TORRICELLI, Mr. NOWAK, Mr. HAMMERSCHMIDT, and Mr. JONES of Georgia.

H.J. Res. 394: Mr. GEJDENSON, Mr. MACHTLEY, Mr. TOWNS, Mr. RAY, Ms. PELOSI, and Mr. SHARP.

H.J. Res. 395: Mr. BILBRAY, Mr. OBERSTAR, Mr. SCHEUER, Mr. RAMSTAD, Mr. LEHMAN of Florida, Mr. TALLON, Ms. OAKAR, Mrs. MEYERS of Kansas, Mr. KASICH, Ms. KAPTUR, Mr. GREEN of New York, Mr. McDERMOTT, Mr. JACOBS, Mr. VALENTINE, Mr. MARTINEZ, Mr. DEFazio, Mr. TRAFICANT, Mr. HASTERT, Mr. FORD of Tennessee, Mr. MARKEY, Mr. RAVENEL, Mr. LAROCO, Mr. KOPETSKI, Mr. TAUZIN, Mr. ASPIN, Mr. HAMMERSCHMIDT, Mr. FUSTER, Mr. NATCHER, Ms. MOLINARI, Mr. EMERSON, Mr. SKEEN, Mr. LEACH, Mrs. LOWEY of New York, Mr. MAZZOLI, Mr. WILSON, Mr. TANNER, Mr. PRICE, Mr. PAXON, Ms. LONG, Mr. LUKEN, Mr. JONTZ, Mr. FROST, Mr. HARRIS, Mr. WALSH, Mr. BEVILL, Mr. INHOPE, Mr. DOWNEY, Mr. GORDON, Mr. GINGRICH, Mr. HYDE, Mr. EVANS, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. DELLUMS, Mr. WOLPE, Mr. SOLOMON, Mr. McHUGH, Mr. NEAL of North Carolina, Mr. McCLOSKEY, Mr. VANDER JAGT, Mr. HOYER, Mr. SABO, Mr. FISH, Mr. MILLER of California, Mr. ATKINS, Mr. LEWIS of California, Mr. PICKETT, Mr. HUGHES, Mr. LEWIS of Georgia, Mr. PURSELL, Mr. SPRATT, Mr. STENHOLM, Mr. STOKES, Mr. BENNETT, Mr. KENNEDY, Mr. OXLEY, Mr. IRELAND, Mr. WYDEN, Mr. STAGGERS, Mr. QUILLEN, Mr. DOOLITTLE, Mr. CLINGER, Mr. JONES of Georgia, Mr. YATRON, Mr. MINETA, Mr. SLATTERY, Mr. DARDEN, Mr. MORAN, Mr. WEBER, Ms. WATERS, Mr. JENKINS, Mr. BARNARD, Mr. SAWYER, Mrs. VUCANOVICH, Mr. WEISS, Mr. OWENS of New York, Mr. MURPHY, Mr. FRANKS of Connecticut, Mr. DIXON, Mr. HOCHBRUECKNER, Mr. PAYNE of New Jersey, Ms. DELAULO, Mr. RIGGS, Mr. HEFNER, Mr. VENTO, Mr. CARDIN, Mr. ACKERMAN, Mr. RUSSO, Mr. BERMAN, Mr. DORGAN of North Dakota, Mr. SMITH of Florida, Mr. NAGLE, Mr. AuCOIN, Mr. GONZALEZ, Mr. ERDREICH, Mrs. KENNELLY, Mr. GEJDENSON, Mr. MONTGOMERY, Mr. MACHTLEY, Mr. HAYES of Illinois, Mr. DYMALLY, Mr. HORTON, Ms. NORTON, Mr. PANETTA, Mr. LENT, Mr. ANDREWS of Maine, Mr. GEKAS, Mr. McNULTY, Ms. PELOSI, Mr. RANGEL, Mrs. MINK, Mr. DE LUGO, Mr. SCHAEFER, Ms. HORN, Mr. FAZIO, Mr. JEFFERSON, Mr. KOSTMAYER, Mr. McMILLEN of Maryland, Mr. ESPY, Mrs. PATTERSON, Mrs. UNSOELD, Mr. McGRATH, Mrs. JOHNSON of Connecticut, Mr. CLEMENT, Mr. VOLKMER, Mr. BUSTAMANTE, Mr. GUARINI, Mr. LANTOS, Mr. MATSUI, Mr. SCHUMER, Mr.

TOWNS, Mrs. BENTLEY, Mr. DICKS, Mr. OWENS of Utah, Mr. TRAXLER, Mr. WOLF, Mrs. MORELLA, Mr. BLILEY, Mr. RITTER, Mr. SAVAGE, Mr. PETERSON of Florida, Mr. FLAKE, Mr. COX of Illinois, Mr. ENGEL, Mr. WASHINGTON, Mr. MILLER of Washington, Mr. STEARNS, Mr. SHAYS, Mr. MFUME, Mr. CONYERS, Mr. DWYER of New Jersey, Mr. SOLARZ, Mr. DONNELLY, Mr. ECKART, Mr. GILCHREST, Mr. BILIRAKIS, Mr. MAVROULES, Mr. BROOMFIELD, Mr. BREWSTER, Mr. STUDDS, Mr. GILMAN, Mr. HAMILTON, Mr. HANSEN, Mr. HATCHER, Mr. EDWARDS of Texas, Mr. GUNDERSON, Mr. NEAL of Massachusetts, Mr. ROBERTS, Mr. MILLER of Ohio, Mr. LAGOMARSINO, Mr. GALLO, Mr. BORSKI, Mr. ANDREWS of New Jersey, Mr. SWETT, Mr. FALCOMAVAEGA, Mr. SAXTON, Mr. ROWLAND, Mr. WAXMAN, Mr. TORRICELLI, Mr. KLECZKA, Mr. CHANDLER, Mr. MARTIN, Mr. LEVINE of California, Mr. LAFALCE, Mr. REED, Mr. SERRANO, Mr. MOORHEAD, Mr. DICKINSON, Ms. SLAUGHTER of New York, Mr. McDADE, Mr. BLAZ, Mr. FRANK of Massachusetts, Mr. NOWAK, Mr. REGULA, Mr. YOUNG of Florida, Mr. CRANE, Mr. KLUG, Mrs. COLLINS of Michigan, Mrs. BOXER, Mr. ABERCROMBIE, and Mr. HUBBARD.

H. Con. Res. 177: Ms. PELOSI.

H. Con. Res. 180: Mrs. UNSOELD.

H. Con. Res. 182: Mr. ROWLAND and Mr. SANGMEISTER.

H. Con. Res. 220: Mr. MRAZEK, Mr. KOPETSKI, Mr. ROYBAL, Mr. PENNY, Mr. WHEAT, Mr. PERKINS, Mr. SANDERS, Mr. FAZIO, Mr. JOHNSTON of Florida, Mr. GILMAN, Mr. HAYES of Illinois, Mr. SAVAGE, and Mr. WASHINGTON.

H. Con. Res. 224: Mr. AuCOIN and Ms. SLAUGHTER.

H. Con. Res. 227: Mr. EVANS.

H. Con. Res. 232: Mr. BILBRAY.

H. Con. Res. 233: Mr. BURTON of Indiana, Mr. VOLKMER, Ms. ROS-LEHTINEN, Mr. SENSENBRENNER, Mr. TOWNS, Mr. MORAN, Mr. WOLF, Mr. GILMAN, Mr. ROHRBACHER, and Mr. STUMP.

H. Con. Res. 236: Mr. PANETTA, Mr. KOPETSKI, and Mr. DEFazio.

H. Con. Res. 245: Mr. SMITH of Florida and Mr. SANDERS.

H. Con. Res. 257: Mr. BAKER, Mr. BILBRAY, Mr. EMERSON, Mr. FRANK of Massachusetts, Mr. HORTON, Mr. KOLTER, Mr. STARK, Mr. STUDDS, and Mr. DE LUGO.

H. Con. Res. 263: Mr. LAGOMARSINO, Mr. VENTO, Mr. TORRES, and Mr. DELLUMS.

H. Res. 155: Mr. OWENS of Utah, Mr. LANCASTER, Mr. CAMPBELL of Colorado, and Mr. McCLOSKEY.

H. Res. 302: Mr. DEFazio and Mr. KLECZKA.

#### 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. 4046: Mr. LEWIS of Florida.

H.J. Res. 323: Mr. MCCURDY.

#### PETITIONS, ETC.

Under clause 1 of rule XXII:

139. The SPEAKER presented a petition of the Western Governors' Association, Denver, CO, relative to the Department of the Interior inspector general audit authority; which was referred to the Committee on Interior and Insular Affairs.