

HOUSE OF REPRESENTATIVES—Friday, March 3, 1992

The House met at 12 noon.

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

We confess, O God, that we have been taught by the prophets of old, we have been reminded by the saints of history, we have been commanded by the Scriptures and all our traditions, and yet so often do we miss the mark and neglect the works of charity and justice. May we heed all Your word, O God, and all the treasurers of our faith to focus on what we ought to be, and what we ought to do, so we will be the people You would have us be and do those good things that honor You and serve every person. This is our earnest prayer. 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 Indiana [Mr. BURTON] please come forward and lead the House in the Pledge of Allegiance.

Mr. BURTON of Indiana led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.J. Res. 343. Joint resolution to designate March 12, 1992, as "Girl Scouts of the United States of America 80th Anniversary Day";

H.J. Res. 350. Joint resolution designating March 1992 as "Irish-American Heritage Month"; and

H.J. Res. 395. Joint resolution designating February 6, 1992, as "National Women and Girls in Sports Day".

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

H.J. Res. 414. Joint resolution regarding the San Antonio Drug Summit.

The message also announced that the Senate had passed a bill and joint reso-

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

S. 479. An act to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States;

S.J. Res. 139. Joint resolution to designate October 1992 as "National Lock-in-Safety Month";

S.J. Res. 214. Joint resolution to designate May 16, 1992, through May 22, 1992, as "National Awareness Week for Life-Saving Techniques";

S.J. Res. 218. Joint resolution designating the calendar year, 1993, as the "Year of American Craft: A Celebration of the Creative Work of the Hand";

S.J. Res. 233. Joint resolution to designate the week beginning April 12, 1992, as "National Public Safety Telecommunicators Week";

S.J. Res. 240. Joint resolution designating March 25, 1992, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy";

S.J. Res. 244. Joint resolution to recognize and honor the National Conference of Commissioners on Uniform State Laws on its centennial for its contribution to a strong Federal system of government;

S.J. Res. 246. Joint resolution to designate April 15, 1992, as "National Recycling Day"; and

S.J. Res. 254. Joint resolution commending the New York Stock Exchange on the occasion of its bicentennial.

The message also announced that, pursuant to Public Law 94-304, as amended by Public Law 99-7, the Chair, on behalf of the Vice President, appoints Mr. SPECTER, to the Commission on Security and Cooperation in Europe, vice Mr. Heinz.

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

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

Mr. GEJDENSON of Connecticut, chairman;

Mr. FASCELL of Florida, vice chairman;

Mr. HAMILTON of Indiana;

Mr. DE LA GARZA of Texas;

Mr. GIBBONS of Florida;

Mr. OBERSTAR of Minnesota;

Mr. LAFALCE of New York;

Mr. BROOMFIELD of Michigan;

Mr. HORTON of New York;

Mr. MILLER of Washington;
Mr. WALSH of New York; and
Mr. HENRY of Michigan.

THE COAL INDUSTRY RETIREE HEALTH BENEFIT ACT OF 1991

(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, in a matter of weeks, a job crisis will hit the coal industry if Congress does not take swift action; 120,000 retired mineworkers stand to lose their health benefits when a Government-mandated UMWA trust fund runs out of money.

H.R. 4013, the Coal Industry Retiree Health Benefit Act, introduced by my distinguished colleague from Pennsylvania, JOHN MURTHA, would save these benefits. The legislation would provide a self-sufficient program for the provision of retiree health benefits in the coal industry. It establishes a new 1991 UMWA benefit fund to provide health care coverage to retired coal miners. These trust funds would be financed by an industrywide levy based on each employee hour worked in coal production. The coal industry, not taxpayers, would be providing funds for the benefits.

This tax will help cover the health care costs of those retirees who have been orphaned by their employers who are no longer in business.

While I realize that many of my colleagues' districts may not contain coal miners or coal companies, the districts still may be dependent on coal for energy and fuel. Roughly 58 percent of all electricity produced in the United States is generated by coal.

The current UMWA trust fund will have a deficit of \$300 million in 1993 if no changes are made. Congress must act now rather than pay the consequences later.

I urge my colleagues to cosponsor H.R. 4013, the Coal Industry Retiree Health Benefit Act of 1991.

CONGRATULATIONS TO THE PRESIDENT

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

Mr. BURTON of Indiana. Mr. Speaker, I want to congratulate President Bush on his statement this morning, and that is that he made a mistake 2 years ago when he signed on to the budget summit agreement with the

□ 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.

Democrats which raised taxes by \$181 billion.

He realizes that was a mistake, and he said this morning that now they are trying to raise taxes by \$93 billion again in return for a middle-income tax cut that amounts to a candy bar a day.

I congratulate our President. He has learned a tough, tough lesson; that is, when you play with crocodiles, you get eaten.

A CALL TO END DRAFT REGISTRATION

(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, 2 years ago, I told this House that it was time to end draft registration, and I thought I had a good case. The Berlin Wall had fallen, the Soviet Union had withdrawn from Afghanistan, and it was the right time to get rid of this relic of the cold war.

Elimination of draft registration made a good case then; it's beyond question now. There is no Soviet Union. Last year, our All Volunteer Forces went halfway around the world and defeated the fifth largest army in the world, and Defense Secretary Cheney went out of his way to say we did not need a draft.

Selective Service has for 13 years hidden a dirty little secret: Draft registration does nothing—nothing—to improve our military readiness. Even if we eliminated draft registration, we could have draftees lined up at the training bases weeks before there were training slots open for them. Not a single soldier would be on the front lines even an hour earlier just because we force young men to sign up in peacetime.

In 1980, Ronald Reagan said that in peacetime, "draft registration destroys the very values that our society is committed to defending," and warned that peacetime draft registration would actually decrease our military preparedness. It is still true.

Today I am introducing legislation to stop draft registration and save this country nearly \$30 million a year. I urge my colleagues to join me in ending this waste of taxpayer dollars on a symbolic gesture that has outlived any usefulness it ever may have had. It is the easiest \$30 million we will ever save.

FAIRNESS TO FLORIDA

(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, no one likes to pay taxes, but when we do, we generally expect a corresponding level of

service in return. But this is rarely the case for residents of Florida, whose tax dollars do not seem to buy much in Washington these days.

According to Florida Taxwatch, Florida ranks dead last among the 50 States in Federal grants received per capita. Even when you include the District of Columbia and the 5 territories, we are still last, 56th out of 56. That is a disgrace for the fourth fastest-growing State in the Nation.

That is not all. As a return of Federal taxes paid, Florida taxpayers paid \$1.45 for each \$1 returned to the State in Federal assistance. We are 44th in Medicaid, 50th in transportation, 48th in housing, 50th in job training, and the list goes on.

What does this mean for Floridians? Fewer services, more strain on State resources, and more anger toward a Federal Government that continually denies us a fair return on our tax dollar.

Mr. Speaker, it is budget time. How about a little fairness for Florida? We are part of the United States, too.

A BILL TO IMPOSE THE DEATH PENALTY IN THE DISTRICT OF COLUMBIA

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

Mr. HUBBARD. Mr. Speaker, another Washington, DC, tragedy has caused those of us in Congress to look again at the wisdom of the death penalty for crimes of a substantial nature in the District of Columbia.

Two days ago, the Sergeant at Arms of the U.S. House of Representatives, Jack Russ, was attacked by two men and a woman just five blocks from our Nation's Capitol Building. They robbed him. They beat him. They put a gun in his mouth and shot him. Fortunately, he turned his head as the gun went off and he is still alive, in stable condition.

We hear daily of similar crimes of violence here in the Nation's Capital, often within sight of the Capitol dome. On January 11, Tom Barnes of Senator RICHARD SHELBY's staff was shot just a block from his residence here on Capitol Hill. He died 4 days later. In December, Joey Lucas of my own staff heard gunshots outside his Capitol Hill residence only to learn the following day that a man had been shot and killed almost at his doorstep for 13 cents.

That same month, Keith Kellem, a young father of four and resident of Owensboro, KY, who had come to Washington to sell Christmas trees, was shot by a man stealing a Christmas tree. He survived the attack, but after nearly 3 months in the hospital he was returned to Kentucky yesterday, not to his family, but to Daviess

County Hospital in Owensboro for further care. He appears to be permanently injured.

Members of Congress and their families and staffers have been mugged, shot, and raped in recent months. Citizens of our capital city live in constant fear. Their children are being killed for their jackets or their radios, and drug-related shootings are at an all-time high. Often the victims are innocent bystanders. Many times they are mere children.

Reports of murders and drive by killings have become routine news. In fact, Washington, DC, has the dubious distinction of having the highest murder rate in the Nation. It also has one of the Nation's most lenient penalties for first degree murder: life, with parole after 20 years. Washington, DC, has become a city out of control. Tourists fear to visit their own Capital City. This is a national disgrace.

For a number of years, I have been deeply concerned over the ever-rising murder rate in our Nation's Capital. In my opinion, outright lawlessness can no longer be tolerated in Washington, DC. Any criminal who attacks the rights and lives of others is a danger to society itself and must be severely dealt with.

We must accord every accused person his full rights, certainly. This is essential. But let us keep in mind that the rest of us have some rights too—the right not to be attacked by some thug out on bond after pulling three previous robberies, for example.

It seems clear to me that one really effective way to strike a hard blow at the appalling growth in crime and violence is to confront the offender with sure and stringent punishment. Just what will it take here in the Nation's Capital of Washington, DC, for those of us in Congress to be convinced that we need to bring about the death penalty or life without parole for first degree murder committed in the District of Columbia?

Today, I am introducing a bill, co-sponsored by several colleagues, to allow for the imposition of the death penalty, or life imprisonment without parole, for first degree murder in Washington, DC.

SIMPLE LESSONS TO GET THE ECONOMY GROWING

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

Mr. BALLENGER. Mr. Speaker, there are only 17 days before the March 20 deadline, suggested by President Bush, for the U.S. Congress to take action to create new jobs in America. The 1990 budget summit agreement did great damage to our economy. Then the Democrats last week passed yet another huge tax increase which would do

further damage if ultimately passed. Tens of thousands of jobs were lost because of the failed tax policies coming out of the 1990 agreement. The huge tax increases passed in 1990 lengthened one of the worst recessions in American history.

On the other hand, the 1980's gave us one of the longest periods of prosperity in our Nation's history and created millions of jobs. We now need to relearn the lessons of the 1980's and return this country to economic growth.

A recent Heritage Foundation report listed 7 simple lessons for economic growth.

First, economic growth is the best weapon against poverty;

Second, economic growth is stimulated by low taxes;

Third, the poorer get richer when the rich get richer;

Fourth, if the aim is to make the rich pay more actual taxes, cut their tax rates;

Fifth, raising taxes on the rich does not help the poor;

Sixth, increased Social Security taxes have wiped out the benefits of Reagan's tax cuts for many Americans, and

Seventh, hiking taxes does not lower the budget deficit, it raises it.

Mr. Speaker, biding by these seven powerful lessons will bring us out of this long recession, but we need to act now. As one of those who voted against the budget summit agreement in 1990, I am really pleased to see the ever-increasing support for tax cuts in this Chamber. It is not too much to ask to pass a jobs creation bill within the next 17 days.

□ 1210

IN HONOR OF COACH DON HASKINS' 600TH VICTORY

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

Mr. COLEMAN of Texas. Mr. Speaker, I rise today to congratulate University of Texas at El Paso Basketball Coach Don Haskins on winning his 600th victory. It came when the UT El Paso Miners beat the Wyoming Cowboys by one point in the Cowboys' own corral. This victory places Coach Haskins in a position that few can claim; he is 1 of only 12 NCAA division I coaches who have won 600 games during their careers.

Coach Haskins began his college coaching career in El Paso at what was then called Texas Western College [TWC] just before the 1961-62 basketball season. It was after his Miners brought home the 1966 NCAA basketball championship trophy that the name of the school officially changed to UT El Paso, or as we know it, UTEP.

Don Haskins, known throughout the desert Southwest as the Bear, can be

found during the basketball season in his trademark open shirt and sports jacket and carrying a rolled-up program. The image of a gruff, short-tempered coach, Haskins stalks up and down the court, shouting to his players and the officials. The Bear is not at all like the image, in fact he helps friends and strangers, many times anonymously.

But Don Haskins will be remembered by the sports world more for his role in changing the face of college basketball than for his wins and losses. In 1966, the majority black TWC Miners beat the all white Kentucky team for the national championship. He said he could not enjoy winning that championship because he was already looking to the next season.

In his 4 decades he has seen 9 of his teams win at least 20 games; for 7 straight seasons—1983-84 to 1989-90—he took his teams to the NCAA tournament; he has won 4 Western Athletic Conference [WAC] postseason tournaments; he has won 6 WAC championships outright, and has been inducted into the Texas Sports Hall of Fame.

During his 30 years at UTEP, the list of big names to play for the Bear includes Jim "Bad News" Barnes, the first NBA draft pick in 1964; NBA Hall of Famer Nate "Tiny" Archibald; Nolan Richardson, basketball coach at the University of Arkansas; and current NBA standouts Tim Hardaway of the Golden State Warriors; Greg Foster, Washington Bullets, and Dave Fielte, New Jersey Nets.

The Bear hasn't stopped growling. The 1991-92 Miners are currently tied with Brigham Young University and the University of New Mexico for the WAC title. All three schools have 10-4 league records with two games left in the season.

He is not looking at his 600th victory as a career-stopper. The Bear is looking ahead to the WAC championships, and then to the next postseason tournament when the Miners bring another national award home to El Paso.

CONGRESS NEEDS TO PASS A TOUGH CRIME BILL

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

Mr. THOMAS of Wyoming. Mr. Speaker, in recent weeks Congress has realized no one is immune from violence and crime. The majority leader said in the paper today that "We have been drenched in an acid bath of violence. We cower behind locked doors."

I do not know what that means. What it means is we need to do something. We need to get a tough crime bill through this House. Why do we not make changes here? The crime bill is not working, yet we continue to give more money to the District to do something that does not work.

This is not something that is impersonal to me. In my own office we have had three staff members victimized, two at gunpoint, in the parking lots of their own apartment houses. My wife and I have had several instances with area crime.

Frankly, I am pleased to hear that Members of this body are calling for tougher treatment of crime and criminals. This is our Nation's Capital. We should be able to walk the streets safely.

We do need to learn from what is happening here. We need to learn that to go easy on crime and criminals does not stop crime. In fact, it encourages it.

More especially, Mr. Speaker, we need to learn it is time for action, not just words and posturing, not just passing discussion about crime bills. We need real crime legislation. We need laws designed to protect citizens and their property. Anything else is a lesson lost.

GOOD REASONS FOR PRESIDENT BUSH'S LOW VOTER APPROVAL RATING

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

Mr. FAZIO. Mr. Speaker, it is no accident that George Bush's approval rating today stands at just 40 percent—one look at the President's budget and anyone can understand voter's skepticism about whether this President stands for anything other than the interests of the wealthy.

The education President cuts 400,000 kids out of the Pell Grant Program. The kinder gentler President cuts Medicare for the elderly. The Desert Storm commander-in-chief cuts entitlements for veterans. And the same President out pressing the flesh for votes and talking about creating jobs offers a budget that sounds appealing on the stump but pales in comparison to the one offered by the Democrats.

BIG SPENDING LIBERALS JUST DO NOT GET IT!

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

Mr. DELAY. Mr. Speaker, out on the campaign trail, I see that the Democratic challengers are trying to woo voters by using a new tactic, by sounding Republican. I notice that each is attempting to portray themselves as a friend of the middle class. How are they doing it? Interestingly enough by offering a varied array of middle-class tax cuts. Imagine that?

Many on this side of the aisle have known that one of the main keys to economic growth is tax relief. Sadly, big spending liberal Democrats just

don't get it. Despite the growing recognition that the tax and spending hikes in 1990 were a mistake which has forced economic hardship on the backs of nearly every American, liberal policymakers in Congress still resist the remedy of tax cuts. Their solution? Liberal Democrats are still convinced the Government must spend its way out of the recession. And to make things worse, last week in the House, they passed another huge tax increase.

As one of those who voted against the tax increase in 1990, the belated recognition by some Members of this body that high taxes and high Government spending hinder job creation and economic growth certainly is welcome news. I am pleased to see new converts. We now have 17 days until the March 20 deadline. Congress needs to adopt the Republican growth package immediately.

THE DIFFERENCE BETWEEN REPUBLICANS AND DEMOCRATS IS BECOMING CLEARER

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

Mr. SMITH of Florida. Mr. Speaker, people say they want us to define the difference between Democrats and Republicans. Last week we proposed and passed a Democratic middle-class tax cut, this week we will begin debating the budget. The difference is becoming clear.

The President's budget, crafted with a stale vision of the world, prepares us to fight against a Communist military threat that no longer exists.

The Democratic budget is the budget of tomorrow: It enables us to fight the economic wars that will define our quality of life, and the quality of life of our children.

Our budget leads the way in our most important economic battle—the campaign to convert our prolific defense production industry into domestic production industry.

It provides \$1 billion to help convert military factories into factories that produce products for tomorrow's markets while retaining the high quality jobs that many Americans enjoy today, and while we plan to convert defense industries to domestic industries, the Democratic budget provides jobs to help America overcome the economic straitjacket the administration has put us in.

The Democratic budget creates over 150,000 more jobs than President Bush's budget. These high quality jobs will help our cities build mass transit and highways, hire more teachers, and bring health care to every American. And it does this with a smaller budget deficit than the President's \$475 billion deficit and with fairness and compassion.

Mr. Speaker, the difference between Democrats and Republicans is becoming all too clear. The Republicans fight yesterday's battles, while the Democrats prepare America for the future.

□ 1217

COMPREHENSIVE PREVENTIVE HEALTH CARE ACT OF 1992

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

Mr. GILMAN. Mr. Speaker, recently U.S. News & World Report published a cover story on "Health Care Fraud." This article addressed an important problem with our Nation's health care system, the lack of coverage for prevention. Our Nation continues to be burdened by preventable illnesses, injuries, and disabilities. Health promotion and disease prevention offer the opportunity to contain health care costs, to prevent the premature onset of disease and disability, and to help all Americans achieve healthier, more productive lives, as well as the reduction of the number of health care frauds in our country.

My colleagues may be interested to learn that early in this session I introduced the Comprehensive Preventive Health Care Act of 1992, H.R. 4094. This measure provides for periodic health exams, screening and services under the Medicare Program, the Federal Employees Health Insurance Benefits Program, the Department of Veterans Affairs, health care system, and through our Nation's health clinics.

There are a number of proposals to heal our Nation's health care system, but no one proposal has received wide acceptance. The President included many of my preventive health care provisions in his health reform plan. It is essential that we include preventive health care in any national health care plan. People need to be educated more about prevention as an effective alternative to avoidable acute care, as well as a cost effective means of reducing our Nation's health care costs.

Mr. Speaker, I invite my colleagues to take a close look at H.R. 4094 and join me in my effort to produce a healthier nation.

MAKING AMERICA COMPETITIVE AND PRODUCTIVE

(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, how can we make American business competitive and productive without lapsing into protectionism? How can we level the trade playing field without limiting the game to one team?

There are two ways to do that, Mr. Speaker. One is to support the Attor-

ney General's effort to redefine United States antitrust laws to apply to Japanese cartels, and Japanese kieretsu organizations which exclude United States-made products. Another way is to support majority leader GEPHARDT's efforts to reinstate Super 301, the provision of the 1988 trade bill which allows the President to retaliate against those countries which in trade matters do not treat us fairly.

All American industry and American workers, the greatest in the world, need is a fair opportunity, Mr. Speaker, and a level playing field. These two measures would give us that situation.

WHO CARES MOST ABOUT EDUCATION EXPENDITURES?

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

Mr. ARMEY. Mr. Speaker, the question is who cares most about the service of our education dollar for the benefit of our youngsters, who cares most for the outcome of that expenditure of resources on behalf of our youngsters, the parents of those children or the union bosses at the National Education Association?

The President believes in the parents of the children. The President believes they are the best judge. He sent us an education bill that would have given those parents a choice.

That choice offended the National Education Association. They bullied, they cajoled, they reasoned with the Democrat majority on the Education and Labor Committee until today the union bosses at the National Education Association have totally taken any vestige of choice away from the American parent. It is not a matter of concern for the children. It is a matter of concern for what does your education dollar do for the National Education Association.

Make your choice: the children or the union. That is what that bill will be all about.

DEATH PENALTY NOT THE ANSWER

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

Ms. NORTON. Mr. Speaker, yesterday while I was at the hospital visiting Jack Russ, some Members took to the floor to call for the death penalty in the District. Jack seemed in remarkably good shape, ever generous and congenial after the outrageous and harrowing experience of being shot while walking his dog.

Members who think that the death penalty is what it takes had best look at data from their own districts. The States that have the death penalty

have murder rates as high, yes, and often higher than States without the death penalty. A brutal sanction, abolished in all but a few mostly oppressive countries, one that does not deter and is applied only after killing is not good enough, my friends. Our people want us to prevent the killing.

Have Members taken a stand on stopping the slaughter? Where do those Members who trumpet the death penalty stand on the Brady bill? How did they vote on the assault weapons provision of the crime bill the day after the Killeen, TX massacre? How did they stand on strict liability on the assault liability referendum that was passed overwhelmingly by the people of the District of Columbia?

If we want to stop the killing, there are proven ways, and the death penalty, my colleagues, is not one of them.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives.

Hon. THOMAS S. FOLEY,

The Speaker, 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 three sealed envelopes received from the White House at 4:40 p.m. on Monday, March 2, 1992 as follows:

(1) Said to contain H.R. 2212, An Act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes, and a veto message thereon;

(2) Said to contain a message from the President whereby he transmits the Annual Report on Hazardous Materials Transportation for calendar year 1990;

(3) Said to contain a message from the President whereby he transmits the Agreement between the United States of America and the Republic of Finland on Social Security.

With great respect, I am
Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF FINLAND ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-196)

The SPEAKER pro tempore (Mr. MAZZOLI) 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 Ways and Means and ordered to be printed.

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the

Social Security Amendments of 1977 (Public Law 95-216; 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and the Republic of Finland on Social Security, which consists of two separate instruments—a principal agreement and an administrative arrangement. The agreement was signed at Helsinki on June 3, 1991.

The United States-Finland agreement is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, France, Germany, Italy, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

I also transmit for the information of the Congress a report prepared by the Department of Health and Human Services, providing explanation of the key points of the agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. In addition, as required by section 433(e)(1) of the Social Security Act, a report on the effect of the agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the agreement is also enclosed. I note that the Department of State and the Department of Health and Human Services have recommended the agreement and related documents to me.

I commend the Agreement between the United States of America and the Republic of Finland on Social Security and related documents.

GEORGE BUSH.

THE WHITE HOUSE, March 2, 1992.

ANNUAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION, CALENDAR 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 Energy and Commerce, the Committee on Merchant Marine and Fisheries, and the Committee on Public Works and Transportation:

To the Congress of the United States:

In accordance with the requirements of section 109(e) of the Hazardous Materials Transportation Act (Public Law 96-633; 49 U.S.C. 1808(e)), I transmit

herewith the Annual Report on Hazardous Materials Transportation for calendar year 1990.

GEORGE BUSH.

THE WHITE HOUSE, March 2, 1992.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Recorded votes ordered on H.R. 939 and S. 2184, will be taken on Wednesday, March 4, 1992. Recorded votes ordered on the remaining bills considered under suspension of the rules will be taken after debate has concluded on those bills.

VETERANS' HOUSING AMENDMENTS

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 939) to provide eligibility to members of the Selected Reserve for the Veterans' Home Loan Program, as amended.

The Clerk read as follows:

H.R. 939

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

SECTION 1. ELIGIBILITY OF SELECTED RESERVE.

(a) SELECTED RESERVE.—Chapter 37 of title 38, United States Code, is amended—

(1) in section 3701(b), by adding at the end the following:

“(5)(A) The term ‘veteran’ also includes an individual who is not otherwise eligible for the benefits of this chapter and who has completed a total of service of at least 6 years in the Selected Reserve and, following the completion of such service, was discharged from service with an honorable discharge, was placed on the retired list, was transferred to the Standby Reserve or an element of the Ready Reserve other than the Selected Reserve after service in the Selected Reserve characterized by the Secretary concerned as honorable service, or continues serving in the Selected Reserve.

“(B) The term ‘Selected Reserve’ means the Selected Reserve of the Ready Reserve of any of the reserve components (including the Army National Guard of the United States and the Air National Guard of the United States) of the Armed Forces, as required to be maintained under section 268(b) of title 10, United States Code.”; and

(2) in section 3702(a)(2), by adding at the end the following:

“(E) Each veteran described in section 3701(b)(5) of this title”.

(b) FEES.—(1) Section 3729(a)(2) of such title is amended—

(A) by striking out “and” at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof “; and”; and

(C) by adding after subparagraph (C) the following new subparagraph:

"(D) in the case of a loan made to, or guaranteed or insured on behalf of, a veteran described in section 3701(b)(5) of this title under this chapter, the amount of such fee shall be—

"(i) two percent of the total loan amount;

"(ii) in the case of a loan for any purpose specified in section 3712 of this title, one percent of such amount; or

"(iii) in the case of a loan for a purchase (other than a purchase referred to in section 3712 of this title) or for construction with respect to which the veteran has made a downpayment of 5 percent or more of the total purchase price or construction cost—

"(I) 1.50 percent of the total loan amount if such downpayment is less than 10 percent of such price or cost; or

"(II) 1.25 percent of the total loan amount if such downpayment is 10 percent or more of such price or cost."

(2) Subparagraphs (A) and (B) of section 3725(c)(2) of such title are amended by inserting "(other than loans described in section 3729(a)(2)(D) of this title)" after "for each loan".

SEC. 2. ATTORNEY FEES IN CONNECTION WITH CERTAIN DEPARTMENT OF VETERANS AFFAIRS PROCEEDINGS.

(a) IN GENERAL.—Sections 5904(c) of title 38, United States Code, is amended—

(1) by striking out "in" at the beginning of paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (3), in"; and

(2) by adding at the end the following new paragraph:

"(3) A reasonable fee may be charged or paid in connection with any proceeding before the Department in a case arising out of a loan made, guaranteed, or insured under chapter 37 of this title. A person who charges a fee under this paragraph shall enter into a written agreement with the person represented and shall file a copy of the fee agreement with the Secretary at such time, and in such manner, as may be specified by the Secretary."

(b) EFFECTIVE DATE.—Paragraph (3) of section 5904(c) of title 38, United States Code, as added by subsection (a), shall apply with respect to services of agents and attorneys provided after the date of the enactment of this Act.

SEC. 3. DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a demonstration project under this section during fiscal years 1993 and 1994, at not fewer than two but not more than 10 regional offices, for the purpose of guaranteeing loans in a manner similar to the manner in which the Secretary of Housing and Urban Development insures adjustable rate mortgages under section 251 of the National Housing Act.

(b) REPORT.—The Secretary shall transmit a report to the Congress no later than December 31, 1994, containing a description of the results of the implementation of the project carried out under this section and shall continue to make annual reports to the Congress with respect to the default rate and other information concerning the loans guaranteed under this section.

SEC. 4. ENHANCED LOAN ASSET SALE AUTHORITY.

(a) AUTHORITY.—Section 3720 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The Secretary is authorized, upon such terms and conditions as the Secretary deems appropriate, to issue or approve the issuance of, and guarantee the timely payment of principal and interest on, certifi-

cates or other securities evidencing an interest in a pool of loans and installment contracts secured by real property made in connection with the sale of properties acquired under this chapter."

(b) TREATMENT OF PROCEEDS.—Section 3733(e) of title 38, United States Code, is amended by inserting "and the amount received from the sale of securities pursuant to the authority under section 3720(h)," after "subsection (a)(1) of this section".

SEC. 5. TECHNICAL AMENDMENT.

Section 5 of Public Law 102-54 (105 Stat. 268) is amended by striking out "3102" and inserting in lieu thereof "5302".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

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

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 939, the bill now under consideration.

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

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, H.R. 939 would enhance the home loan program for veterans and extend the program to members of the Reserves and National Guard who have served at least 6 years.

My colleagues will recall the role of the Reserves and National Guard units that were called to active duty during the Persian Gulf war. They proved they are the critical part of the total-force concept, and the individuals who served there are already entitled to home-loan benefits, because, Mr. Speaker, they are veterans now, those National Guardsmen and reservists who served in the Persian Gulf war.

This bill would extend the home-loan benefit to those who are called to active duty but who have served at least 6 years in the Reserve or National Guard.

I want to commend the gentleman from West Virginia [Mr. STAGGERS], the distinguished chairman of our Subcommittee on Housing and Memorial Affairs, for the leadership the gentleman has given us in bringing this bill to the floor. I am also grateful for the cooperation and leadership of my good friend, the gentleman from Arizona [Mr. STUMP], the ranking minority member of the full committee. I also want to thank the gentleman from Indiana [Mr. BURTON], the ranking minority member of the subcommittee, for his cooperation and leadership as well.

I think now it is a good time to mention, Mr. Speaker, that a dedicated and

longtime member of the Committee on Veterans' Affairs, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], announced Sunday that he would not seek reelection. He certainly will be missed on this committee. He has been on there for many, many years, and he even served as ranking minority member. We will miss JOHN PAUL HAMMERSCHMIDT.

I want to thank the gentleman from Alabama [Mr. PAYNE] for helping draft this legislation.

Section 5 of the bill, as reported by the Committee on Veterans' Affairs, contained language that would have clarified a provision in title XXXVII so that waivers of debt or overpayments, like veterans' benefits themselves, would not be taxed. We recognized that this provision of the bill lies within the jurisdiction of the Committee on Ways and Means, and that committee asked for a referral of this bill.

For the past several months the two committees have attempted to work something out with the Internal Revenue Service. Unfortunately, we were not able to do so, so on February 12, the Committee on Ways and Means chairman ordered the bill reported with an amendment to section 5. For reasons which will be explained by the gentleman from West Virginia, we were unable to agree to the amendment, so section 5 has been dropped from the bill as we are considering it today.

I certainly want to thank the distinguished chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], the ranking minority member, the gentleman from Texas [Mr. ARCHER], for their interest in trying to resolve the matter, and I also want to thank members of the Committee on Ways and Means.

I want to mention the committee staff of the Committee on Ways and Means who worked with our staff. We tried to solve this with the Internal Revenue Service. It was impossible to do.

Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. STAGGERS], the chairman of the Subcommittee on Housing and Memorial Affairs, for a detailed explanation of the bill.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would first like to thank and commend the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the full committee for his leadership and strong support of this measure. I would also like to thank the gentleman from Arizona [Mr. STUMP] and the gentleman from Indiana [Mr. BURTON], the ranking minority members of the full committee and subcommittee, for their efforts and support. The individual members of the committee have worked hard together to develop this legislation, and I would

like to thank each of them for their excellent contributions.

Mr. Speaker, under current law, home loans guaranteed by the Department of Veterans Affairs are available to veterans with sufficient qualifying service since September 16, 1940; for unmarried surviving spouses of veterans who died from service-connected causes; for spouses of service personnel officially listed as missing in action, or captured, for more than 90 days; and for service personnel who have served at least 181 days.

H.R. 939 expands entitlement to the Department of Veterans Affairs Home Loan Guaranty Program to members of the Reserves and National Guard who have served at least 6 years. As demonstrated by the Persian Gulf war, the scope, size, and importance of missions assigned to Reserve components have increased dramatically.

Today, a substantial portion of the manpower and equipment of each of the services may be found in their Reserve components. The Armed Forces now depend heavily on reservists as a part of a total force comprising 1.5 million ready reservists in addition to more than 2 million active component members. During the Persian Gulf war, a total of about 228,000 reservists were ultimately activated in support of Operation Desert Storm. In his address to the Congress on March 6, President Bush declared that " * * * this victory belongs * * * to the regulars, to the Reserves, to the National Guard. This victory belongs to the finest fighting force this Nation has ever known in its history."

The change to afford home loan entitlement to reservists is needed at this time to recognize the expanded responsibilities of the Reserves in this Nation's defense. An overwhelming majority of reservists responded willingly to the call to active duty, but the recent callup did disrupt lives and, in many cases, caused real economic hardship. Many reservists will be reevaluating their participation in the Reserve components on the basis of their Desert Storm experience. Whether or not members of the Guard and Reserve continue to serve in the Reserve components depends in part on the relief and benefits that are made available to them. With the reduction of the active military forces, the Reserve components will be relied on to provide an adequate cost-effective total force. Hence incentives to recruit and retain reservists and National Guardsmen may become even more important, particularly in light of the personal sacrifices required of recently recalled reservists.

The Montgomery GI Bill Act of 1984 [MGIB] extended education benefits to certain reservists. The 6th QRMC reported that since the enactment of the MGIB, there are clear indications that it is having a positive impact on the

quality and number of individuals joining the Reserves. The analysis maintains that reservists participating in the MGIB are more likely to remain in the Reserves than their nonparticipating counterparts. Studies indicated that the continuation rate for MGIB participants is 15.2 percent higher than that for Reserve members not participating. It is not unrealistic to expect that the opportunity to participate in the DVA home loan program would also have an effect on the numbers joining and staying in the Reserves.

There is another corollary benefit that may be realized from extending the home loan program to reservists. Reservists obtaining loans guaranteed by the Department of Veterans Affairs would be creditworthy. They are, generally, an older, more mature, and more stable group with long-time civilian job histories. Many are familiar with the costs and responsibilities of homeownership. Therefore, this group may help to financially stabilize the program through an influx of loan fees with fewer claims to be paid on their behalf.

Currently, veterans must pay a loan fee of 1.25 percent of the loan amount to the Department in order to obtain a guaranteed loan. Fees are lower, 0.75 percent and 0.50 percent with downpayments of 5 percent and 10 percent respectively. In recognition of the differences between veterans and active duty members of the regular Armed Forces, the fees to be charged reservists would be higher: 2 percent of the loan amount or 1.5 percent with downpayments of at least 5 percent and 1.25 percent with downpayments of 10 percent or more.

The bill would also permit attorneys to represent veterans and charge a reasonable fee in connection with any proceeding before the Department arising out of a loan guaranty indebtedness.

Mr. Speaker, statutes governing representations of claimants for veterans benefits have, for over 125 years, imposed limitations on amounts that may be paid to representatives, agents, and attorneys in connection with claims for benefits. The limitation was originally enacted during the Civil War to prevent so-called pension agents from employing sharp practices and collecting excessive fees simply for filling out applications for pensions. The legislative history and purpose of the attorney fee limitation was thoroughly researched in a paper prepared by the Library of Congress and published by this committee in 1987. See "Legislative History of the Ten Dollar Attorney Fee Limitation in Claims for Veterans Benefits," Committee on Veterans' Affairs, House Committee Print No. 8, 100th Cong. 1st Sess. (1987). In 1988, Public Law 100-687, the Veterans' Judicial Review Act amended the limitation by providing that no fee could be charged "in connection with a proceeding be-

fore the Department of Veterans Affairs with respect to laws administered by the Department" until after the Board of Veterans' Appeals "first makes a final decision in the case." Testimony presented during committee hearings held in 1986 and 1988 on the existing attorney fee limitation included reference to the VA's interpretation of the scope of the provision and the effect it had on veterans who were indebted to the United States as a result of VA programs.

Congressional intent with respect to limitations on payment of attorneys fees has been less clear in cases involving VA home loan guarantees than those involving veterans' claims for benefits. Following the establishment of the veterans' housing program in 1944, the law was amended to include a general authority for the Secretary to sue and be sued in any court of competent jurisdiction with respect to housing loan matters. As to housing matters properly before any such court, it appears that Congress never intended to regulate attorney fees in such matters, which did not pertain to claims for monetary benefits, the words of the attorney fee limitation in effect when the housing loan program was established.

Subsequent to the modifications of the attorney fee limitation enacted as part of the Veterans' Judicial Review Act, both the U.S. District Court for the Eastern District of Virginia and the VA general counsel construed the reach of the limitations. In a 1989 case, *Bahn Miller v. Derwinski*, 724 F. Supp. 1208 (E.D. Va. 1989), *aff'd in part, dismissed and vacated in part*, 923 F.2d 1085 (4th Cir. 1991), the court held that the fee limitation did not apply in debt collection proceedings outside of the VA's own administrative proceedings. This opinion was quickly adopted in a general counsel precedent opinion which also interpreted the fee limitation as being inapplicable to proceedings related to the collection of payments made by the VA in the case of a foreclosed mortgage. Conversely, the general counsel ruled that the limitation does apply to services performed by attorneys seeking administrative relief in the form of a waiver of the indebtedness under 38 U.S.C. 5302, formerly 3102. Although both the court opinion and the general counsel opinion are public documents, uncertainty and confusion about the scope of the statute is not uncommon, even among members of the bar.

A veteran confronted with VA efforts to collect a loan guaranty debt can raise several alternative defenses to such efforts—including applying for a retroactive release of liability, asserting State antideficiency statutes, or seeking waiver of the debt. However, the existing fee limitation can create an undesirable conflict for the veteran seeking legal assistance. An attorney

may charge for services rendered in connection with nonadministrative, non-VA, proceedings challenging the VA's right to collect the debt or recover some part thereof, but he or she cannot legally bill the client for any services rendered in an effort to have VA waive the debt through its own administrative process. Given the nature of the VA home loan guaranty program, and the requirement that lenders who have made such guaranteed loans must avail themselves of State foreclosure proceedings, attorneys called upon to assist veterans in home loan debt collection proceedings must often enter into fee agreements and render substantial services before they are certain what defenses are available to a veteran and which defense is most likely to succeed.

In light of the confusion this may cause, and to avoid the conflict which an attorney inevitably faces when advising a client to pursue waiver of the debt—a service for which a fee cannot legally be charged—the committee believes a modification to the recently enacted fee limitation may be the best resolution of this conflict. However, the committee is very concerned that the advocates of attorney representation in other types of benefits proceedings may misinterpret the committee's intent in reporting this limiting departure from the traditional prohibition on paid representation in administrative proceedings. In this regard, the committee notes that several major veterans service organizations, which have traditionally provided free representation to veterans seeking waivers of indebtedness, have testified that they would have no objection to this legislative change. Notwithstanding this limited endorsement, given the historically nonadversarial nature of the claims adjudication process, the committee believes that there are compelling reasons to continue the prohibition on paid representation in other administrative proceedings before the Department, and would look with disfavor on any efforts to expand this limited exception to that prohibition.

The bill would permit attorneys to represent veterans and charge reasonable fees in connection with any waiver of debt collection proceeding before the Department in a case arising out of a loan made, guaranteed, or insured under chapter 37 of title 38, United States Code. It would also require the filing of a fee agreement with the Department, as is now required when attorneys provide paid representation before the Court of Veterans Appeals. The committee expects that the Department will review such fee agreements and report to the Congress its findings regarding instances of excessive fees being charged to veterans in such cases.

H.R. 939 would also establish a 2-year pilot program on adjustable rate mort-

gages at 2 to 10 regional offices in fiscal years 1993 and 1994.

Adjustable rate mortgages [ARM's] have become commonplace in the home loan market. Testimony before the Subcommittee on Housing and Memorial Affairs on May 2, 1991, indicated that the Department of Veterans Affairs is the only major mortgage market participant without the authority to guaranty an ARM. The National Association of Homebuilders and the Paralyzed Veterans of America testified that they believe that it is necessary for the Department to provide for the guaranty of ARM's to make the program fully responsive to market developments. Volatile interest rate fluctuations reduce housing activity and adjustable rate mortgages are used most during such periods. Although interest rates have been stable recently, it is very difficult to predict when such volatility may again occur. The committee believes that a pilot program should be established to determine whether veteran borrowers would benefit from this type of mortgage which is often the preferred mortgage arrangement of nonveteran borrowers.

All the witnesses at the hearing who testified about ARM's advised that an ARM guaranteed by the Department should be circumscribed, with limits on yearly interest rate increases as well as a maximum cap over the life of the loan. Tailoring an ARM in a manner similar to those insured by the Federal Housing Administration [FHA] was also favorably mentioned by the Mortgage Bankers Association, the National Association of Homebuilders, and the Paralyzed Veterans of America. FHA's adjustable rate mortgage program allows interest rates to escalate no more than 1 percent per year with a cap of 5 percent over the life of the loan.

In 1987, the House of Representatives passed H.R. 2672 which included authority for the Department to run a demonstration program on ARM's. However, this legislation was not passed by the Senate. H.R. 5002 which passed the House in 1990 contained a similar provision.

H.R. 939 would require the Secretary to establish a demonstration ARM program in at least 2 but no more than 10 regional offices for 2 years, beginning in fiscal year 1993, in a manner similar to FHA's adjustable rate mortgage program. The reported bill would also require the Department to furnish the Congress with a report by December 31, 1994, containing a description of the results of this project and furnishing a yearly report with respect to the default rate.

Mr. Speaker, this demonstration project is not intended to put veterans in houses they can't afford. Rather, it is simply to test another financing option. If the Secretary determines that the default rate under the FHA program is at an unacceptable rate, the

committee recognizes that the Secretary may find it appropriate to adopt underwriting standards that are stricter than those used by FHA.

Finally, the bill would benefit the VA's vendee loan sale program by authorizing the guaranty of certificates that are marketed and traded as securities.

In essence, H.R. 939 would permit the Secretary of the Department of Veterans Affairs to guarantee the timely payment of principal and interest on certificates evidencing an interest in a pool of mortgage loans made in connection with the sale of properties acquired under chapter 37.

The mortgage loans in question are vendee loans that arise as an incident to the Department's Loan Guaranty Program. On some number of defaulted loans, it is less expensive for the Department to make partial payments on its guaranties and take over the residential properties than to no bid, that is—pay the entire guaranty amount and leave the properties with the mortgages/mortgagors. When the Department acquires properties, it resells them, and a substantial number are sold with purchase money mortgage financing—that is, with financing provided by the Department. These loans are known as vendee loans. The Department then sells the vendee loans in the secondary mortgage market.

Loans are pooled, securitized, and then sold—usually three sales per year with an annual volume of about \$800 million. The securitization vehicle is a special trust, which issues multiple-class passthrough certificates and elects to be taxed as a real estate mortgage conduit [REMIC]. Outside firms, selected through competitive bidding, assist the Department in setting up and operating each REMIC and in selling the certificates to investors.

The Department already provides a strong full faith and credit guaranty on the loans. However, under existing law, which dates back to 1945 before modern mortgage-backed securities were developed, the Department cannot directly guarantee the certificates even though they represent an interest in a pool of guaranteed vendee loans. This lack of a direct certificate guaranty prevents the Department from obtaining the best pricing on its securitized loans. According to the Department, a certificate guaranty promising timely payment of interest and principal would increase proceeds by decreasing the interest rate or yield that must be offered to investors by an estimated 10 basis points, one-tenth of 1 percent. On a volume of \$800 million this could generate additional proceeds of approximately \$5 million. The Department also indicates that loan sale expenses would decrease by about \$400,000 yearly because a U.S. Government guaranteed security need not be registered with the SEC nor rated as to creditworthiness by commercial rating agencies.

Therefore, Mr. Speaker, a guaranteed certificate by the Department would offer the kind of simple, straightforward, full faith and credit promise that investors are familiar with in the case of Government National Mortgage Association [GNMA] certificates. According to the Department, adding this direct certificate guaranty of timely payment would result in no material increase in risk or cost to the Government.

Mr. Speaker, these enhancements to the Loan Guaranty Program will not be a cost to our taxpayers in spite of the information furnished by the Office of Management and Budget. On the contrary, if enacted, the Congressional Budget Office estimates that this bill will save \$5 million in the first year and \$27 million over a 5-year period.

This information which is being circulated by OMB is a prime example of why I voted against the summit agreement. OMB is allowed to play these kind of games. Two years ago OMB agreed that extending the Home Loan Guaranty Program to reservists and National Guardsmen would save money. How they are stating it would increase direct spending without sufficient offsets. Mr. Speaker, let me reiterate that the bill saves money—\$27 million over 5 years. I personally resent the administration's attempt to derail this legislation through the use of misinformation at the 11th hour.

Because of the pay-as-you-go requirement of OBRA, I regret that we are unable to move the bill as reported by the Committee on Veterans' Affairs. Although H.R. 939 contains some excellent provisions to enhance the VA's Loan Guaranty Program, we had to drop a very important provision which clarified that waivers of debts or overpayments should be treated in the same manner as other veterans benefits for taxation purposes.

Although no data has been furnished by the Joint Tax Committee on how much money IRS may have collected on waivers in the past, they have estimated that the enactment of the committee provisions would result in a loss of revenue of \$8 million in fiscal year 1992 and \$89 million over the next 5 years. Unfortunately, no one can challenge this cost estimate. This estimate is just that—an estimate. To our knowledge, the IRS has never collected a penny from a veteran who had been granted a waiver. But, there is no way anyone knows what the loss of revenue will be if the Office of Management and Budget implements its policy to tax waivers. I know one thing. At a time when the Congress is considering tax breaks and can't find the money to exempt veterans from having to pay a tax on a debt waived by the VA, something is really wrong.

The Ways and Means Committee amended the waiver provision by limiting the tax exclusion to waivers of vet-

erans' debts created as the result of defaults on VA-guaranteed home loans that were assumed by third parties. We are deleting the waiver provision as reported by the Ways and Means Committee. It would be difficult to explain to a veteran why a debt waiver in an assumption case is not taxable, but is taxable for a veteran who may have suffered the loss of his home because he lost his job.

□ 1235

Again, I firmly believe that a debt waived by the VA should not be taxed at a time when the administration is proposing tax relief for others.

I plan to pursue this matter at a later date. I have grave doubts about the cost estimates we have received from the Joint Committee on Taxation.

We need to enact the other provisions of this bill. Therefore, I urge favorable consideration to pass this important piece of legislation for the other veterans.

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

Mr. Speaker, I rise in support of H.R. 939, as amended, a bill to amend title 38 with respect to housing loans for veterans and other purposes.

This bill expands entitlement to the VA Home Loan Guaranty Program to members of the National Guard and Reserve. It permits attorneys to represent and charge a reasonable fee in connection with any proceeding before the Department arising out of a loan guaranty indebtedness. It also establishes a 2-year pilot program on adjustable rate mortgages in at least two regional offices.

Yesterday, the committee received a cost estimate from OMB that differs from the Congressional Budget Office. The committee hopes that OMB and CBO can agree on scoring methodology so that we can resolve the cost-benefit issue.

This measure is the result of many hours of hard work. This bill, as reported by the VA committee, originally has a provision that came under the jurisdiction of the Ways and Means Committee. We could not agree with the amendment offered by that committee, so we dropped the provision. My good friend, SONNY MONTGOMERY, the chairman of the Committee on Veterans' Affairs, should be commended for his leadership in moving this legislation.

Mr. Speaker, I also want to commend HARLEY STAGGERS, chairman of the Subcommittee on Housing and Memorial Affairs, and DAN BURTON, the ranking member of the Subcommittee on Housing and Memorial Affairs for their unified achievement in H.R. 939.

Mr. Speaker, I urge my colleagues to consider favorably this veterans' housing legislation.

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to rise in strong support of H.R. 939, a measure to extend the home loan benefits enjoyed by retired active duty personnel to certain members of the National Guard and our Ready Reserves.

I would like to commend the gentleman from West Virginia [Mr. STAGGERS] for introducing this important measure, and the distinguished chairman of our Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY] and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for their unceasing efforts on behalf of our Nation's veterans.

H.R. 939 will extend eligibility for our all important Veterans' Home Loan Program to individuals who have completed at least 6 years of service in the National Guard and Reserves, who were either honorably discharged, placed on the retired list, or transferred to the Ready Reserves or continue to serve with the selected Reserve.

In addition, we should note that this home loan measure will establish loan fees for reservists receiving loans and will permit attorneys to represent veterans in proceedings before the Department of Veterans Affairs arising out of any loan indebtedness involving the VA.

Mr. Speaker, it is all important to note that this bill also directs our Secretary of Veterans Affairs to establish and report annually on a 2-year pilot program, as the gentleman from Arizona noted, on adjustable rate mortgages to mortgages offered by the Federal Housing Administration.

Mr. Speaker, this measure will extend housing benefits already enjoyed by many retired active duty veterans, to many veterans in our selected Reserve who have also served their country faithfully and well.

Accordingly, Mr. Speaker, I strongly urge support for this measure and I urge my colleagues to join in its support.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama [Mr. HARRIS], a member of this committee.

Mr. HARRIS. Mr. Speaker, I thank the chairman for yielding me this time.

Let me first say, Mr. Speaker, what a pleasure it is to work with the chairman, the gentleman from Mississippi [Mr. MONTGOMERY], the gentleman from West Virginia [Mr. STAGGERS], and all the members of the committee, as well as the gentleman from Arizona [Mr. STUMP], as we work in the interest of our veterans.

Mr. Speaker, I rise today to urge my colleagues to support H.R. 939. This bill will improve veterans' housing programs.

Since I serve on the Subcommittee on Housing and Memorial Affairs in the House VA Committee and have actively supported legislation to extend eligibility for VA home loan guaranty benefits to guardsmen and reservists, I am particularly pleased that this Congress will consider this issue today.

Although H.R. 939 contains many important changes to the VA housing programs, such as authorizing the VA to guarantee payments on certain certificates sold on the secondary mortgage market, I feel that the extension of VA home loan eligibility to National Guardsmen and reservists is a very important part of the bill and is long overdue.

As many of my colleagues are aware, the number of reservists and guardsmen that served in the Persian Gulf war was tremendous. My home State of Alabama had the highest percentage of reservists and guardsmen protecting our Nation. I believe these men and women should be able to enjoy the same benefits as their counterparts in the active service branches.

In addition, I am introducing legislation today that would allow members of the National Guard and Reserve who have served 20 years to be buried in national cemeteries. Just as H.R. 939, I believe this is a matter of fairness.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. PAYNE] who was the committee, although right now he is operating with the Committee on the Budget.

Mr. PAYNE of Virginia. Mr. Speaker, I would like to thank the chairman, the gentleman from Mississippi [Mr. MONTGOMERY], and the gentleman from West Virginia [Mr. STAGGERS], the chairman of the subcommittee, as well as the ranking minority member, the gentleman from Arizona [Mr. STUMP], the gentleman from Indiana [Mr. BURTON], and all the members of the Committee on Veterans Affairs for including my bill, H.R. 1314, in today's package of veterans' housing amendments, H.R. 939.

My bill will improve the ability of our veterans to purchase a home by implementing a demonstration program so veterans will have access to adjustable rate mortgages on home loans through the Department of Veterans Affairs.

Mr. Speaker, the Department of Veterans Affairs is the only major participant in the housing market without an adjustable rate mortgage.

Passage of this legislation will establish a 2-year demonstration program modeled after the successful program that HUD has offered since 1984.

The HUD program is reasonable for borrowers because it allows for only a 1-percent adjustment per year, with a 5-percent cap over the life of the mortgage.

The bill directs the Department of Veterans Affairs to implement a 2-year

adjustable rate mortgage program in at least 2 of their regional offices, but not more than 10.

I believe it will make the Veterans Housing Program more responsive to market developments and it will allow us to test and perfect how these mortgages can best be offered.

This bill is identical to legislation passed by the House in July of 1990.

Mr. Speaker, I congratulate the Committee chairman for including this very important mortgage product in the legislation before us today, and I am very pleased to be able to help ensure that the dream of becoming a home owner is more widely extended to our veterans.

Mr. Speaker, I urge my colleagues to support this legislation.

□ 1245

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. WATERS], a member of our committee.

Ms. WATERS. I thank the chairman for yielding.

Mr. Speaker, I rise in support of H.R. 939. I would like to commend the chairman of the Committee on Veterans Affairs, SONNY MONTGOMERY and the chairman of the Subcommittee on Housing and Memorial Affairs, the gentleman from West Virginia, HARLEY STAGGERS, for their leadership on this legislation.

H.R. 939 addresses two separate crises among veterans, military personnel and their families. The first is a chronic lack of affordable housing for veterans. One-third of all homeless people are veterans. That is, up to one million homeless veterans roam the streets of this country. In addition, foreclosure rates for veterans continue to escalate. In States as diverse as Alaska, New Jersey, Pennsylvania, and Florida, VA foreclosure rates are frighteningly high.

The second crisis is the impending economic dislocation which will affect millions of military employees as they are separated from their careers. With the end of the cold war, our military budget will come down. Downsizing will continue into the indefinite future.

Policymakers cannot wait to assist our veterans make the transition from a military to a peacetime economy. We owe our veterans job training, education, health care and housing.

H.R. 939 affects both these important areas. By expanding eligibility for VA home loans to former members of the National Guard and the Armed Forces Reserves, we will help reservists with the task of buying a home.

While this is a significant step, there is so much more to be done. Our Government must be prepared to reward the individuals and families who have

sacrificed to win the cold war, with a significant slice of the peace dividend.

I look forward to working with my colleagues to develop legislation to respond to the needs of this country's military families. They need us now more than ever.

Mr. Speaker, I would like to say to the administration, despite the budget agreement, the Reconciliation Act of 1990, despite the fact that I suppose this Congress agreed that we would not spend dollars that we could not identify and show where we would get the money from, I do not think this should be a question for our veterans. I think veterans should be our No. 1 priority, and I have to stand here today and say that I disagree with the administration. I am sorry the administration is not willing to support this bill; Mr. Speaker, we have a number of courageous people who are, and I am proud to be one of them.

Mr. HAMMERSCHMIDT. Mr. Speaker, I join my colleagues today in support of H.R. 939, the veterans' housing amendments.

This bill extends the same home loan benefits afforded retired active duty personnel, under the Department of Veterans Affairs [VA] Home Loan Guaranty Program, to those members of the National Guard and Reserve who have received an honorable discharge or who have served at least 6 years.

Since the creation of the Veterans' Home Loan Program in 1944, millions of veterans have received mortgage assistance to help them purchase a home.

The Persian Gulf war illustrated the critical role our Nation's Reserve Forces fill in our total force structure. Last year we adjusted the Home Loan Program to make all active duty Persian Gulf veterans eligible for loan guaranty benefits. It is only fitting that we extend the same benefits to our Nation's Reserve Forces.

I urge my colleagues to support H.R. 939. Mr. SMITH of New Jersey. Mr. Speaker, I would like to take a moment to commend my Veterans Affairs Committee colleagues for the hard work they put into securing today's House consideration of H.R. 939.

Chairman MONTGOMERY, Mr. STAGGERS, Mr. STUMP, and Mr. BURTON each deserve to be recognized for their efforts and have, once again, done a great service to America's veterans by shepherding this bill through both our committee and the Ways and Means Committee.

Mr. Speaker, among the provisions of the Veterans Housing Amendments of 1991 is language expanding the eligibility for the Department of Veterans Affairs Home Loan Guaranty Program.

On Veterans Day, 1991, I held a press conference calling attention to the benefits of the Home Loan Guaranty Program. At that time, I mentioned that legislation was under review in the Congress which would open up home ownership to members of the Selected Reserve by making these service men and women eligible for VA-backed mortgages.

Less than 4 months later, H.R. 939 is on the floor, ready for our examination.

Mr. Speaker, as Operations Desert Shield and Desert Storm so clearly indicated, our

total force policy strongly depends upon the contributions of our Guard and Reserve forces. As we continue the drawdown of the Department of Defense, we will find that the National Guard and the Reserve component forces will be increasingly relied upon for meeting our defensive needs.

Consequently, Mr. Speaker, we must explore the criteria used in determining eligibility for each of our veterans benefits. With more reliance placed upon the Guard and the Reserve, it becomes evident that eligibility for benefits such as the Home Loan Guarantee Program must be provided to the personnel of the Selected Reserve.

I strongly urge the House to pass this bill without delay.

Mr. ROSTENKOWSKI. Mr. Speaker, H.R. 939 as reported by the Committee on Veterans' Affairs was sequentially referred to the Committee on Ways and Means because it contained a tax-related provision. That provision has been dropped from the bill. I would like to clarify for the RECORD the disposition of this tax-related provision.

H.R. 939 as originally reported by the Committee on Veterans' Affairs contained a provision which would have excluded from taxable income waivers of veterans indebtedness by the Department of Veterans Affairs. This provision would have violated the pay-go rules of the Budget Enforcement Act of 1990 because revenues lost by the provision were not offset by revenue increases or entitlement reductions. As such, the provision possibly would have caused sequestration.

Upon sequential referral of the bill, the Committee on Ways and Means narrowed the tax-related provision to comply with the pay-go requirements.

After the Committee on Ways and Means reported its amendment, Chairman MONTGOMERY requested that the tax-related provision be deleted from H.R. 939 altogether and that the bill be brought to the floor under suspension of the rules. I have acceded to Chairman MONTGOMERY's request. Consequently, H.R. 939 as before the House today contains no tax-related provision.

Since the tax-related provision was included in H.R. 939 at the behest of the Committee on Veterans' Affairs in the first instance, the Committee on Ways and Means does not oppose the deletion of this provision from the bill.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 939, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules are suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

A bill to amend title 38, United States Code, with respect to housing loans for veterans, and for other purposes."

A motion to reconsider was laid on the table.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL AND NATIVE AMERICAN PUBLIC POLICY ACT OF 1992

Mr. PASTOR. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2184) to establish the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and for other purposes.

The Clerk read as follows:

S. 2184

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 "Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992."

SEC. 2. REPEAL OF PREVIOUS LEGISLATION.

The Morris K. Udall Scholarship and Excellence in National Environmental Policy Act, S. 1176, One Hundred Second Congress, is hereby repealed.

SEC. 3. FINDINGS.

The Congress finds that—

(1) for three decades, Congressman Morris K. Udall has served his country with distinction and honor;

(2) Congressman Morris K. Udall has had a lasting impact on this Nation's environment, public lands, and natural resources, and has instilled in this Nation's youth a love of the air, land, and water;

(3) Congressman Morris K. Udall has been a champion of the rights of Native Americans and Alaska Natives and has used his leadership in the Congress to strengthen tribal self-governance; and

(4) it is a fitting tribute to the leadership, courage, and vision Congressman Morris K. Udall exemplifies to establish in his name programs to encourage the continued use, enjoyment, education, and exploration of our Nation's rich and bountiful natural resources.

SEC. 4. DEFINITIONS.

For the purposes of this Act—

(1) the term "Board" means the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation established under section 4(b);

(2) the term "Center" means the Udall Center for Studies in Public Policy established at the University of Arizona in 1987;

(3) the term "eligible individual" means a citizen or national of the United States or a permanent resident alien of the United States;

(4) the term "Foundation" means the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation established under section 4(a);

(5) the term "fund" means the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund established in section 8;

(6) the term "institution of higher education" has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965; and

(7) the term "State" means each of the several States, the District of Columbia, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federal States of Micronesia, and the Republic of Palau (until the Compact of Free Association is ratified).

SEC. 5. ESTABLISHMENT OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION.

(a) ESTABLISHMENT.—There is established as an independent entity of the executive branch of the United States Government, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

(b) BOARD OF TRUSTEES.—The Foundation shall be subject to the supervision and direction of the Board of Trustees. The Board shall be comprised of twelve trustees, eleven of whom shall be voting members of the Board, as follows:

(1) Two Trustees, shall be appointed by the President, with the advice and consent of the Senate, after considering the recommendation of the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives.

(2) Two Trustees, shall be appointed by the President, with the advice and consent of the Senate, after considering the recommendation of the President pro tempore of the Senate, in consultation with the Majority and Minority Leaders of the Senate.

(3) Five Trustees, not more than three of whom shall be of the same political party, shall be appointed by the President with the advice and consent of the Senate, who have shown leadership and interest in—

(A) the continued use, enjoyment, education, and exploration of our Nation's rich and bountiful natural resources, such as presidents of major foundations involved with the environment; or

(B) in the improvement of the health status of Native Americans and Alaska Natives and in strengthening tribal self-governance, such as tribal leaders involved in health and public policy development affecting Native American and Alaska Native communities.

(4) The Secretary of the Interior, or the Secretary's designee, who shall serve as a voting ex officio member of the Board but shall not be eligible to serve as Chairperson.

(5) The Secretary of Education, or the Secretary's designee, who shall serve as a voting ex officio member of the Board but shall not be eligible to serve as Chairperson.

(6) The President of the University of Arizona shall serve as a nonvoting, ex officio member and shall not be eligible to serve as chairperson.

(c) TERM OF OFFICE.—

(1) IN GENERAL.—The term of office of each member of the Board shall be six years, except that—

(A) in the case of the Trustees first taking offices—

(i) as designated by the President, one Trustee appointed pursuant to section 5(b)(2) and two trustees appointed pursuant to section 5(b)(3) shall each serve two years; and

(ii) as designated by the President, one Trustee appointed pursuant to section 5(b)(1) and two Trustees appointed pursuant to section 5(b)(3) shall each serve four years; and (iii) as designated by the President, one Trustee appointed pursuant to section 5(b)(1), one Trustee appointed pursuant to section 5(b)(2), and one Trustee appointed pursuant to section 5(b)(3) shall each serve six years; and

(B) a Trustee appointed to fill a vacancy shall serve for the remainder of the term for which the Trustee's predecessor was appointed and shall be appointed in the same manner as the original appointment for that vacancy was made.

(d) TRAVEL AND SUBSISTENCE PAY.—Trustees shall serve without pay, but shall be entitled to reimbursement for travel, subsist-

ence, and other necessary expenses incurred in the performance of their duties as members of the Board.

(e) LOCATION OF FOUNDATION.—The Foundation shall be located in Tucson, Arizona.

(f) EXECUTIVE DIRECTOR.—

(1) IN GENERAL.—There shall be an Executive Director of the Foundation who shall be appointed by the Board. The Executive Director shall be the chief executive officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board. The Executive Director shall carry out such other functions consistent with the provisions of this Act as the Board shall prescribe.

(2) COMPENSATION.—The Executive Director of the Foundation shall be compensated at the rate specified for employees in level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 6. PURPOSE OF THE FOUNDATION.

It is the purpose of the Foundation to—

(1) increase awareness of the importance of and promote the benefit and enjoyment of the Nation's natural resources;

(2) foster among the American population greater recognition and understanding of the role of the environment, public lands and resources in the development of the United States;

(3) identify critical environmental issues;

(4) establish a Program for Environmental Policy Research and an Environmental Conflict Resolution at the Center;

(5) develop resources to properly train professionals in the environmental and related fields;

(6) provide educational outreach regarding environmental policy; and

(7) develop resources to properly train Native American and Alaska Native professionals in health care and public policy.

SEC. 7. AUTHORITY OF THE FOUNDATION.

(a) AUTHORITY OF THE FOUNDATION.—

(1) IN GENERAL.—(A) The Foundation, in consultation with the Center, is authorized to identify and conduct such programs, activities, and services as the Foundation considers appropriate to carry out the purposes described in section 5. The Foundation shall have the authority to award scholarships, fellowships, internships, and grants and fund the Center to carry out and manage other programs, activities and services.

(B) The Foundation may provide, directly or by contract, for the conduct of national competition for the purpose of selecting recipients of scholarships, fellowships, internships, and grants awarded under this Act.

(C) The Foundation may award scholarships, fellowships, internships and grants to eligible individuals in accordance with the provisions of this Act for study in fields related to the environment and Native American and Alaska Native health care and tribal public policy. Such scholarships, fellowships, internships and grants shall be awarded to eligible individuals who meet the minimum criteria established by the Foundation.

(2) SCHOLARSHIPS.—(A) Scholarships shall be awarded to outstanding undergraduate students who intend to pursue careers related to the environment and to outstanding Native American and Alaska Native undergraduate students who intend to pursue careers in health care and tribal public policy.

(B) An eligible individual awarded a scholarship under this Act may receive payments under this Act only during such periods as the Foundation finds that the eligible individual is maintaining satisfactory proficiency and devoting full time to study or research and is not engaging in gainful em-

ployment other than employment approved by the Foundation pursuant to regulations of the Board.

(C) The Foundation may require reports containing such information, in such form, and to be filed at such times as the Foundation determines to be necessary from any eligible individual awarded a scholarship under this Act. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, approved by the Foundation, stating that such individual is making satisfactory progress in, and is devoting essentially full time to study or research, except as otherwise provided in this subsection.

(3) FELLOWSHIPS.—Fellowships shall be awarded to—

(A) outstanding graduate students who intend to pursue advanced degrees in fields related to the environment and to outstanding Native American and Alaska Native graduate students who intend to pursue advanced degrees in health care and tribal public policy, including law and medicine; and

(B) faculty from a variety of disciplines to bring the expertise of such faculty to the Foundation.

(4) INTERNSHIPS.—Internships shall be awarded to—

(A) deserving and qualified individuals to participate in internships in Federal, State and local agencies or in offices of major environmental organizations pursuant to section 5; and

(B) deserving and qualified Native American and Alaska Native individuals to participate in internships in Federal, State and local agencies or in offices of major public health or public policy organizations pursuant to section 5.

(5) GRANTS.—The Foundation shall award grants to the Center—

(A) to provide for an annual panel of experts to discuss contemporary environmental issues;

(B) to conduct environmental policy research;

(C) to conduct research on Native American and Alaska Native health care issues and tribal public policy issues; and

(D) for visiting policymakers to share the practical experiences of such for visiting policymakers with the Foundation.

(6) REPOSITORY.—The Foundation shall provide direct or indirect assistance from the proceeds of the Fund to the Center to maintain the current site of the repository for Morris K. Udall's papers and other such public papers as may be appropriate and assure such papers' availability to the public.

(7) COORDINATION.—The Foundation shall assist in the development and implementation of a Program for Environmental Policy Research and Environmental Conflict Resolution to be located at the Center.

(b) MORRIS K. UDALL SCHOLARS.—Recipients of scholarships, fellowships, internships, and grants under this Act shall be known as "Morris K. Udall Scholars".

(c) PROGRAM PRIORITIES.—The Foundation shall determine the priority of the programs to be carried out under this Act and the amount of funds to be allocated for such programs. However, not less than 50 percent shall be utilized for the programs set forth in section 6(a)(2), section 6(a)(3), and section 6(a)(4), not more than 15 percent shall be used for salaries and other administrative purposes, and not less than 20 percent shall be appropriated to the Center for section 6(a)(5), section 6(a)(6), and section 6(a)(7) conditioned on a 25-percent match from other sources and further conditioned on adequate

space at the Center being made available for the Executive Director and other appropriate staff of the Foundation by the Center.

SEC. 8. ESTABLISHMENT OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund" to be administered by a Foundation. The fund shall consist of amounts appropriated to it pursuant to section 10 and amounts credited to it under subsection (d).

(b) INVESTMENT OF FUND ASSETS.—

(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest, at the direction of the Foundation Board, in full the amounts appropriated to the Fund. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund. Investments in public debt securities shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

SEC. 9. EXPENDITURES AND AUDIT OF TRUST FUND.

(a) IN GENERAL.—The Foundation shall pay from the interest and earnings of the Fund such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the provisions of this Act.

(b) AUDIT BY GENERAL ACCOUNTING OFFICE.—The activities of the Foundation and the Center under this Act may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports filed and all other papers, things, or property belonging to or in use by the Foundation and the Center, pertaining to such federally assisted activities and necessary to facilitate the audit.

SEC. 10. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—In order to carry out the provisions of this Act, the Foundation may—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act, except that in no case shall employees other than the Executive Director be compensated at a rate to exceed the maximum rate for employees in grade GS-15 of the General Schedule under section 5332 of title 5, United States Code;

(2) procure or fund the Center to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for level IV of the Executive Schedule under section 5315 of title 5, United States Code;

(3) prescribe such regulations as the Foundation considers necessary governing the manner in which its functions shall be carried out;

(4) accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Foundation;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse such personnel for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements or modifications thereof, to

carry out the provisions of this Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board of Trustees, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5); and

(7) make other necessary expenditures.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Fund \$40,000,000 to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. PASTOR] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. PASTOR].

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

Mr. Speaker, I rise in strong support of S. 2184, the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992.

This legislation is a fitting tribute to honor the legacy and achievements of our good friend, Mo Udall. For the past 30 years, Mo has worked tirelessly to serve the people of the Second Congressional District of Arizona, which I am now privileged to represent. Mo Udall was a leader in a number of public policy areas, but he will be especially remembered for his commitment to protecting our precious natural resources.

Mo Udall is undoubtedly a champion for protecting the rights of native Americans. He worked hard to restore dignity to a proud people. He was among the first to recognize that the native American struggle for self-determination be taken seriously. He fought to give native Americans the assistance they need for self-government and economic development.

This bill, which passed the U.S. Senate with the leadership of Senator DECONCINI last month, will continue Mo Udall's work on environmental issues and will help native Americans pursue careers in health care and public policy.

This is accomplished by establishing a Morris K. Udall Foundation. The Foundation is tasked with the mission of increasing the awareness and understanding of environmental issues, with an emphasis on research, training and educational outreach. Also, it has the mission of developing resources to train native Americans and Alaska Natives in health care and public policy areas.

The Foundation can award undergraduate scholarships, graduate fellowships or grants to individuals interested in pursuing careers related to the environment. Moreover, the Foundation is also authorized to award internships in Federal, State, and local agencies.

In order to carry out these ambitious goals, this legislation establishes a

trust fund and authorizes the appropriation of funds to this trust fund. Under the 1992 Interior appropriations bill, the Congress appropriated \$5 million for the Morris Udall Foundation, to be available on September 30, 1992. Enacting this legislation today will help get this worthwhile program started.

We have addressed this issue once before. Last session, both the Senate and the House passed similar legislation. The bill, S. 1176, was sent to the President over the Christmas holidays. Those circumstances will be discussed by a statement submitted by the Speaker.

This legislation repeals S. 1176 and reauthorizes the Udall Foundation. The Board of Trustees to the Foundation would be comprised of 12 individuals; 9 of those 12 individuals would be appointed by the President of the United States, with the advice and consent of the Senate. Recommendations from the House and Senate leadership, for Board membership, would be considered by the President.

In addition, a program for environmental policy research and an environmental conflict resolution at the Udall Center for Studies in Public Policy, on the campus of the University of Arizona, would also be established under this bill.

At a time when our Nation is confronted with pressing environmental concerns, it is essential that we enact this important legislation. S. 2184 would promote a better understanding of our environmental needs and would create programs to address them. Also, it would establish scholarships, grants, fellowships and internships in the natural resources, health care and public policy areas.

Mr. Speaker, Mo Udall deserves this honor and much more. Mo worked very hard throughout his long career of public service to help people and to make America a better place to live. Let's follow Mo's lead and continue his important work and aspirations.

I want to thank the chairman and the ranking Republican on the Education and Labor Committee for expediting consideration of this bill. I also wish to thank my colleagues, Congressman OBEY and Congressman RHODES and Senator DECONCINI for sponsoring and supporting this legislation. Without their assistance and that of their staffs, we would not be on the House floor today.

Mr. Speaker, I urge my colleagues to pay tribute to the distinguished Mo Udall, and to his lasting legacy, by joining me in supporting this legislation. I look forward to the President's signature and to the release of the appropriated funds so that the Udall scholarships can be awarded on a timely fashion. Let's honor Mo by passing this bill without hesitation.

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

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

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Mr. Speaker, I rise in support of the legislation even though normally I would oppose a sole source grant, but, because of the stature of the man we honor and because of the honorable intent of the legislation, I strongly support it. As I understand it, the administration also supports the legislation at this particular time.

Mr. Speaker, the bill has two principal purposes. It establishes the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Foundation in Tucson, AZ, which is designed to increase awareness of the environment and develop resources, to train professionals in environmental and related fields, and, second, it creates a fund for the Morris K. Udall Scholarship which is designed to support study in fields related to the environment.

Again, Mr. Speaker, it is a privilege to honor someone of the stature of the gentleman we are honoring, former Congressman Mo Udall.

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

Mr. PASTOR. Mr. Speaker, I yield 1 minute to the distinguished chairman of the Committee on Education and Labor, the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I am pleased to rise in support of S. 2184, the Morris K. Udall Scholarship and Excellence in National Education Policy Act.

Mo served in this body for three decades representing people of his native Arizona. During that time Mo championed many causes—campaign finance reform, postal reorganization, and civil service reform—to name but a few.

But it was his commitment to the preservation of our Nation's natural resources and to the rights of native Americans and Native Alaskans, a commitment he fulfilled through his stewardship as chairman of the Committee on Interior and Insular Affairs, for which he is best remembered.

Mo authored and shepherded into law numerous bills protecting our environment, monumental legislation such as the Arizona Desert Wilderness Act of 1990 and the Alaska Lands Act of 1980. During the late seventies he was a leader with respect to strip mining legislation. Mo was also a leader with respect to virtually every important piece of Indian legislation considered during his years in Congress.

So, it is altogether fitting that we establish, in his honor, a national foundation with a mission to promote environmental awareness and enjoyment of our Nation's environmental resources, to award scholarships, fellowships, and grants for study in fields related to the environment and native American and

Alaska Native health care, and to award scholarships to outstanding undergraduate students—including native American and Alaska Native undergraduates—who intend to pursue careers in health care and tribal public policy.

Mr. Speaker, as you know, during the last session the House and Senate passed S. 1176, a bill very similar to the one we are now considering. That bill was presented to the President only to have him, on December 20, 1991, purport to pocket veto it. A statement by the Speaker discusses, in detail, this action by the President. I will not reiterate the legal arguments which have been made, but I want the record to show that I concur in the view that the President's action was inappropriate and ineffective.

Mr. FOLEY. Mr. Speaker, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation Act was presented to the President as S. 1176 of the 102d Congress on December 9, 1991. The President purported to pocket veto the bill on December 20, 1991, notwithstanding the pendency of the 1st session of the 102d Congress. Congress was in an intrasession adjournment from November 27, 1991, until 11:55 a.m. on January 3, 1992. See House Concurrent Resolution 260 of the 102d Congress, November 27, 1991. Under clause 2, section 7, article I of the Constitution, because the President did not return the bill with his objections within 10 days, Sunday excepted, after it was presented to him and the Congress did not "by their adjournment prevent its return," the bill became law "in like manner as if he had signed it."

It is not difficult to appreciate the substantive objections of the President concerning a possible conflict between certain provisions of S. 1176 and the appointment clause in section 2, article II of the Constitution. Such objections should, however, be communicated in a message returning the bill to the Congress.

In *Kennedy versus Sampson*, the U.S. Court of Appeals held that the pocket veto is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment, 511 F.2d 430 (D.C. Cir. 1974). As the Congress formally declared 2 years ago when it adjourned the 1st session of the 101st Congress sine die:

First, clause 5 of rule III of the rules of the House authorizes its Clerk to receive messages from the President during periods when the House is not in session;

Second, the House intends by such rule to preserve until its adjournment sine die from the final regular session of a Congress the constitutional prerogative of the House to reconsider vetoed measures in light of the objection of the President;

Third, an order of the Senate authorizes its Secretary to receive messages from the President during periods when the Senate is not in session; and

Fourth, the Senate intends by such order to preserve until its adjournment sine die from the final regular session of a Congress the

constitutional prerogative of the Senate to reconsider vetoed measures in light of the objections of the President.

See House Concurrent Resolution 239 of the 101st Congress, November 21, 1989. The joint leaderships considered the inclusion of a similar declaration in House Concurrent Resolution 260 of the 102d Congress to be unnecessary because that resolution provided for an intrasession adjournment to a date certain—and because such a declaration is merely descriptive in any event.

Successive Presidential administrations from 1974 to 1989 have, in accommodation of Kennedy versus Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress. But President Bush asserted a pocket veto during the intrasession adjournment of August 1989—against a joint resolution moot on its face: House Joint Resolution 390 of the 101st Congress, authorizing the enrollment by hand of H.R. 1278, the Financial Institutions Reform, Recovery and Enforcement Act of 1989, which had become Public Law 101-73 on August 9, 1989. That improper exercise of veto authority prompted a letter from the joint leaderships to the President, which was later inserted in the CONGRESSIONAL RECORD. See January 23, 1990, pp. H 3-4. The President's response to that letter, via his Attorney General, was also inserted in the RECORD at that point. That response relied almost exclusively on the *Pocket Veto* case, 279 U.S. 655 (1929), which does not address intrasession vetoes. Both letters are appended.

President Bush has also returned an enrolled bill with a memorandum of disapproval alluding to the pocket veto power—as opposed to conveying his objections by message under seal. In a memorandum of disapproval on H.R. 2712 of the 101st Congress, the Emergency Chinese Immigration Status Adjustment Facilitation Act of 1989, he asserted that the pocket veto power was available because the intersession adjournment of the Congress in November 1989 prevented a return veto. The memorandum went on, however, to acknowledge the judicial holdings to the contrary and returned the enrollment with a statement of objections. See for example, *Barnes v. Kline*, 759 F. 2d 21 (D.C. Cir. 1984), vacated and remanded as moot sub nom. *Burke v. Barnes*, 479 U.S. 361 (1987); *Kennedy v. Jones*, 412 F.Supp. 353 (D.D.C. 1976). Congress properly proceeded to reconsider the vetoed bill.

Now President Bush has once again asserted an intrasession pocket veto. This is extremely troublesome. It is not constructive to resurrect constitutional controversies once considered as settled.

I urge the Archivist to assign a public law number to S. 1176. I urge the administration to reconsider its assertion in correspondence from the Assistant Attorney General to the minority leader that section 2 of pending bill S. 2184, which proposes to repeal S. 1176, would have no legal effect. I urge the President to eschew the notion of an intrasession pocket veto power, in appropriate deference to the judicial resolution of that question.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Speaker, I rise today in support of S. 2184, to establish the Morris K. Udall Scholarship and Excellence in National Policy Foundation. This legislation establishes a scholarship and foundation to increase the awareness and importance of our natural resources. However, this bill also recognizes the contributions of a man whose good humor and legislative skills worked tirelessly for the people of the State of Arizona and the Nation.

Mo Udall came to the U.S. House of Representatives in 1961 through a special election. I have known Mo personally for a long time. I had the pleasure to serve with him on the House Interior Committee while he was chairman. Mo is a leader in many areas, but he will be especially remembered for his commitment to protecting our natural resources. He will long be remembered for his landmark work on the strip mining bill of 1977 and the Alaska Lands Act of 1980. Most recently it was my pleasure to work with him on the Arizona Desert Wilderness Act of 1990.

S. 2184 attempts to capture Mo's spirit and pass to students, his love of nature by creating a foundation that will award scholarships, fellowships, and internships to outstanding students pursuing environmental studies. S. 2184 will provide energetic young people the resources to continue Mo's vision.

Many men and women are fortunate to have served in the Congress of the United States. Most serve with honor. Many serve with distinction. But only a handful leave the legacy that Morris K. Udall has left in his 30 years in Congress. I ask my colleagues to join with me in supporting passage of this legislation.

Mr. PASTOR. Mr. Speaker, I yield 1 minute to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Speaker, this bill is one in a series of fitting tributes that this House should give Mo Udall, a great friend to so many of us and one of the true giants of the Congress. A book compiled from the remarks of his associates during a special order last May will be printed in the next few months. And one of the greatest follow-up tributes to this man would be for this Congress to establish a new Arctic wilderness area in his honor, instead of drilling in the Alaska National Wildlife Refuge for oil.

It is fitting as well that a focus of this bill today would be the establishment of an environmental conflict resolution center. Mo was a master of reconciliation in Congress, a man who could serve in this body for 30 years, be a crusading and controversial ideologue who challenged its systems and perks, yet be one of its most productive and creative legislators, a man who finished his service without an enemy, with thousands of devoted friends, and millions of admirers.

I hope Mo Udall's brilliant wit and unchallenged integrity and devotion to

the beauty and wisdom of the natural world will be an inspiration to the students who receive these scholarships in his name. I am sorry that Mo himself cannot be present here today because of his illness, but, if he were here, he would surely joke, maybe complain, about all the fuss we have made on his behalf.

We all share the sincere hope that Mo's convalescence will continue, and that he will have a fruitful retirement and that this scholarship fund and national environmental policy center will perpetuate his legacy.

Mr. DERRICK. Mr. Speaker, I rise in reluctant opposition to the motion offered by the gentleman from Arizona [Mr. PASTOR].

Mr. Speaker, no Member of this House holds Mo Udall in higher esteem than I. It was an honor and a pleasure for me to serve in this body with Mo for more than 16 years. Since his retirement I have missed him, his wisdom, and his fantastic wit greatly; the House has not been the same since his departure. Frankly, it will never be the same because there is only one Mo Udall. Mo loves this institution dearly, and the institution obviously loves him too, both houses having passed S. 1176, the first M. Udall scholarship legislation, unanimously. I strongly supported S. 1176 because Mo deserves not only this honor but many, many more after three decades of loyal, dedicated service to his country.

However, it is with great regret that today I must reluctantly oppose the gentleman's motion, despite my reverence for Mo Udall, because, by passing S. 2184, the Congress will let pass a golden opportunity for a final judicial resolution of the longstanding question of when, if ever, a President may veto acts of Congress merely by slipping them into his pocket.

For the past two decades, Congress and the President have been feuding over when the President may use the pocket veto, which is absolute, to kill legislation, and when he must return vetoed bills to Congress for its reconsideration and possible passage over his veto. Congress believes the Constitution permits the President to use the pocket veto only after its final sine die adjournment, and that during all interim adjournments, the President must return bills he wishes to veto to their houses of origin for reconsideration.

The President believes he may use the pocket veto to kill legislation any time the house of origin is adjourned for more than 3 days when his constitutional 10-day period for review expires. The lower Federal courts have repeatedly rejected the President's position, and numerous constitutional scholars consider it without merit. But the issue remains viable because the Supreme Court last addressed the question squarely in 1929, well before the development of the year-round Congress.

The pocket veto issue has profound implications for Congress and its constitutional position vis-a-vis the President. Those implications exist without regard to any President, political party, or issue of the day. And I believe Congress errs by letting our feelings for Mo Udall prevent us from vindicating the institution he loves so much.

The circumstances surrounding the passage, presentation, and alleged pocket veto of

S. 1176 clearly present the best opportunity for a judicial determination of this issue in decades. On December 9, 1991, during an intrasession adjournment, the Secretary of the Senate presented S. 1176 to the President. The President's review of S. 1176 revealed the existence of various constitutional defects in the legislation, so he decided to veto it. But rather than returning S. 1176 to the Senate with his objections within 10 days, as the Constitution requires, the President chose to keep the bill and announced that he had pocket-vetoed it, flouting the appeals court decision in *Kennedy v. Sampson*, 511 F.2d 430 (D.C. Cir. 1974). The Sampson court held that no opportunity for a pocket veto arises during an intrasession adjournment where the house of origin appoints agents to accept bills returned by the President, as it had in this case.

Moreover, unlike previous instances of impermissible pocket vetoes involving laws of limited duration or narrow purpose which did not lend themselves readily to extended litigation, the President's actions in this case adversely affect identifiable citizens who could maintain a protracted lawsuit.

Mr. Speaker, I have no doubt the Supreme Court would decide S. 1176 became a law when not signed or returned within 10 days, resolving this issue in Congress' favor once and for all. Congress could strengthen its case tremendously and even expedite a Court ruling by amending S. 1176 directly, correcting its constitutional defects, and adding provisions expediting judicial review. Congress included expedited review provisions in the original Gramm-Rudman-Hollings law, and they served our institutional interests well.

Mr. Speaker, the President could simply have returned S. 1176 to the Senate, issued a memorandum of disapproval outlining his objections, and claimed he had validly pocket-vetoed the bill. Presidents have followed this course on numerous occasions during interim adjournments over the last 20 years. Yet this time the President deliberately chose to confront Congress by not returning S. 1176, literally inviting a challenge. Obviously, the President has decided he wants the issue settled so he and his successors will know what the Constitution requires in this regard.

Mr. Speaker, under our governmental system of separated powers, a final judicial resolution of this constitutional question would represent the most definitive outcome of this impasse between Congress and the President. Although the courts have long held it is their province to say what the law is, Congress clearly has the power to enact legislation expressing its interpretation of the powers delegated to it in the Constitution, and those expressions are entitled to deference by the courts.

To invoke that power, I have sponsored again in this Congress legislation H.R. 849 to clarify the law governing the President's use of the pocket veto. My bill would declare simply that no adjournment of either House other than a final sine die adjournment enables the President to use the pocket veto. Any other construction of the relevant constitutional provisions unnecessarily deprives the people's representatives of the opportunity to reconsider vetoed bills in cases where they will meet again and could do so. I believe the lan-

guage of H.R. 849 accurately restates current law and also reflects the Framers' original intent. I sincerely hope if Congress is not willing to move instantly and vigorously to protect its constitutional prerogatives in court when the need and the opportunity arise, then at least it will pass legislation to guide the courts in the event such a claim arises through the efforts of others.

Mr. Speaker, I understand the Arizona delegation's desire to enact this corrective legislation establishing the Morris K. Udall Scholarship and Educational Foundation in Tucson, AZ, as soon as possible. I also appreciate the fact that S. 2184 would repeal S. 1176, preserving Congress' position on the merits of the pocket veto issue for another day. However, I cannot in good conscience support S. 2184 because, although well-intentioned, the bill simply does not serve the interests of this institution well with regard to the pocket veto issue. Congress should give the President the lawsuit he has so deliberately sought, and no one would understand that better than Mo Udall himself.

Mr. GOODLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PASTOR. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Arizona [Mr. PASTOR] that the House suspend the rules and pass the Senate bill, S. 2184.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PASTOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2184, the Senate bill just passed.

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

There was no objection.

DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2321) to establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2321

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 "Dayton Aviation Heritage Preservation Act of 1992".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to establish a unit of the National Park System in Dayton, Ohio, consisting of certain lands and structures associated with Wilbur and Orville Wright and the early development of aviation; and

(2) to create partnerships among Federal, State, and local governments and the private sector to preserve, enhance, and interpret for present and future generations the historic and cultural structures, districts, and artifacts in Dayton and the Miami Valley in the State of Ohio, which are associated with the Wright brothers, the invention and development of aviation, or the life and works of Paul Laurence Dunbar, and which, as a whole, represent a nationally significant resource.

TITLE I—DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK

SEC. 101. ESTABLISHMENT OF THE DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK.

(a) **ESTABLISHMENT.**—There is established, as a unit of the National Park System in the State of Ohio, the Dayton Aviation Heritage National Historical Park (hereinafter in this Act referred to as the "park").

(b) **AREA INCLUDED.**—The park shall consist of the following sites, as generally depicted on a map entitled "Proposed Dayton Aviation Heritage National Historical Park", numbered NHP-DAH 80,000, and dated February 1992:

(1) A core parcel in Dayton, Ohio, which shall consist of the Wright Cycle Company, Hoover Block, and lands between.

(2) Huffman Prairie Flying Field, Wright-Patterson Air Force Base, Ohio.

(3) The Wright 1905 Flyer and Wright Hall, Dayton, Ohio.

(4) The Paul Laurence Dunbar home, Dayton, Ohio.

SEC. 102. PROTECTION OF HISTORIC PROPERTIES.

(a) **ACQUISITION OF PROPERTIES WITHIN THE PARK.**—Within the boundaries of the park the Secretary shall acquire the Wright Cycle Company and Hoover Block, and may acquire other properties, or interests therein, referred to in section 101(b), by donation, purchase with donated or appropriated funds, exchange, or transfer.

(b) **COOPERATIVE AGREEMENTS.**—The Secretary is authorized to enter into cooperative agreements with other Federal agencies, State and local public bodies, and private interests and organizations relating to the preservation, development, use, and interpretation of properties within the boundaries of the park in order to contribute to the appropriate use and management of such properties consistent with the purposes of this Act. Such agreements shall provide, whenever appropriate, that—

(1) the public may have access to any such property at specified reasonable times for purposes of viewing such property or the exhibits or attending programs established by the Secretary under this subsection; and

(2) the Secretary may make such improvements to any such property as the Secretary deems necessary after consultation with the Commission to enhance the public use and enjoyment of such property and programs.

SEC. 103. PARK GENERAL MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 complete fiscal years after the date of enactment of this Act, the Secretary, with the advice of the Commission, shall prepare and submit to the Congress a general management plan for the park which includes but is not limited to the information described in section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)), and which takes into account the preservation and development plan developed under section 202.

(b) **PARK PARTNERSHIPS.**—The management plan shall identify partnership opportunities be-

tween the Secretary and other Federal, State, and local governments and the private sector for the development, use, and interpretation of properties within the park.

SEC. 104. STUDIES.

The Secretary shall study the following properties described in this section to determine the feasibility and suitability of including them within the park:

(1) Properties within the Wright-Dunbar Historic District.

(2) Wright Company Factory, Dayton, Ohio. A report of the study of such properties shall be submitted as part of the general management plan required by section 103.

SEC. 105. GENERAL ADMINISTRATIVE FUNCTIONS.

(a) **IN GENERAL.**—The park shall be administered in accordance with this Act 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. 1-4).

(b) **DONATIONS.**—The Secretary may accept donations of funds, property, or services from individuals, foundations, corporations, and other private entities, and from public entities, for the purposes of managing the park.

(c) **PROGRAMS.**—The Secretary may sponsor, coordinate, or enter into cooperative agreements for educational or cultural programs related to the park as the Secretary considers appropriate to carry out the purposes of this Act.

(d) **IDENTIFICATION AND MARKING OF SIGNIFICANT HISTORICAL SITES.**—The Secretary may identify other significant sites related to the Wright brothers, the history of aviation, or Paul Laurence Dunbar in the Miami Valley which are related to the park, and, with the consent of the owner or owners thereof, may mark the sites appropriately and make reference to them in any interpretive literature. The Secretary may provide interpretive markers along transportation routes leading to units of the park.

(e) **INTERPRETATION OF HUFFMAN PRAIRIE FLYING FIELD.**—The Secretary may provide interpretation of Huffman Prairie Flying Field on Wright Brothers Hill, Wright-Patterson Air Force Base, Ohio.

SEC. 106. COOPERATION OF FEDERAL AGENCIES.

Any Federal entity conducting or supporting activities directly affecting the park shall—

(1) consult with, cooperate with, and to the maximum extent practicable, coordinate its activities with the Secretary; and

(2) conduct or support such activities in a manner which—

(A) to the maximum extent practicable is consistent with the standards and criteria established pursuant to section 202(b)(9); and

(B) to the maximum extent practicable will not have an adverse effect on the historic resources of the park.

SEC. 107. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE.

Except in the case of properties subject to this Act which are under the control of the Secretary of Defense and which are affected by a national emergency declared by the President, at which time the decisions of the Secretary of Defense shall prevail, for those properties under the control of the Secretary of Defense, the Secretary of the Interior and the Secretary of Defense shall coordinate preservation efforts to the maximum extent practicable through a Memorandum of Agreement.

SEC. 108. ASSISTANCE.

(a) **TECHNICAL AND PRESERVATION ASSISTANCE.**—The Secretary may provide to any owner of property within the park, and to any organization having an agreement with the Secretary

under section 102(b), such technical assistance as the Secretary considers appropriate to carry out the purposes of this Act.

(b) **INTERPRETIVE MATERIALS.**—The Secretary is authorized to publish interpretive materials for historic aviation resources in the Miami Valley.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title.

TITLE II—DAYTON AVIATION HERITAGE COMMISSION

SEC. 201. DAYTON AVIATION HERITAGE COMMISSION.

(a) **ESTABLISHMENT.**—There is established the Dayton Aviation Heritage Commission to assist Federal, State, and local authorities and the private sector in preserving and managing the historic resources in the Miami Valley, Ohio, associated with the Wright brothers, aviation, or Paul Laurence Dunbar.

(b) **MEMBERSHIP.**—The Commission shall consist of 13 members as follows:

(1) 3 members appointed by the Secretary, who shall have demonstrated expertise in aviation history, black history and literature, aviation technology, or historic preservation, at least one of whom shall represent the National Park Service.

(2) 3 members appointed by the Secretary from recommendations submitted by the Governor of the State of Ohio, who shall have demonstrated expertise in aviation history, black history and literature, aviation technology, or historic preservation, at least one of whom shall represent the Ohio Historical Society.

(3) 1 member appointed by the Secretary of Defense, who shall represent Wright-Patterson Air Force Base.

(4) 3 members appointed by the Secretary from recommendations submitted by the City Commission of Dayton, Ohio, at least one of whom shall reside near the core parcel of the park (as described in section 101(b)(1)).

(5) 1 member appointed by the Secretary from recommendations submitted by the Board of Commissioners of Montgomery County, Ohio.

(6) 1 member appointed by the Secretary from recommendations submitted by the Board of Commissioners of Greene County, Ohio.

(7) 1 member appointed by the Secretary from recommendations submitted by the City Council of Fairborn, Ohio.

(c) **TERMS.**—(1) Members shall be appointed for terms of 3 years. A member may be reappointed only 3 times unless such member was originally appointed to fill a vacancy pursuant to subsection (e)(1), in which case such member may be reappointed 4 times. A member may serve after the expiration of his term until a successor is appointed.

(2) The Secretary shall appoint the first members of the Commission within 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to subsections (b) (2), (4), (5), (6), and (7).

(d) **CHAIR AND VICE CHAIR.**—The chair and vice chair of the Commission shall be elected by the members of the Commission. The terms of the chair and vice chair shall be 2 years. The vice chair shall serve as chair in the absence of the chair.

(e) **VACANCY.**—(1) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary responsible for such appointment shall fill any such vacancy within 30 days after receiving a recommendation for the position.

(2) A member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. A member may serve after the expiration of his term until his successor has taken office.

(f) **QUORUM.**—A majority of the members of the Commission then serving shall constitute a quorum, but a lesser number may hold hearings.

(g) **MEETINGS.**—The Commission shall meet not less than 3 times a year at the call of the chair or a majority of its members.

(h) **PAY.**—(1) Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(i) **FACA.**—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(j) **TERMINATION.**—The Commission shall cease to exist on January 1, 2004.

SEC. 202. DAYTON HISTORIC RESOURCES PRESERVATION AND DEVELOPMENT PLAN.

(a) **IN GENERAL.**—Within 2 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a preservation and development plan which may include the Wright-Dunbar Historic District, the Dunbar Historic District, the Ed Stines House and the Daniel Fitch House, and the 45 sites identified in Appendix A of the document entitled "Study of Alternatives Dayton's Aviation Heritage, Ohio" published by the National Park Service. Within 90 days after the receipt of such plan, the Secretary shall approve such plan or return it with comments to the Commission. If the Secretary has taken no action after 90 days upon receipt, the plan shall be considered approved. If the Secretary disapproves a plan, the Commission shall submit a revised plan to the Secretary. The plan shall include specific preservation and interpretation goals and a priority timetable for their achievement. The Secretary shall forward copies of the approved plan to the Congress.

(b) **CONTENTS OF PLAN.**—The plan referred to in subsection (a) shall—

(1) set detailed goals for the preservation, protection, enhancement, and utilization of the resources of the district and sites referred to in subsection (a);

(2) identify properties which should be preserved, restored, developed, maintained, or acquired;

(3) include a tentative budget for the subsequent five fiscal years;

(4) propose a management strategy for a permanent organizational structure to enhance and coordinate such resources, and aviation-related properties, and institutions;

(5) recommend methods for establishing partnerships with Federal, State, and local governments and the private sector to foster development and to preserve and enhance such resources;

(6) propose transportation links, including pedestrian facilities and bicycle trails among historic aviation sites including an interurban between the district and the historic resources at Wright-Patterson Air Force Base;

(7) address the use of private vehicles, traffic patterns, parking, and public transportation;

(8) propose educational and cultural programs to encourage appreciation of such resources;

(9) establish standards and criteria applicable to the construction, preservation, restoration, alteration, and use of the properties among such resources;

(10) establish an index which shall contain documentary evidence of historical and cultural significance and which includes property in the Miami Valley associated with the Wright brothers, the history of aviation, or Paul Laurence Dunbar.

(c) **CONSULTATION.**—In developing the plan, the Commission shall consult with appropriate officials of any local government or Federal or State agency which has jurisdiction over historic aviation resources in the Miami Valley area. The Commission shall also consult with property owners and business, historic, professional, neighborhood, and citizen organizations affected by the actions proposed in the plan.

SEC. 203. GENERAL POWERS OF THE COMMISSION.

(a) **HEARINGS.**—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable.

(b) **DONATIONS.**—Notwithstanding any other provision of law, the Commission may seek and accept donations of funds, property, or service from individuals, foundations, corporations, and other private entities and public entities for the purpose of carrying out its duties.

(c) **USE OF FUNDS TO OBTAIN MONEY.**—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(d) **MAIL.**—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(e) **USES OF ACQUIRED ASSETS.**—Any revenues or other assets acquired by the Commission by donations, the lease or sale of property, or fees for services shall be available to the Commission, without fiscal year limitations, to be used for any function of the Commission.

(f) **HISTORICAL AND CULTURAL PROGRAMS.**—The Commission is authorized to carry out historical, educational, or cultural programs which encourage or enhance appreciation of the historic resources in the Miami Valley associated with the Wright brothers, aviation, or the life and works of Paul Laurence Dunbar.

(g) **TECHNICAL AND PRESERVATION ASSISTANCE.**—The Commission may provide technical and preservation assistance to owners of property within the districts, sites, and properties referred to in section 202(a) consistent with the purposes of this Act.

(h) **OBTAINING PROPERTY.**—(1) The Commission may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties except that the Commission may not acquire any real property or interest in real property otherwise than under paragraph (2).

(2) Subject to paragraph (3), the Commission may acquire real property, or interests in real property, in the districts, sites, and properties referred to in section 202(a)—

(A) by gift or device; or

(B) by purchase from a willing seller with money which was given or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interests in real property, in such district and sites.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

SEC. 204. STAFF OF COMMISSION.

(a) **DIRECTOR.**—The Commission shall have a Director who shall be appointed by the Commission.

(b) **ADDITIONAL PERSONNEL.**—The Commission may appoint and fix the pay of such additional personnel as the Commission deems necessary. Such staff may include specialists in areas such as interpretation, historic preservation, black history and literature, aviation history and technology, and urban revitalization.

(c) **TEMPORARY SERVICES.**—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(d) **DETAIL.**—Upon request of the Commission, the head of any Federal agency represented by a member on the Commission may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this Act.

(e) **ADMINISTRATIVE SUPPORT.**—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(f) **STATE AND LOCAL SERVICES.**—The Commission may accept the services of personnel detailed from the State or any political subdivision of the State and may reimburse the State or such political subdivision for such services.

(g) **INAPPLICABILITY OF CERTAIN PROVISIONS OF TITLE 5, UNITED STATES CODE.**—The director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for grade GS-15 of the General Schedule.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated annually to the Commission to carry out its duties under this Act \$350,000, except that the Federal contribution to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out those duties.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. 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. 2321, the legislation presently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2321 would establish the Dayton Aviation Heritage National Historical Park in Dayton, OH. This bill was introduced by Represent-

atives TONY HALL and DAVID HOBSON along with a number of Representatives from the State of Ohio.

Although many Americans know about the Wright brothers' flight over the beaches of Kitty Hawk, few are familiar with the important role played by the city of Dayton, OH, in aviation history. Dayton is where Wilbur and Orville Wright grew up, developed the technology for the first airplane, constructed and flew the world's first practical and maneuverable airplane, and established the world's first permanent flying school.

The purpose of H.R. 2321 is to preserve, enhance, and interpret the historic structures and artifacts in the Dayton area associated with the Wright brothers and the development of aviation. The bill is based on a study conducted by the National Park Service in 1990.

H.R. 2321 has undergone close review and extensive revision in the Interior Committee. The original park proposal included a significantly larger number of buildings and acreage. In the Interior Committee substitute, lands and structures were deleted from the proposed park boundary, leaving only those sites of primary historical significance.

Under the bill, as amended, the Dayton Aviation Heritage National Historical Park will consist of four sites: First, the Wright Cycle Co. and Hoover Block, where the Wrights developed the tools and skills to invent the airplane; second, the Huffman Prairie Flying Field, where the Wrights conducted hundreds of flying experiments; third, the home of Paul Laurence Dunbar, a prominent black writer who was a friend and business partner of the Wrights; and fourth, the 1905 *Wright Flyer*, the first practical airplane. All of these sites have already been designated as national historic landmarks, and together they tell the story of the invention of the airplane and the importance of the Dayton environment to that process.

The committee substitute scaled back the provisions establishing a Dayton Aviation Heritage Commission. The Dayton Aviation Preservation Commission created by the substitute is similar to other heritage preservation commissions established by Congress. The Commission proposed in the original bill had overly broad loan- and grant-making and land acquisition authority. The bill, as amended, provides a reasonable and appropriate role for the Commission and places a cap and matching requirement on the funds available for the operation of the Commission.

Mr. Speaker, the invention of the airplane is one of the most significant technological events of this century. Fortunately a number of structures and artifacts related to this invention remain intact in the Dayton area. The

bill before us would preserve those structures and sites for the benefit of present and future generations. The bill as amended is reasonable in scope, responsible in cost, and consistent with precedents for park establishment. It has strong bipartisan support and I urge Members to support the bill.

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

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

Mr. Speaker, I have real problems with H.R. 2321, a bill to establish the Dayton Aviation National Heritage Park in Dayton, OH. As originally introduced, this bill was basically an attempt to provide a much needed economic boost to Dayton, OH. While the bill before us today reflects an attempt to select the most justifiable role for the Federal Government in this project; the real question Members must ask themselves, is not whether this bill is more reasonable than the introduced one, but whether the sites proposed in the bill merit and require designation as a park area at all.

The answer to that question is quite simply, no. As the administration statement points out, the national significant sites included in this bill are already protected by a combination of other government and private entities. While some of these other entities are struggling financially, so is the Federal Government. It is precisely such proposals as this which continue to add to our \$400 billion national deficit.

The multibillion in acquisition, construction, and operations backlog already facing the park system is well known. The Interior Committee continues to relentlessly pass legislation adding to that backlog. In the first session of this Congress, we passed about \$170 million in new NPS obligations, excluding the \$300 to \$600 million California Desert Protection Act. While CBO tentatively estimates that this measure will cost only about \$10 million in the next 5 years, it is notable that this bill writes a blank check for this park by authorizing such sums as necessary. Because of all the language in this bill dealing with future potential expansion of Federal responsibilities, I imagine the actual costs of this bill will be much higher.

Mr. Speaker, the reasons for the inconsistency between the intense debate on costs of the Steamtown authorizing legislation just a few weeks ago and this bill, which is likely to be even more costly, escape me. Unlike Steamtown, with this bill we have an opportunity to say no unnecessary obligations at the outset, and to make a policy statement that Congress does not believe that the park system should be used as an economic development tool. Rather, we should only call

on participation of the Federal Government when absolutely required to save truly outstanding national resources. Such is clearly not the case with this project.

Mr. Speaker, I yield such time as he may consume to a cosponsor of the bill, the gentleman from Ohio [Mr. HOBSON].

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

Mr. Speaker, I rise in strong support of the Dayton Aviation Heritage Preservation Act. This legislation will promote our Nation's aviation heritage by establishing a national park that tells the story of the birth of aviation in this country.

I have joined with Congressman TONY HALL to support the creation of a national park that will tie four sites together in the Dayton area to bring to life the story of the Wright brothers and the place where they grew up, invented the plane, and learned to fly.

There is the Wright brothers bike shop where Wilbur and Orville Wright began experiments which led to the development of the airplane. And right next door, there is the Hoover building which housed the Wright's printing business. Also, the *Wright Flyer III*, the Wright brothers' third airplane which made over 50 flights, is also included in the park.

Mr. Speaker, I am particularly proud that the park features Huffman Prairie which is located in my congressional district. This is the site of the world's first flying field, the first turn in flight, and the first permanent flying school. This is where the invention first became functional, where the airplane became an airplane.

We in the Miami Valley are also proud that this is also the location of Wright-Patterson Air Force Base, where we can truly see how far we have come in the world of flight as F-16's roar over the first flying field.

I also want to say a word about Paul Laurence Dunbar and his connection to the Dayton Aviation Heritage Park. Dunbar was an outstanding black American poet, who was a good friend and business partner of the Wright brothers. In a time when we desperately need to promote harmonious race relations, I believe Dunbar's friendship with the Wrights is an important part of this story, needs to be part of the park, and part of our permanent history.

Finally, I believe this bill is a result of a true public-private partnership. There has been strong community support and strong emphasis on State and local responsibility. Community leaders have worked hard to preserve the sites. But, it will take the experience and expertise of the National Park Service to tie the sites together so the full story can be told.

I want to thank all those in the local community and here in Congress who

have worked so hard to support the preservation of our aviation heritage.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. HALL], who is the primary sponsor of this bill. He has marshaled our support, as well as support from his colleagues on the other side of the aisle on this project. He has done a good job, and I commend him for it.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of H.R. 2321, the Dayton Aviation Heritage Preservation Act, a bill I introduced with my colleague from the Dayton area, Mr. HOBSON.

The conquest of flight represents one of mankind's greatest technological triumphs. From ancient times, people dreamed of soaring like a bird through the air. However, it was up to two men from Dayton, OH, at the beginning of this century, to make that dream come true. The world has never been the same.

Great distances that once took days can be traveled in hours. Remote parts of the globe have been opened to exploration. Millions of lives have been saved by airlifting emergency food assistance. Modern warfare is now dependent on air power. All of this traces back to the creative genius of Orville and Wilbur Wright.

More than any other single place, Dayton, OH, was the location of many of the major events in aviation history. It was here that Orville and Wilbur Wright grew up. It was here that they conducted their aviation experiments and developed the technology for flying. It was here they constructed the world's first airplane. It was here they constructed and flew the world's first airplane capable of practical flight. And it was here they established the world's first permanent flying school. Following from the work of the Wright brothers, other inventors in Dayton developed technology that made commercial and military aviation possible.

A few steps from this Chamber, in the rotunda of the Capitol, a scene of the Wright brothers concludes the historical frieze that wraps around the base of the dome. Congress authorized the scene as a testament to the significance of the first flight in our history.

Today, the House of Representatives considers a measure that goes beyond a symbolic commemoration of the Wright brothers' work. The Dayton Aviation Heritage Preservation Act seeks to preserve for present and future generations the most important buildings and sites which remain intact on their original locations associated with the Wright brothers. The measure also seeks to preserve the numerous structures in the Dayton area where important developments occurred in the history of aviation.

Additionally, the act honors Paul Laurence Dunbar, one of the greatest black American poets. Dunbar was a

friend and business partner of the Wright brothers and the Wrights printed many of Dunbar's earlier works. The friendship between these men of different races is a story that bears great meaning for our times.

To accomplish this, the measure establishes the Dayton Aviation Heritage National Historic Park as a unit of the National Park Service. The park consists of four sites, each containing a national historic landmark associated with the Wright brothers or Paul Laurence Dunbar. The measure also establishes the Dayton Aviation Heritage Commission to assist Federal, State, and local authorities and the private sector in preserving and managing historic resources in the Dayton area.

Though the goals of the bill are broad, the measure recognizes that Federal funding is extremely limited. For that reason, only a small percentage of the park will be owned and operated by the National Park Service. By creating a partnership between Federal, State, and local government and the private sector, relatively few Federal dollars are required. The Dayton community stands strongly behind this proposal and public and private leaders have committed non-Federal funding to ensure that the park succeeds.

The bill which is before the House today represents a compromise that helps fulfill Dayton's historic preservation goals under the Federal Government's severe budget limitations. I would like to thank Mr. VENTO, chairman of the Subcommittee on National Parks and Public Lands, and the subcommittee staff for their guidance during the difficult process of crafting this bill. I would also like to thank Mr. MILLER, chairman of the Committee on Interior and Insular Affairs, for his support. Additional thanks are due Mr. LAGOMARSINO for his assistance during subcommittee consideration.

This measure would not be possible without the help and support of numerous people and organizations in Dayton. I would like to mention the 2003 Fund Committee of Dayton, chaired by U.S. District Court Judge Walter H. Rice, for its leadership in promoting the Dayton Aviation Heritage Preservation Act.

I urge my colleagues to adopt the measure.

Mr. LAGOMARSINO. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. First of all, Mr. Speaker, this is difficult for me because the Members who are sponsoring this bill, both Democrats and Republicans, are friends of mine, and I am a big admirer of the Wright brothers and what they accomplished. I also have very strong ties with the city of Dayton. I have a lot of friends over there. But unfortunately, this bill is too expensive and goes beyond what the Na-

tional Park Service believes should be done in this area as far as making these sites national sites.

We have facing us this year, as last year, a deficit of approximately \$400 billion. We have a \$4 trillion national debt now, and the people of this country are very concerned about spending. They are very concerned about taxes.

The other day we talked about a \$93 billion tax increase. About 2 years ago we raised taxes \$181 billion. It is not because we do not have enough money. Ten years ago we brought in \$500 billion in tax revenue. This coming year we are going to bring in \$1.3 trillion in revenue, so we have almost tripled the amount of tax revenue. Yet we have almost a \$400 billion shortfall in the deficit last year and this year staring us in the face.

The National Park Service came up with a plan for this project that would cost \$1.25 million over 5 years, and they did not oppose that kind of an approach. This approach, according to them, is open ended and will cost \$10 million over the next 5 years.

I would just like to read a few excerpts from the statement made by Don Castleberry, the Midwest Regional Director of the National Park Service, about this project. He says:

We do not support enactment of H.R. 2321 as currently drafted because of the unsuitability of the majority of the sites in the bill, the potentially unconstitutional management structure of the proposed area, and the open-ended costs of such an arrangement to the Federal Government.

He goes on to say this:

*** the National Park Service completed both suitability/feasibility as well as alternatives studies evaluating the aviation-related resources in the Dayton area. Of the 5 sites found to be nationally significant, the Wright Cycle Company building, Huffman Prairie Flying Field, the Wright Flyer III (not including Carillon Historical Park), Hawthorn Hill, and the Paul Laurence Dunbar House, the study determined that only the Wright Cycle Company building was suitable for inclusion in the National Park System.

□ 1315

He went on to say:

Protection is assured for Huffman Prairie Flying Field by the United States Air Force, for the Dunbar House by the Ohio Historical Society, and for the Wright Flyer III by the Educational and Musical Arts, Inc.

He said:

We believe, however, that the bill creates an overly complicated and costly framework for such a partnership. The Dayton community, including both public and private entities, has demonstrated both the desire as well as the ability to actively lead such a partnership and should be able to continue to do so without the creation of a Federally authorized and funded commission and a Federally authorized historic preservation district.

The bottom line is, the Park Service said they would go along with a plan that was limited, would cost \$1.25 million over 5 years. This is open ended. It

is going to cost at least \$10 million. We cannot afford it right now.

We must prioritize spending, with all due respect to my colleagues from Ohio and my colleagues from across this country. We have to prioritize spending.

One subcommittee of the Committee on Appropriations, one subcommittee of the 13 appropriations subcommittees last year had 350 requests or had 350 Congressmen request over 3,000 special projects, 350 Congressmen asked for 3,000 special projects from 1 subcommittee of the 13 appropriations subcommittees.

That is the reason, one of the main reasons spending is out of control in this place. We have almost tripled revenues coming into the Treasury for the past 10 years, and we still have a \$400 billion shortfall.

This project, much of it is worthy. I am a big supporter, like I said, of the Wright brothers. I think they made a tremendous contribution to this country and to the world. But we have got to prioritize spending.

If we continue on the trail we are on, we are going to bankrupt this country and the future generations of this country are going to pay the freight for what we are doing today.

I see some children in this place, very small children, and we are going to leave them a terrible legacy, a tremendous debt. They are not going to be able to live the quality of life that we have because we are not doing our job. So we need to prioritize.

For that reason, I do oppose this and will ask for a rollcall vote.

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

Mr. Speaker, it is interesting to hear repeated the testimony that occurred in subcommittee some 6 or 7 months ago when we first heard this measure in the House because we had, obviously, to listen to that testimony and craft the bill in response to the testimony of the regional director, Don Castleberry, at that time.

In fact, the sites that were selected that they said were of national significance and suitable are exactly the sites that we included in the legislation.

The bill, as initially introduced, had expanded in terms of the number of sites that we designated. Those were deleted in concurrence with the sponsors of the legislation. They have been very cooperative.

Obviously, there is no question about the national significance of the site in the Hoover block, and the Wright Brothers Cycle Shop, which would be purchased by the National Park Service. Nobody is arguing that.

The other sites are already in public ownership. We anticipate cooperative agreement for the utilization and for the identification of those sites. They are already national landmarks. There is no question about that.

The cost of the bill clearly in terms of the administrative responsibilities of the Park Service by virtue of designating this, according to the Congressional Budget Office, are \$3.6 million to \$6.8 million over a period of 5 years.

What the sponsors of this measure are asking is to preserve for future generations a very important part of our technological history and culture in terms of the Wright brothers, the invention of the airplane by the Wright brothers and others in aviation history that are depicted in the Dayton area. It is an urban area that has these resources. Amazingly they are still intact, and they still have historic fabric. They are still valid.

The point is that I understand the concern of the gentleman from Indiana about the budget, concerns about the deficit. The question is, Does that mean we have to disavow any interest in our culture, in our history as a people at the altar of a \$400 billion deficit? Is that the legacy that we want to leave to our children, one that does not include the proud history of this particular community of the achievements of the American people in the 20th century? I do not think so.

I think that this has great value, great significance, great importance. I think this is a priority.

I think that this particular project and bill ought to be passed so it can compete in the appropriation and priority process around here which the gentleman is so concerned about with the budget. I do not think disavowing and making it impossible to preserve these resources through the one vehicle we have, the National Park Service, is really in the best interest of the people I represent or in the best interest of the people of this country.

If the gentleman has an argument with the budget process, the appropriations process, the proper forum, all they are asking to do is to compete for the dollars so that we can have projects that are worthy. This has been through the subcommittee process, through the full committee process. It is a good bill.

As it is presented, it is an efficient and cost-effective piece of legislation. To portray it any other way, I think is unfair to the authors and to the work that this subcommittee has done on this measure.

This is the only way that this is going to be preserved. We only have one resource or one agency that will manage this type of resource on a national basis for something of national significance. Vote "yes" on this and designate this important site.

Mr. LAGOMARSINO. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I do not want to belabor the point. I understand that the gentleman be-

lieves that this is a priority item, but that is a matter for the body as a whole to decide.

Some of the things that the gentleman mentioned, the Huffman Prairie Flying Field, will be preserved by the U.S. Air Force. The Dunbar House, by the Ohio Historical Society. The Wright Flyer III, by the Education and Musical Arts, Inc., according to this report. And the National Park Service was not opposed to making the main item a national historic landmark, and it was going to cost \$1.25 million.

This is open-ended, going to cost \$10 million.

I will say one more time that I think it is important that we start prioritizing around here because every Congressman, every Congressman has something they would like to have for their district. When we add all those up, a million here, a billion there, we are talking about real money. We have to do something to control spending. It is out of control.

I think we ought to prioritize.

Mr. LAGOMARSINO. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I do not want to prolong the dialog on this. I do think it is important to say that these sites are important to preserve in a park setting so that children of this country can visit them. We cannot visit the Huffman Prairie today as a tourist facility today. It is not prepared to do that. The Air Force had to work a cooperative agreement with the Park Service so that we can see the Wright Flyer, and behind it the F-16's taking off.

Near this is the Air Force Museum, which frankly is the largest single tourist attraction we have in Ohio. And coupled with this, there are even greater things for our heritage of the future.

I think this is a good way to spend resources.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further request for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2321, as amended.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

TERMINATING RESERVATION OF USE AND OCCUPANCY AT THE BUFFALO NATIONAL RIVER

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 996) to authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River, and for other purposes.

The Clerk read as follows:

S. 996

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

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) in 1979 Harold and Margaret Hedges conveyed approximately 711 acres, including a homesite, to the National Park Service for addition to the Buffalo National River;

(2) Mr. and Mrs. Hedges retained a reservation of use and occupancy for a term of twenty-five years for use of their homes and approximately forty-two acres of adjacent land;

(3) on January 1, 1991, the house was destroyed by fire, apparently caused by arson;

(4) Mr. and Mrs. Hedges are now unable to use the remaining term of their use and occupancy reservation, without incurring extraordinary costs and expenses; and

(5) the most equitable resolution is to provide for the termination of their use and occupancy reservation, with an appropriate refund of the unused portion of the value of the reservation.

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "reservation" or "reservation of use and occupancy" means the reservation of use and occupancy retained by Harold and Margaret Hedges, pursuant to Buffalo National River Deed 922, including tracts 66-104, 66-111, and 66-112, executed on October 25, 1979, and valued at \$19,148;

(2) "Secretary" means the Secretary of the Interior; and

(3) "unused term" means the period of time between January 1, 1991, and October 25, 2004, inclusive.

SEC. 3. TERMINATION OF RESERVATION OF USE AND OCCUPANCY.

(a) IN GENERAL.—Upon application by Harold and Margaret Hedges of Harrison, Arkansas, the Secretary is authorized and directed to terminate the reservation of use and occupancy at the Buffalo National River described in section 2.

(b) REFUND.—Upon termination of such reservation, the Secretary shall, notwithstanding any other provision of law, refund the value of the unused term of such reservation, determined on a pro rata basis.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

□ 1325

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days in which to revise and extend their remarks on S. 996, the Senate bill now under consideration.

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

There was no objection.

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

Mr. Speaker, S. 996, which passed the Senate on July 31, 1991, authorizes and directs the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River. The legislation, introduced by Senator DALE BUMPERS of Arkansas, clears up an unfortunate situation at the Buffalo National River where Harold and Margaret Hedges' home burned on January 1, 1991, in a fire that was probably caused by arson. The Hedges, who were early supporters of the Buffalo National River, had sold their home and land to the National Park Service in 1979. Subsequently their homeowner insurance was canceled because the insurance company claimed the Hedges no longer were the owners of the home and that they were renters. At that time, they reserved a 25-year term of use and occupancy of the property, so they could have lived there until 2004. They are seeking to be reimbursed for the years that they cannot occupy the house that burned. The amount of funds involved here is really quite small but nevertheless important to the party concerned.

It is clear from the Interior Committee's review of this matter that the issue here is the fair and just way of dealing with the Hedges' situation. I endorse S. 996 as a means to do just that and recommend the bill's adoption by the House.

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

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

Mr. Speaker, I rise in opposition to S. 996, a bill which would direct the Secretary of the Interior to compensate a private property owner for portions of an unused use and occupancy reservation at Buffalo National River. The problem with this bill is that it will result in the Federal Government spending about \$7,000 to acquire an unused reservation on a house which burned to the ground over 1 year ago. While loss of the Hedges' residence is indeed unfortunate, the taxpayers should not be required to purchase something which no longer exists.

This bill is bad policy and, therefore, I oppose it and urge my colleagues to join me.

Mr. VENTO. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from California [Mr. LAGOMARSINO] suggested that this would require the U.S. Park Service to purchase something

that it does not need. The Park Service was the owner of the home. The fact is that they had an obligation, or there is inherent an obligation, to provide the actual structure which the use and occupancy or for which the term of use and occupancy will be permitted. That was obviously impossible to do unless they were to rebuild the house in an area, in a park, which is going to be designated as wilderness, on top of everything else.

Really what we are doing here, while it is simple and the amount of money is not very great, I think the principle is very important. I think we need to establish that in terms, because the homeowners were not able to even buy fire insurance because they did not own the property. The Park Service owned the property. So we have a unique situation.

I think it is important that we try and clarify the policy, so I am happy to rise in support of this and urge Members to support the measure.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 996.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

FRANK M. JOHNSON, JR. UNITED STATES COURTHOUSE

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1467) to designate the U.S. courthouse located at 15 Lee Street in Montgomery, AL, as the "Frank M. Johnson, Jr. United States Courthouse," as amended.

The Clerk read as follows:

S. 1467

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

SECTION 1. DESIGNATION

The Federal Building and United States Courthouse located at 15 Lee Street in Montgomery, Alabama, shall be known and designated as the "Frank M. Johnson, Jr. Federal Building and United States Courthouse."

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal Building and United States Courthouse referred to in section 1 shall be deemed to be a reference to the "Frank M. Johnson, Jr. Federal Building and United States Courthouse."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gen-

tleman from Oklahoma [Mr. INHOFE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I am pleased today to rise in support of S. 1467, as amended. Frank Minis Johnson, Jr., born October 30, 1918, in Winston County, AL, was educated at Massey Business College, and received an LL.B. from the University of Alabama in 1941.

He was a decorated World War II war hero, having served in the United States infantry in France and Germany. Twice wounded during the war, he was decorated with the Purple Heart with oak leaf cluster, the Bronze Star, and the Combat Infantryman's Medal.

In 1946, Frank Johnson began his legal career in private practice at the firm of Curtis, Maddox & Johnson. In 1953, he was appointed U.S. attorney for the northern district of Alabama; in 1955, he was appointed to the middle district of Alabama. In 1979, President Carter nominated him to be a U.S. circuit judge for the fifth Circuit.

In 1981, he was assigned to the newly created Eleventh Circuit Court of Appeals where he currently retains senior status.

Judge Johnson's outstanding career as a jurist is highlighted by his many courageous decisions involving several landmark cases dealing with equal rights for all citizens of Alabama. He ordered the integration of public schools and public accommodations, abolished the poll tax, allowed the civil rights march from Selma to Montgomery, and ordered the first comprehensive statewide school desegregation program.

It is indeed fitting, and a truly deserving tribute, that the U.S. courthouse and Federal building, at 15 Lee street in Montgomery, AL, be designated the Frank M. Johnson, Jr. Federal Building and U.S. Courthouse.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Speaker, I thank the gentleman from New Jersey for yielding time to me.

Mr. Speaker, I rise today to express my strongest support for S. 1467, which pays tribute to a long-time friend of mine from Alabama, U.S. circuit Judge Frank M. Johnson, Jr.

This legislation was introduced in the Senate by my good friend and colleague, Alabama's senior Senator HOWELL HEFLIN. It provides for the naming of the U.S. courthouse in Montgomery, AL, in honor of Judge Johnson. He is retiring after a very distinguished career on the Federal bench and we want to recognize his many accomplishments.

Judge Johnson is a native of Winston County, AL, which is in my district, and is a graduate of the University of Alabama School of Law. He became a U.S. district judge in Alabama in 1955, serving as Chief Judge from 1966 to 1979. Then, in 1979, he became a U.S. circuit judge for the old U.S. Court of Appeals, Fifth Circuit. Since 1981, he has served in this capacity for the eleventh Circuit.

During his tenure on the Federal bench, our Nation went through a very

difficult time in which Judge Johnson played a major role in upholding and implementing the laws of the land.

The 1950's and 1960's saw the birth of the civil rights movement, the integration of schools and other public places throughout the South. Alabama was at the center of these profound changes and the transition was, at times, violent.

As an Alabama U.S. district judge, Frank Johnson used his wisdom, integrity, and deep commitment to the law to pioneer what was new territory for Alabama and the South. His rulings in a number of desegregation, voting rights, and legislative reapportionment cases changed a way of life and set our history on a new course.

In more recent years, he has taken on the battles of prisoners and the mentally ill.

He has always been courageous, even-handed and dedicated to the law. His commitment to civil rights, equality, and justice for all people stands as a hallmark to his illustrious career.

Judge Johnson is truly a legend in his own time and will always be remembered for the role he has played in shaping our Nation's history.

I have known Frank Johnson personally for many, many years and I have the highest regard for him.

I feel that it would be most fitting and appropriate to designate the Federal courthouse in Montgomery, AL, in honor of Judge Johnson's many contributions to our Nation.

I urge my colleagues to support this legislation.

□ 1332

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

Mr. Speaker, as has already been indicated, S. 1467 will designate the Federal building and U.S. courthouse in Montgomery AL, as the "Frank M. Johnson, Jr. Federal Building and United States Courthouse."

Judge Johnson is a remarkable individual. During his military service in World War II, he saw combat in Normandy and Germany. He was decorated for gallantry and was discharged as a captain. Following his military service he practiced law with the firm of Curtis, Maddox and Johnson in Jasper, AL. His appointment to the bench in 1955 coincided with the beginnings of the civil rights movement. It was during his tenure and in his courtroom that many of the historic civil right cases were decided.

Thus, it is fitting that we honor him by naming a courthouse in Montgomery, AL—where the genesis of the whole civil rights movement began—after him. I urge my colleagues to support S. 1467.

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

Mr. ROE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. Mr. Speaker, Congress should act to honor a special man whose actions moved the Nation. During his 36-year tenure on the bench, Judge Frank M. Johnson of Alabama issued rulings that not only reshaped the South, but changed our Nation. Johnson, who is 73, has taken senior status on the Federal court.

It is fitting that the Federal courthouse in Montgomery be named for Judge Johnson. I'd like to share with my colleagues the judge's favorite quote, by Abraham Lincoln:

I do the very best I know how, the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference.

We don't need a host of angels to attest to the correctness of the judge from Winston County, AL. His courageous, far-reaching rulings—almost by themselves—ended segregation in Alabama and gave meaning to our fundamental American principles, that all men are created equal, that this indeed is the land of opportunity for all.

I can think of no more fitting tribute than to name the building, in which so many of these decisions were rendered, after Judge Frank M. Johnson.

Mr. ROE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my chairman, Mr. ROE, for yielding time to me.

Mr. Speaker, I rise this afternoon with a great deal of pleasure and delight to urge my colleagues to support S. 1467. This bill would name the Federal courthouse in Montgomery, AL, after Federal District Judge Frank M. Johnson, Jr. The courthouse, which is located at 15 Lee Street in historic Montgomery, AL, would become the "Frank M. Johnson United States Courthouse."

It is fitting and appropriate that we honor this great American, Judge Frank M. Johnson, Jr. This man did more than any member of the Federal bench to change the South. He made the South something different and something special. He was the presiding judge during the Montgomery bus boycott of 1955 and 1956. He was the presiding judge during the freedom rides in 1961. He was also the presiding judge during the march from Selma to Montgomery.

Judge Johnson has been a courageous, fair, and tireless fighter for simple justice. As a nation and as a people, we are all indebted to this outstanding jurist. As a participant in the civil rights movement, I often testified in this courthouse before Judge Johnson. I knew back then that we would get a fair hearing because many of us saw Judge Johnson as a sympathetic referee in the struggle for simple justice.

In 1955, Judge Johnson was appointed by President Eisenhower to serve as a U.S. district judge for the Middle District of Alabama. In 1966, he became the chief justice for the Middle District of Alabama. Between 1979 and 1991, he served on the Eleventh Circuit Court of the U.S. Court of Appeals. He currently has senior status on the U.S. Court of Appeals.

Judge Frank M. Johnson, Jr., is one of the true heroes of the modern South. He did more to change the State of Alabama and the South than any person during this period. By changing Alabama, Judge Johnson helped to transform the South and the Nation.

Again, I urge my colleagues to support S. 1467. It is fitting and just that we do so.

Mr. HAMMERSCHMIDT. Mr. Speaker, S. 1467 designates the U.S. courthouse, located at 15 Lee Street in Montgomery, AL, as the "Frank M. Johnson, Jr. United States Courthouse." Judge Johnson's career has been one of entire devotion to the rule of law and justice. This devotion is clearly evident in Judge Johnson's decisions in numerous landmark cases involving civil rights, voting rights, prison and mental health rights, and school desegregation. It is entirely fitting to name the courthouse in Montgomery in honor of Judge Johnson.

I urge my colleagues to support this bill.

Mr. SAVAGE. Mr. Speaker, S. 1467, as amended, is a bill to designate the U.S. Courthouse and Federal Building in Montgomery, AL, as the "Frank M. Johnson, Jr. Federal Building and United States Courthouse."

Judge Johnson's career is one devoted to the rule of law and justice. The genesis of the civil rights movement began in Montgomery, Alabama. During that early period of Judge Johnson's tenure on the district bench many landmark cases came before him in his second floor courtroom in the U.S. courthouse. His decency and fairness, as well as his application of equal justice under law were known to all those who came before his bench.

Judge Johnson is truly deserving of the honor of having the U.S. Courthouse and Federal Building in Montgomery, AL, named in his honor.

Mr. INHOFE. Mr. Speaker, I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the Senate bill, S. 1467, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An Act to designate the Federal Building and the United States Courthouse located at 15 Lee Street in Montgomery, Alabama, as the 'Frank M. Johnson, Jr. Federal Building and United States Courthouse'."

A motion to reconsider was laid on the table.

□ 1340

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1467, the Senate bill just passed.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

EWING T. KERR UNITED STATES COURTHOUSE

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1889) to designate the U.S. courthouse located at 111 South Wolcott in Casper, WY as the "Ewing T. Kerr United States Courthouse," as amended.

The Clerk read as follows:

S. 1889

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) Ewing T. Kerr has dedicated 64 years of his life to the practice of law in the State of Wyoming;

(2) over a period of 36 years, as a Federal district judge, Ewing T. Kerr has embodied the spirit of public service and has been dedicated to upholding the law of the land; and

(3) Ewing T. Kerr deserves recognition, honor, and gratitude.

SEC. 2. DESIGNATION.

The Federal Building and United States Courthouse located at 111 South Wolcott Street in Casper, Wyoming, is designated as the "Ewing T. Kerr Federal Building and United States Courthouse".

SEC. 3. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the Federal Building and United States Courthouse referred to in section 1 is deemed to be a reference to the Ewing T. Kerr Federal Building and United States Courthouse.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Oklahoma [Mr. INHOFE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

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

Mr. Speaker, I am pleased today to rise in support of S. 1889, as amended. This legislation would name the Federal building and U.S. courthouse located at 111 South Wolcott Street in Casper, WY, as the "Ewing T. Kerr Federal Building and United States Courthouse."

Ewing T. Kerr, born in 1900 in Bowie, TX, received a B.A. degree from the

University of Oklahoma and a B.S. degree in education from Central State University in Oklahoma. While working as a school principal in Cheyenne, WY, he studied law, and was admitted to the Wyoming bar in 1927.

Judge Kerr's legal career, which spans several decades, was interrupted in 1943 when he joined the Army and served his country in North Africa.

Judge Kerr has served the public as the assistant U.S. attorney for Wyoming, attorney general for the State of Wyoming, and in 1955, as the third Federal judge from the State of Wyoming. At 91 years of age, Judge Kerr still maintains an active docket.

Judge Kerr is committed to public service, and to the legal system. All who have come before him have benefited from his wisdom and common sense.

S. 1889, as amended, is a fitting tribute to the outstanding dedication and public service of Ewing T. Kerr.

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

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

Mr. Speaker, it is a real pleasure for me to rise in support of S. 1889 which would designate the Federal building and courthouse in Casper, Wyoming as the "Ewing T. Kerr Federal Building and United States Courthouse." I cannot help but point out that although Judge Kerr has contributed greatly to the legal system in the State of Wyoming, he received his education in the great State of Oklahoma. I just want to assure my friend from Wyoming that we in Oklahoma are happy to have shared with you one of our own.

After receiving his university education in Oklahoma, Judge Kerr moved to Wyoming to teach school and eventually completed his legal education and was admitted to the Wyoming bar in 1927. His appointment to the bench came in 1955 where he still serves with distinction. In the years following his admittance to the bar and prior to his appointment to the bench, Judge Kerr established himself as a highly regarded member of the legal community. He was assistant U.S. attorney from 1929 to 1934 and in 1939 became the Wyoming State attorney general, a post he held until 1943.

Throughout his career, Judge Kerr has lived the life of community involvement. He has been involved with local chamber of commerce, charitable groups, and the Rotary Club as well as his church. Clearly, this is a gentleman that deserves to be honored on this way and I urge my colleagues to support S. 1889.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, Judge Kerr, 91 years old, was the third Federal judge for the State of Wyoming. Nominated by President

Dwight Eisenhower in 1955. Judge Kerr's career spans from the turbulent days of the civil rights movement to the energy boom of the 1970's and 1980's, to the environmental concerns of the 1990's. In addition to hearing cases in Wyoming's Federal court, he has heard cases in every State of the tenth circuit: Louisiana, California, New York, Florida, and Puerto Rico. Even today, nearly 37 years after he took the oath of office, Judge Kerr retains senior status, maintaining an active docket in his court.

In addition to his career of excellence on the Federal Bench, though, Judge Kerr has a long and distinguished career as an attorney and public servant. Born in Bowie, TX, in 1900, he earned a B.A. degree in economics and government from the University of Oklahoma and a B.S. degree in education from Central State University in Oklahoma.

After serving as principal of a junior high school in Hominy, OK, Judge Kerr moved to Cheyenne, WY, at the urging of his sister, who was teaching school there. After reading law while working as an elementary school principal in Cheyenne, Judge Kerr took the Wyoming bar examination in 1927 and began practicing law.

In 1929, Judge Kerr was appointed Assistant United States Attorney for Wyoming, and for the next 4 years he aggressively prosecuted Federal criminal offenses, including the famous Casper conspiracy prohibition law case. Then from 1939 to 1943, Judge Kerr was Wyoming's State attorney general. Among other duties in that important role, he argued two landmark water law cases before the U.S. Supreme Court—*Nebraska versus Wyoming* and *Wyoming versus Colorado*—cases which dominate water caselaw to this day.

Judge Kerr joined the Army in 1943 and was assigned to the allied military government in North Africa. Later, he supervised reestablishment of civilian courts in southern Italy.

Recognizing the need for another judge to help handle the rapidly growing caseload in Wyoming, Judge Kerr took senior status in 1975. Nonetheless, he continues to take an active role in the business of the Federal District Court of Wyoming.

Beyond professional and judicial business, Judge Kerr has lived a life of community involvement. Over the years, the local chamber of commerce, charitable groups, his Rotary Club, and his church have benefited from his energy and commitment. He also served as the chairman of the Wyoming Republican Party from 1945 to 1954, longer than any other state chairman.

As demonstration of the high regard in which Judge Kerr is held, every member of the Federal bench from Wyoming has written in support of naming the Casper, WY, courthouse in Judge Kerr's honor, and I have attached copies of those letters to my written statement.

This legislation recognizes the commitment and service of Ewing T. Kerr to Wyoming, the Nation, and our legal system. I can think of no finer tribute than naming this courthouse after him, and thank you for the timely attention to this bill in committee, and I encourage its prompt consideration on the floor of the House of Representatives.

Mr. HAMMERSCHMIDT. Mr. Speaker, S. 1889 designates the Federal building and U.S. Courthouse, located at 111 South Wolcott Street in Casper, WY, as the "Ewing T. Kerr Federal Building and United States Courthouse."

Ewing T. Kerr was born in Bowie, TX, in 1900. He received his education in Oklahoma and moved to Wyoming to teach school. While working as an elementary school principal in Cheyenne, Kerr read the law and was admitted to the Wyoming bar in 1927.

President Dwight D. Eisenhower appointed Kerr to the bench in 1955. During Judge Kerr's 37-year career, he handed down decisions in several landmark cases involving several civil rights and environmental laws.

Judge Kerr, at 91 years of age, still maintains an active docket in his courtroom and is also involved in various community and church activities. It is fitting and proper that we honor this outstanding public servant by naming a courthouse after him. I urge my colleagues to support S. 1889.

Mr. SAVAGE. Mr. Speaker, I rise in support of S. 1889, as amended. This legislation would honor a distinguished and dedicated jurist and public servant by having the Federal Building and U.S. Courthouse in Casper, WY, designated the "Ewing T. Kerr Federal Building and United States Courthouse."

Judge Kerr began his legal career in 1929 and today is 91 years of age, as he continues to take an active role in the business of the Federal court of Wyoming.

Judge Kerr argued two landmark water law cases before the United States Supreme Court, cases which still dominate water case law to this day.

A gentleman held in high regard by his peers and his many friends, judge Kerr is deserving of the honor of having the Federal building and U.S. Courthouse in Casper WY, named in his honor.

Mr. INHOFE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the Senate bill, S. 1889, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An act to designate the Federal Building and the United States Courthouse located at 111 South Wolcott Street in Casper, Wyoming, as the 'Ewing T. Kerr Fed-

eral Building and United States Courthouse'."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1889, the Senate bill just passed.

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

There was no objection.

CLARKSON S. FISHER FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2539) to designate the Federal building and the U.S. courthouse located at 402 East State Street in Trenton, NJ, as the "Clarkson S. Fisher Federal Building and United States Courthouse."

The Clerk read as follows:

H.R. 2539

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

SECTION 1. DESIGNATION.

The Federal Building and the United States Courthouse located at 402 East State Street in Trenton, New Jersey, shall be known and designated as the "Clarkson S. Fisher Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal Building and United States Courthouse referred to in section 1 shall be deemed to be a reference to the "Clarkson S. Fisher Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Oklahoma [Mr. INHOFE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time so I may consume.

Mr. Speaker, I am pleased today to rise in support of H.R. 2539. Clarkson S. Fisher was born on July 8, 1921, in Long Branch, NJ. Following graduation from St Benedict's Preparatory School in Newark, NJ, Clarkson Fisher attended the University of Notre Dame in Indiana. However, his studies were interrupted by his service in the U.S. Army during World War II in the Pacific theater. Following his honorable discharge he resumed his studies at Notre Dame, graduating from there in 1947, and from Seton Hall Law School in 1951.

In 1964, he was appointed a judge with the Monmouth County Court. In 1970, President Nixon appointed him to the U.S. District Court for New Jersey. In

1979, he became chief judge and served with distinction for eight and one-half years.

Judge Fisher is widely respected by, not only his colleagues but also by legal scholars. His professional demeanor and his involvement with community and civic organizations describe a man whose contributions extend beyond his extensive legal endeavors.

In tribute to a distinguished career and gentleman, I urge my colleagues to approve this legislation.

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

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

Mr. Speaker, H.R. 2539 designates the Federal building and U.S. courthouse located in Trenton, NJ, as the "Clarkson S. Fisher, Federal Building and United States Courthouse."

Judge Fisher has served the people of New Jersey with distinction since his first publicly held position in 1958 as a West Long Branch councilman. He also served one term in the New Jersey Assembly and served as a Monmouth County court judge from 1964 to 1966. In 1966, he was appointed to the New Jersey Superior Court and in 1970, he was appointed by President Richard M. Nixon to the U.S. District Court.

Throughout his career, Judge Fisher has been described as an extremely kind, even-tempered and gentlemanly person. He is an individual whose contributions reach beyond his legal career. Therefore, I am pleased to support H.R. 2539 and urge my colleagues to do the same.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I would like to take this opportunity to urge my colleagues to support my legislation, H.R. 2539, which, as has been said, designates the Federal building and U.S. courthouse located on East State Street in Trenton, NJ, as the new "Clarkson S. Fisher Federal Building and United States Courthouse."

Mr. Speaker, Judge Fisher has served with distinction. He has served with honor as the chief judge of the U.S. District Court for the District of New Jersey from 1979 until 1987. So many of his decisions, so many of them both during his tenure as chief judge and beforehand while serving as district judge, were looked upon by many in the legal profession with a tremendous amount of respect.

Mr. Speaker, my good friend, the gentleman from New Jersey [Mr. ROE], and my good friend, the gentleman from Oklahoma [Mr. INHOFE], have very adequately described his credentials, his background.

I just want to say that his devotion extended beyond his legal expertise to a very tightly knit family. He has been

married to the former May Hoffman since 1949, and they have four sons. He is also very active in his parish, St. Michael's Roman Catholic Church, in Long Branch, NJ.

□ 1350

Mr. Speaker, last month I received a letter of appreciation from Judge Fisher who now resides as a senior judge on the court in which he has served for 9 years as chief judge. In reading his letter, it became very clear to me that while Judge Fisher certainly did not ask for this honor to be bestowed upon him, did not in any way seek it, he was very grateful to his fellow Federal judges who advanced the idea to me.

I am hopeful that this designation will have quick approval so that the Trenton Federal Building and U.S. Courthouse can be appropriately named in honor of Judge Fisher.

Mr. Speaker, I would like to thank my two friends for their quick action on this bill.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I thank the chairman, the gentleman from New Jersey [Mr. ROE] for yielding this time to me.

Mr. Speaker, I also rise in support of this legislation designating the Federal building and courthouse located at 402 East State Street in the capital of New Jersey as the "Clarkson S. Fisher Building and U.S. Courthouse."

Mr. Speaker, this occasion is particularly special to me because I had the distinct honor of serving as an intern to Judge Fisher on the U.S. district court in Trenton in 1978 and 1979. The experience of serving a jurist of the caliber of Judge Fisher enhanced my career immensely.

I also take a certain added pride in noting that Judge Fisher is a native of Long Branch, NJ, which also happens to be my home town.

I should tell you that Judge Fisher is a Republican. He also happens to be ideologically very conservative, but that never stopped him when he was choosing interns or choosing law clerks to pick both Democrats and Republicans. In fact, I know of no one really who is as nonpartisan as Judge Fisher.

We also have a dinner every year honoring him by the clerks and interns who work for him, and it really is a great occasion for all of us to get together and joke with him. He has a tremendous Irish sense of humor.

Mr. Speaker, Judge Fisher is one of the most astute, able and honorable men to ever grace the Federal bench, in my opinion. For a young law student like myself, serving as his intern was an opportunity to observe his unique combination of legal reasoning and judicial fairness. It is because of men like Judge Fisher that to this day I re-

main confident in the honor of the men and women who serve on the Federal bench.

Judge Fisher has been a friend and mentor for many years. It is with great pride that I have an opportunity today to cast a vote in favor of naming the Federal building and courthouse in Trenton in his honor.

We should also know, Mr. Speaker and friends, that Judge Fisher was very instrumental in wanting to have the courthouse there. He really loved Trenton. At one time he was transferred to the Federal courthouse in Newark, and he always wanted to go back to Trenton because he figured that was his home. So this really is a fitting tribute in his honor.

Mr. HAMMERSCHMIDT. Mr. Speaker, H.R. 2539 designates the Federal building and U.S. courthouse, located at 402 East State Street in Trenton, NJ, as the "Clarkson S. Fisher Federal Building and United States Courthouse."

Clarkson S. Fisher was born on July 8, 1921, in Long Branch, NJ, where he lived until attending school in Newark, NJ. His college education at the University of Notre Dame was interrupted by World War II. Following his service in the U.S. Army, he completed his studies at Notre Dame and graduated from Notre Dame Law School in 1951. He was admitted to the New Jersey bar the same year. His first appointment to the bench occurred in 1964 as a judge for the Monmouth County Court. He was later appointed to the Superior Court of New Jersey in 1966.

President Nixon appointed him to the U.S. district court in 1970. From 1979 to 1987, Judge Fisher served as the chief judge for the district. In 1987 he took senior status.

In addition to being a distinguished and respected member of the court, Judge Fisher has served his community through various civic and church activities. It is most appropriate that we honor Judge Fisher in this way, and I urge my colleagues to support H.R. 2539.

Mr. SAVAGE. Mr. Speaker, I am pleased today to rise in support of H.R. 2539. This legislation is a just and fitting tribute to Clarkson S. Fisher, a man of distinction in both his legal career and private life.

Judge Fisher's career includes notable appointments in the New Jersey superior court and the U.S. district court. He is currently a senior judge on the U.S. court for the district of New Jersey. Judge Fisher deserves to be honored by having the Federal building and courthouse at 402 East State Street, Trenton, NJ, known as the "Clarkson S. Fisher Federal Building and United States Courthouse."

Mr. INHOFE. Mr. Speaker, I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 2539.

The question was taken; and—two-thirds having voted in favor thereof—

the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2539, the bill just passed.

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

There was no objection.

L. DOUGLAS ABRAM FEDERAL BUILDING

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3041) to designate the Federal building located at 1520 Market Street, St. Louis, MO, as the "L. Douglas Abram Federal Building".

The Clerk read as follows:

H.R. 3041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal building located at 1520 Market Street, St. Louis, Missouri, shall hereafter be known and designated as the "L. Douglas Abram Federal Building". Any reference to such building in any law, map, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the "L. Douglas Abram Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Oklahoma [Mr. INHOFE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

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

Mr. Speaker, I am pleased today to rise in support of H.R. 3041. This legislation would honor a brave and very courageous American: Federal Bureau of Investigation [FBI] Special Agent L. Douglas Abram.

Special Agent Abram would be honored by having the Federal building at 1520 Market Street in St. Louis, MO, being designated as the L. Douglas Abram Federal Building.

Special Agent Abram, a 14-year veteran of the FBI, was tragically killed in the line of duty on January 19, 1990. Abram was an outstanding credit to the FBI and the Nation.

He has earned a special place in this country's law enforcement history.

Special Agent Abram is survived by his mother Reva, his wife, Rebecca and his three children.

In tribute to Special Agent Abram's contributions to the FBI and this country, I urge my colleagues to approve this legislation.

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

Mr. Speaker, as has already been noted by the chairman, the gentleman from New Jersey [Mr. ROE], H.R. 3041 honors L. Douglas Abram, an FBI special agent who died as a result of gunshot wounds he received in the line of duty by naming a Federal building in St. Louis, MO, after him. This is a fitting tribute to a man who made the ultimate sacrifice while performing his duties as a law enforcement officer. I urge my colleagues to give this measure their support.

Mr. SAVAGE. Mr. Speaker, H.R. 3041, is a bill to designate a Federal building in St. Louis, MO, as the "L. Douglas Abram Federal Building."

Federal Bureau of Investigation [FBI] Special Agent L. Douglas Abram was a brave individual who lost his life in the line of duty in a shoot-out that occurred while he attempted to serve a search warrant on suspected felons on January 19, 1990. He was the first FBI agent killed in the line of duty in the St. Louis area.

He was born on April 10, 1942. He graduated from the University of Arkansas in 1968. Special Agent Abram joined the FBI in 1976, and served with the FBI until his death.

Special Agent Abram will be remembered as a courageous, dedicated law enforcement officer. He deserves to be honored by having this Federal building in St. Louis, MO, named in his memory. I urge my colleagues to pass this legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, H.R. 3041 designates the Federal building, located at 1520 Market Street in St. Louis, MO, as the "L. Douglas Abram Federal Building."

L. Douglas Abram was a special agent with the FBI who lost his life in the line of duty on January 19, 1990. Special Agent Abram was attempting to serve a search warrant when he was fatally shot. He is survived by his mother Reva Abram, his wife Rebecca, and three children.

Fortunately, it is not often that we lose FBI agents. Special Agent Abram was the first in the St. Louis office and only the 40th in the Nation to lose his life. However, when it does happen, it is a tragic loss not only for the family but also for the Nation, because we have lost an individual who has willingly put his life on the line to protect and serve the citizens of this country. Therefore, it is most appropriate that we recognize the heroism and dedication of this public servant.

I urge my colleagues to support H.R. 3041.

Mr. INHOFE. Mr. Speaker, I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 3041.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 3041, the bill just passed.

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

There was no objection.

MITCHELL H. COHEN U.S. COURTHOUSE

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2475) to designate the U.S. courthouse being constructed at 400 Cooper Street in Camden, NJ, as the "Mitchell H. Cohen United States Courthouse."

The Clerk read as follows:

H.R. 2475

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

SECTION 1. DESIGNATION.

The United States courthouse under construction at 400 Cooper Street in Camden, New Jersey, shall be known and designated as the "Mitchell H. Cohen United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "Mitchell H. Cohen United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Oklahoma [Mr. INHOFE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

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

Mr. Speaker, I am pleased today to rise in support of H.R. 2475. This bill would provide a special tribute to a distinguished jurist from my home State of New Jersey: Judge Mitchell H. Cohen. This legislation would honor Judge Cohen's over 50 years of public service by naming the U.S. courthouse being constructed at 400 Cooper Street in Camden, NJ, as the "Mitchell H. Cohen United States Courthouse." This is appropriate because Cohen made many important contributions to the State of New Jersey as a jurist.

A short review of some of his accomplishments reflects this. He served on the Camden City Municipal Court, the Camden County Court, and the Superior Court of New Jersey. Judge Cohen's judicial career culminated when President Kennedy appointed him to the U.S. District Court for the District of New Jersey. He later became the chief judge at this court. Subsequently, he assumed senior status. Judge Cohen's focus was not restricted to the law.

He had an avid interest in music and theater, and he helped his community by participating in various civic and charitable organizations.

Judge Cohen passed away in 1991. Unfortunately, he did not live to see this legislation enacted. I urge my colleagues to approve this legislation so a great American will be honored.

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

H.R. 2475 will designate the U.S. courthouse in Camden, NJ, as the "Mitchell H. Cohen United States Courthouse."

Mitchell Cohen began his public service career in 1936 as a city prosecutor for Camden. Later, he served as a judge in the Camden Municipal Court. In 1958, he began his service on the New Jersey County Court and in 1961 became a member of the New Jersey Superior Court. His appointment to the U.S. district court was made by President John F. Kennedy in 1962.

In addition to his judicial contributions, Judge Cohen also served the Camden community through his involvement in several civic and charitable organizations.

H.R. 2475 is a fitting tribute to Judge Cohen and I urge its adoption.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. ANDREWS].

□ 1400

Mr. ANDREWS of New Jersey. I thank the chairman, the gentleman from New Jersey, for yielding this time to me.

Mr. Speaker, I also thank the chairman of the subcommittee and the ranking member of the committee and all the members of the committee for their consideration of this bill.

Mr. Speaker, I would like to especially thank my colleague, our dean, the gentleman from New Jersey [Mr. ROE], chairman of the full committee, for his gracious cooperation.

Mr. Speaker, the chairman of our committee would have very much liked Judge Mitchell Cohen because just as the chairman of our committee, the dean of our delegation, has been a builder and trailblazer, so was Judge Cohen. As our dean has blazed trails for members of our delegation in areas of policy, politics and personal ethics, so did Judge Cohen. He was one of the builders of the legal community in the city and county of Camden.

When they look back, as young lawyers in the country do, at the giants of the profession, Judge Cohen certainly numbered among them. He set a tone of practice in the private practice of law where a person's word was always good, where a person's personal ethic was always enough to carry a transaction through, and where law was a profession, where the practice of law was a dignified profession and not sim-

ply another way of earning a living. He blazed a lot of trails for younger lawyers before he even took the bench.

When he took his seat on the Bench both in the State and the Federal levels, he served with great distinction. He was a person who was a judicious decision maker, he was kind to the lawyers who appeared before him, but he held the lawyers to high standards who appeared before him and demanded the best of them.

Mr. Speaker, he was a builder in our political community. It is worth noting that Judge Cohen was a Republican, but he was appointed by a Democratic President, President Kennedy. His commitment was to the law and not to any partisan political agenda.

Finally, he was a builder of a great family in our community, a family that contributed to the arts, to its religion, to charitable ventures, and not simply to itself.

As the family grew, so did the beneficence and contributions to the people of the greater Camden area.

So, it is with great pride and thanks to our chairman and all who played a role in this that I rise in support of H.R. 2475.

I thank my colleagues for their consideration and support.

Mr. HUGHES. Mr. Speaker, I rise today in support of H.R. 2475, legislation to designate the U.S. courthouse being constructed in Camden, NJ, as the "Mitchell H. Cohen United States Courthouse."

I had the pleasure of knowing Mitchell Cohen both personally and professionally for many years. Judge Cohen's record of public service, which spanned more than 50 years, is an inspiration to everyone involved in the practice of law. Mitchell Cohen was a lawyer's lawyer and an outstanding jurist.

After his admittance to the bar in 1930, Mitchell Cohen became the city prosecutor in Camden. In 1942, he served as a judge in the Camden Municipal Court, and he later served as a special deputy attorney general for New Jersey.

Judge Cohen went on to serve on the New Jersey County Court and the New Jersey Superior Court, before being appointed by President Kennedy to the U.S. District Court for the District of New Jersey in 1962. He became Chief Judge in 1973.

Mitchell Cohen left a long and distinguished legacy in the field of law and jurisprudence. He was a wonderful human being, and the decision to name the new courthouse in Camden after Mitchell Cohen is a fitting tribute to a great American.

Mr. HAMMERSCHMIDT. Mr. Speaker, H.R. 2475 designates the U.S. courthouse, being constructed at 400 Cooper Street in Camden, NJ, as the "Mitchell H. Cohen United States Courthouse."

Mitchell H. Cohen was born on September 11, 1904, in Philadelphia, PA. He attended

Temple University and Dickinson School of Law, graduating in 1928. A dedicated public servant for over 50 years, Mitchell Cohen was appointed to the U.S. District Court for New Jersey in 1962 by President John F. Kennedy. He became chief judge in 1973.

Until his death in January of this year, Judge Cohen served his community and profession with distinction. I urge my colleagues to honor Judge Cohen by supporting H.R. 2475.

Mr. SAVAGE. Mr. Speaker, I strongly support H.R. 2475, legislation to honor Judge Mitchell H. Cohen by naming the U.S. courthouse under construction in Camden, NJ, after him. Cohen was born in Philadelphia, PA. He graduated from college at Temple University and the Dickinson School of Law. His outstanding career of public service includes service as the city prosecutor for Camden, NJ, as a judge on the Camden County Court and on the New Jersey Superior Court. The most important step in his legal career was his appointment to the U.S. District Court for the District of New Jersey. He later rose to be chief judge of this Court, before taking senior status.

This individual, who contributed so much to his State and Nation is most deserving of being honored by naming this new U.S. courthouse after him. I urge you to join me in support of this legislation.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 2475.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. 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. 2475, the bill just passed.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SILVIO O. CONTE FEDERAL BUILDING

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2818) to designate the Federal building located at 78 Center Street in Pittsfield, MA, as the "Silvio O. Conte Federal Building," and for other purposes.

The Clerk read as follows:

H.R. 2818

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

SECTION 1. FINDINGS.

Congress finds that—

(1) Silvio O. Conte, during his 32 years in Congress, embodied the true spirit of public service;

(2) Mr. Conte dedicated his entire life toward helping those individuals less fortunate than himself; and

(3) Mr. Conte's presence in Congress will be sorely missed.

SEC. 2. DESIGNATION.

The Federal building located at 78 Center Street in Pittsfield, Massachusetts, is designated as the "Silvio O. Conte Federal Building".

SEC. 3. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the Silvio O. Conte Federal Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Oklahoma [Mr. INHOFE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

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

Mr. Speaker, I rise in support of H.R. 2818, legislation that would designate the Federal building located at 78 Center Street in Pittsfield, MA, as the "Silvio O. Conte Federal Building."

Silvio O. Conte had a very distinguished congressional career spanning 32 years. He wielded great power as the ranking Republican on the House Appropriations Committee. He also served on the Small Business Committee. Some of the many projects to which Conte contributed are the Patriot missile, the Polymer Research Center at the University of Massachusetts, and research funds for the Occupational Health and Safety Administration.

He will be best remembered for the special character traits that made him an outstanding representative for his constituents and won him bipartisan respect and friendship among his colleagues in Congress. Silvio Conte was a champion for education, a strong protector of our environment, and a man of humor and compassion.

Consequently, it is fitting and proper that this exceptional individual be honored by having the site of his primary district office for many years, the Federal building at 78 Center Street in Pittsfield, MA, named after him as the "Silvio O. Conte Federal Building." I urge your strong support for this bill.

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

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

Mr. Speaker, this bill not only honors a great American but also a distinguished former Member of this body. The "Silvio O. Conte Federal Building" is a fitting tribute to a dedicated public servant and one that is sorely missed around here. Selecting the building where his primary district of-

fice was located for his namesake is very appropriate given that for 33 years, Sil helped the people of the First District of Massachusetts from that location.

Sil Conte was one of the rare individuals in Congress who had no enemies. Everybody loved and still loves Sil Conte.

I support H.R. 2818 and urge my colleagues to do likewise.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 2818, legislation to designate the Federal building on Center Street in Pittsfield, MA as the "Silvio O. Conte Federal Building."

It has been a little over 1 year since the Congress lost an outstanding legislator and a great friend. Rarely has this Chamber lost someone with his lust for life and sense of humor. We miss him still.

Silvio Conte was a product of western Massachusetts, the land in which he was born and where he lived his entire life. Born and raised in Pittsfield, Sil Conte called that historic New England town his home. After distinguished service in the Seabees in the South Pacific during World War II, Sil returned to his home State to attend Boston College. He was first elected to the Massachusetts State Senate at the age of 29.

From that early age on, Sil worked hard to serve his constituency well, and continued when he joined the U.S. Congress in 1958. He was a dedicated legislator, devoted to caring for the poor, hungry, and the elderly.

I am pleased to support this measure. I believe that designating this Federal building in Sil's hometown would mean a great deal to him.

Mr. INHOFE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I thank the chairman, the gentleman from New Jersey [Mr. ROE] for yielding this time to me.

Mr. Speaker, I am here to strongly support H.R. 2818, the bill before us, which names the Federal building in Pittsfield, MA, for my predecessor, Silvio Conte.

There is really no truly fitting memorial to Silvio. He was so powerful, so colorful, so caring. His work touched so many people in Massachusetts and throughout this Nation. This bill will provide a small but important tribute.

The people of my district remember Silvio not as a legislator or a politician, but as a friend. Silvio cared deeply for those he represented, for their needs and problems.

This friendship was earned through his never-ending advocacy, and made

strong by all that he had in common with the land and people of western Massachusetts. Like our farmers and businessmen, Silvio had an independent spirit; like our factory workers and laborers, Silvio was hard working and determined; and like all of us who have walked the trails, driven the long and narrow roads, and climbed the mountains, Silvio loved the beauty of our land.

Silvio honored this friendship by fighting countless battles for all who asked for his help. And for those whose voices were often not loud enough to be heard all the way down here in Washington, Silvio would speak loudest on their behalf. The veterans, the poor, the elderly, the young, and the average taxpayer, all had a voice through Silvio—and he never forgot that they needed that voice more than the interest groups and big businesses.

Silvio knew that average taxpayers needed someone to fight waste and pork, and he often led the charge against unnecessary spending. He knew that the poor and elderly needed heat in the winter and he fought tirelessly for government assistance for home heating. Silvio knew that education in America was slowly deteriorating, and through his position on the Appropriations Committee, he always kept the student's needs in mind.

As I have come to know people that Silvio knew here in Washington, I have heard many of the same stories. But for all the fun he brought to his colleagues here with the singing and the poems, I know it was unequalled to the caring and compassion he brought to the people of western Massachusetts. And for that he deserves far more than his name on a building, but in a small way, today we will acknowledge the work of a great man.

□ 1410

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from New Jersey [Mr. ROE] for yielding this time to me.

Mr. Speaker, I was not going to speak on this. There are a million reasons why Silvio Conte deserves this recognition and the accolades that have been given him today. But on a lighter note, he was one of the most entertaining and nicest guys in the U.S. House of Representatives.

One little thing I remember was when I played on the baseball team against the Democrats. Silvio Conte was our coach, and he was so enthusiastic, and he had his cigar and was standing over on the base pads. I was on second base, and I took too big a leadoff, and Silvio started hollering at me in his own inimitable way, and everybody in the place heard him, and I looked at him, and it distracted me

from what I was doing there, and I got picked off second base, and it caused Congressman BONIOR to get three stitches in his leg because I spiked him going into second. So, there were some casualties because of that incident.

Mr. Speaker, I just wanted to say that I always enjoyed Silvio Conte, I think everybody did, and I think this is a great honor befitting him.

Mr. SAVAGE. Mr. Speaker, H.R. 2818 is legislation that would provide a special tribute to a great American by naming the Federal building in Pittsfield, MA, after Silvio O. Conte.

Silvio O. Conte was born in Pittsfield, Berkshire County, MA. He was the son of Italian immigrants. He studied at Boston College and then at Boston College Law School.

He then began his distinguished career. Congressman Conte served as a member of the Massachusetts State Senate, served as parliamentarian for two Republican State conventions, and was elected to the U.S. House of Representatives for the 86th Congress. He served in each succeeding Congress for 32 years.

Conte became the senior Republican member of the powerful House Appropriations Committee and also served on the Small Business Committee. A regent of the Smithsonian Institution, he was a strong supporter of its programs.

As a Congressman, Conte won great respect from his colleagues. He was known for his fine integrity and special commitment to the welfare of the elderly, sick, and poor.

The entire Massachusetts delegation supports this legislation. I urge you also to support this honor for Silvio O. Conte.

Mr. HAMMERSCHMIDT. Mr. Speaker, H.R. 2818 designates the Federal building, located at 78 Center Street in Pittsfield, MA, as the "Silvio O. Conte Federal Building."

This bill not only honors a great American, but also a distinguished former Member of the House. Unfortunately, time will not allow me to highlight all of Sil's accomplishments. However, I believe he will be best remembered for his vigorous and, at times, colorful work as the ranking Republican member on the Appropriations Committee.

In addition to Sil's wit on the floor, he was known for being a very snappy dresser. Frequently during floor consideration of appropriation bills, Sil would wear very colorful sport jackets which normally followed a nautical theme.

Without question, Sil's contribution to the House as an institution goes beyond his wit and choice of dress. He was an accomplished and dedicated legislator. The building which will be named for Sil was his primary district office for many years. It is fitting that it stand as one of many tributes to this great American.

I urge my colleagues to support H.R. 2818.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 2818.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

THEODORE ROOSEVELT FEDERAL BUILDING

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3118) to designate Federal Office Building No. 9 located at 1900 E Street, Northwest, in the District of Columbia, as the "Theodore Roosevelt Federal Building".

The Clerk read as follows:

H.R. 3118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Federal Office Building Number 9, which is occupied by the Office of Personnel Management and is located at 1900 E Street, Northwest, in Washington, D.C., is hereby designated as the "Theodore Roosevelt Federal Building". Any reference to such building in a law, rule, map, document, record, or other paper of the United States shall be considered to be a reference to the "Theodore Roosevelt Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Oklahoma [Mr. INHOFE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

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

Mr. Speaker, I am pleased today to rise in support of H.R. 3118. This legislation would designate Federal Office Building No. 9 located at 1900 E Street, Northwest in Washington, DC, as the "Theodore Roosevelt Federal Building." This building is occupied by the Office of Personnel Management which requested the legislation in honor of the 100th anniversary of President Roosevelt's tenure as Civil Service Commissioner.

Although President Roosevelt is a towering figure in American history for other, more well-known aspects of his career, such as his successful role in foreign relations and his work as a naturalist, he made major contributions to creating our modern civil service and its basis on merit, not favoritism.

While Commissioner, Roosevelt added many more positions to the competitive service, the type and scope of the written tests were improved, a method of rating work experience was adopted, and unified civil service rules were adopted. To these improvements, as Commissioner, Roosevelt added his invaluable enthusiasm and energy and influence.

As President, Roosevelt continued to improve the civil service system by strengthening its commitment to merit principles and to being a professional agency.

For his many contributions to our civil service system, it is a fitting tribute to honor President Roosevelt by passing this legislation to name this Federal building after him. I urge my colleagues to approve this bill.

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

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

H.R. 3118 designates the Federal Office Building No. 9 located at 1900 E Street, Northwest, in the District of Columbia, as the "Theodore Roosevelt Federal Building." The primary tenant in FOB 9 is the Office of Personnel Management.

As we all remember from history, President Roosevelt served as the Civil Service Commissioner from 1889 to 1895. It was during his tenure at the Civil Service Commission, that much of the groundwork for the modern merit system was established. Following his election to the Presidency in 1901, he continued his efforts to professionalize the civil service by encouraging stability and stronger merit principles to civil service.

As we commemorate the 100th anniversary of President Roosevelt's period of service as a Civil Service Commissioner, it is fitting that we name FOB 9 after him.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, as the principal sponsor of H.R. 3118, I want to commend the gentleman from New Jersey [Mr. ROE] and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] the distinguished ranking Republican on the Public Works and Transportation Committee, for their cooperation in bringing this bill to the floor. Subcommittee Chairman SAVAGE and JIM INHOFE, the ranking minority member on the Public Buildings and Grounds Subcommittee, also played major roles in expediting action on H.R. 3118.

This bill designates Federal Office Building No. 9, at 1900 E Street, Northwest, in the District of Columbia, as the "Theodore Roosevelt Federal Building." The building is headquarters for the Office of Personnel Management which administers the modern civil service merit system.

To me, it is fitting and appropriate that the one person who served the

United States both as a Civil Service Commissioner and President should be honored with his name on the office building which houses the personnel responsible for directing merit system operations.

H.R. 3118 also will commemorate the 100th anniversary of President Roosevelt's service as a Civil Service Commissioner from 1889 to 1895. Under his aggressive leadership, much of the groundwork for the present merit system was put into place. Significant numbers of positions were brought into the competitive service. In addition, the type and scope of written tests improved, and unified civil service rules replaced the separate ones which had been in place in each agency.

As a vigorous and enthusiastic Civil Service Commissioner, Theodore Roosevelt brought high visibility to our service. As Commissioner and President, Theodore Roosevelt was instrumental in promoting, expanding, and sustaining the civil service merit system.

Mr. Speaker, this is noncontroversial legislation worthy of overwhelming bipartisan support.

Mr. SAVAGE. Mr. Speaker, H.R. 3118 would honor a great American, Theodore Roosevelt, by naming a Federal building in the District of Columbia after him. Theodore Roosevelt was born in New York, NY. He attended numerous colleges and universities including Harvard, Columbia, where he earned his degree, and Oxford.

His remarkable public service career included service as president of the New York Police Board, Assistant Secretary of the Navy, and Governor of New York.

Theodore Roosevelt brought great success to his job as Commissioner of the civil service. He dramatically reformed the service by increasing the number of positions subject to competition, providing unified civil service rules, making the service more professional, and basing the service more on merit.

He did not stop his interest in the civil service when he no longer was the Commissioner. Instead, as President he continued to make valuable contributions that improved the civil service.

President Roosevelt is the only individual who has served as Civil Service Commissioner and as President of the United States, so it is altogether appropriate to commemorate his reform of the civil service by naming Federal Building No. 9, located at 1900 E Street, Northwest, where the Office of Personnel Management is located, as the "Theodore Roosevelt Federal Building." I strongly support passage of this legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, H.R. 3118 designates Federal Office Building No. 9, located at 1900 E Street, Northwest, in the District of Columbia, as the "Theodore Roosevelt Federal Building."

Prior to serving as President, Theodore Roosevelt served as the Civil Service Commissioner from 1889 to 1895. It is in this capacity as Civil Service Commissioner that we honor him today. During his tenure with the Civil Service Commission, Roosevelt laid

much of the groundwork for the modern merit system. His desire to elevate and professionalize the civil servant continued during his Presidency.

As we commemorate the 100th anniversary of President Roosevelt's period of service as a Civil Service Commissioner, it is fitting that we name the Federal office building, which houses the Office of Personnel Management, after him.

I urge my colleagues to support H.R. 3118.

Mr. INHOFE. Mr. Speaker, I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 3118.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

GEORGE C. YOUNG U.S. COURTHOUSE AND FEDERAL BUILDING

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3818) to designate the building located at 80 North Hughey Avenue in Orlando, FL, as the "George C. Young United States Courthouse and Federal Building."

The Clerk read as follows:

H.R. 3818

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

SECTION 1. DESIGNATION.

The building located at 80 North Hughey Avenue in Orlando, Florida, is designated as the "George C. Young United States Courthouse and Federal Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the "George C. Young United States Courthouse and Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Oklahoma [Mr. INHOFE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

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

Mr. Speaker, H.R. 3818 is a bill to designate the building located at 80 North Hughey Avenue, Orlando, FL, as the "George C. Young United States Courthouse and Federal Building."

George C. Young, born August 4, 1916, in Cincinnati, OH, moved to Daytona Beach, FL, at a very early age. He received his AB and LLB degrees with honors from the University of Florida.

During World War II, George Young served as lieutenant in the U.S. Navy in the Caribbean and Philippine theaters.

After the war, he practiced law in Jacksonville, FL. In addition, he served as the president of the Jacksonville Bar Association, and as a member of the board of governors of the Florida Bar.

In 1961, President Kennedy appointed Young as a U.S. district judge for the middle district of Florida. He has been a resident Federal judge in Orlando since 1964, and served there as chief judge from 1971 to 1981. In 1981 he assumed senior judge status.

For the past 30 years, George Young has served the judiciary with distinction. During his career he has made thoughtful, meaningful contributions to the judicial system. This bill today is a tribute to his outstanding career.

□ 1420

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

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

Mr. Speaker, H.R. 3818 designates the building located in Orlando, FL, as the "George C. Young United States Courthouse and Federal Building."

George C. Young served as the resident Federal judge in Orlando, FL, from 1964 to 1971 at which time he became the chief judge for the Orlando district. He took senior status in 1981 and still maintains an active docket in his court. Throughout his judicial career, the judge has had a reputation for fairness and evenhandedness among the members of the Central Florida Bar.

I am in full support of this bill and urge my colleagues to support it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman very much for yielding this time to me.

Mr. Speaker, I feel it a special privilege to come before the House today to speak on behalf of my bill, H.R. 3818, to designate the George C. Young U.S. Courthouse and Federal Building.

If the measure of a man can, at least in part, be taken by how much he has given to his community, then certainly Judge Young can be said to stand tall in central Florida. After graduating from the University of Florida, serving in the Navy during and shortly after

World War II and a distinguished career in private law practice, Judge Young was appointed by President Kennedy in 1961 as a U.S. district judge from the middle district of Florida which runs from Fort Myers through Tampa and Orlando and all the way to Jacksonville.

In 1964, Judge Young became the resident Federal judge in Orlando, serving for a time as the only Federal judge for the district and taking on an enormous caseload while earning a reputation for fairness and evenhandedness among the members of the central Florida bar. This was during a period of incredible growth for the Orlando area and the pressures on Judge Young were very great. In 1971, he became the chief judge for the Orlando district, and in 1984 took on senior judge status, a position that he holds to this day and that any of you who are familiar with the Federal court system know entails long hours and a large caseload. Altogether, George C. Young has served the people of the middle district of Florida as a Federal judge for more than 30 years.

In addition, Judge Young has served as a member of the board of governors of the Florida Bar, and as a trustee of the University of Florida Law Center Association. These, and a variety of other activities, have been the hallmark of a career of dedicated civil service and commitment to the community in which he has lived for nearly 75 years.

Further, I would like to add, as a personal note, that I have had the pleasure of working with Judge Young and have the high privilege of calling him a friend. I can assure you, Mr. Speaker, that Judge Young's résumé hardly does justice to his character, his integrity, his intelligence, and to his sense of service and loyalty to his country. The people of Orlando, the people of central Florida, and indeed, the people of Florida as a whole cannot begin to know, as I have come to know, how much they have benefited from Judge Young's service and experience on the bench and contributions to his community.

That is why, Mr. Speaker, I introduced H.R. 3818. I do not believe that there can be any higher tribute to Judge Young, no greater expression of gratitude from his community, than to have his name placed on a building that will house the work to which Judge Young has dedicated so much of his life. Indeed, I cannot imagine anything that would please Judge Young more than to have a courthouse in his community bear his name, so committed has he been to seeing to it that justice is done for the people of central Florida.

I therefore ask that my colleagues vote to approve H.R. 3818, so that the people of central Florida may be able to present to Judge Young a fitting tribute to his hard work and dedication.

Mr. HAMMERSCHMIDT. Mr. Speaker, H.R. 3818 designates the building, located at 80 North Hughey Avenue in Orlando, FL, as the "George C. Young United States Courthouse and Federal Building."

George C. Young was born on August 4, 1916 in Cincinnati, OH. He and his family later moved to Daytona Beach, FL, where he lived until attending Rollins College in Winter Park, FL. Following his freshman year at Rollins College, Young transferred to the University of Florida where he graduated with a law degree in 1940.

In 1941, Young enlisted in the U.S. Navy and served until 1945. Following his discharge, he practiced law in Florida until his appointment to the bench in 1961 by President John F. Kennedy. He served as chief judge from 1971 to 1981, taking senior status in 1981.

Throughout his legal career, Judge Young has been known for his fairness and consistency. As a tribute to his outstanding legal career, it is fitting and proper to honor Judge Young in this way. I urge my colleagues to support H.R. 3818.

Mr. SAVAGE. Mr. Speaker, I rise today in support of H.R. 3818. This legislation will designate the building at 80 North Hughey Avenue in Orlando, FL, as the "George C. Young United States Courthouse and Federal Building."

Throughout a distinguished career on the bench Judge Young has enjoyed a reputation for fairness, consistency, and excellence. Judge Young has the distinction of being an outstanding public servant, learned jurist, and civic leader.

It is fitting and proper that Judge Young be honored with the designation of the courthouse and Federal building in Orlando, FL, as the "George C. Young Courthouse and Federal Building."

Mr. INHOFE. Mr. Speaker, I thank the gentleman from Florida [Mr. McCOLLUM] for his very personal and fitting remarks, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 3818.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2321, as amended.

The Clerk read the title of the bill.

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that any votes on unfinished business be postponed until tomorrow.

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

There was no objection.

□ 1430

UNITED STATES-CHINA ACT OF 1991—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-197)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2212, the "United States-China Act of 1991," which places additional conditions on renewal of China's most-favored-nation (MFN) trade status.

The sponsors of H.R. 2212 believe they can promote broad economic and foreign policy objectives in China by placing conditions on the renewal of China's MFN status. They expect that the Chinese will improve respect for human rights, cooperate in arms control, and drop barriers to trade, given a choice between losing MFN and addressing these concerns.

Let me state at the outset that my Administration shares the goals and objectives of H.R. 2212. Upholding the sanctity of human rights, controlling the spread of weapons of mass destruction, and free and fair trade are issues of vital concern. My objection lies strictly with the methods proposed to achieve these aims.

There is no doubt in my mind that if we present China's leaders with an ultimatum on MFN, the result will be weakened ties to the West and further repression. The end result will not be progress on human rights, arms control, or trade. Anyone familiar with recent Chinese history can attest that the most brutal and protracted periods of repression took place precisely when China turned inward, against the world.

Recent agreements by the Chinese to protect U.S. intellectual property rights, to abide by the Missile Technology Control Regime Guidelines, to accede to the Nuclear Non-Proliferation Treaty by April, and to discuss our human rights concerns—after years of stonewalling—are the clear achievements of my Administration's policy of comprehensive engagement.

We have the policy tools at hand to deal with our concerns effectively and with realistic chances for success. The Administration's comprehensive policy of engagement on several separate fronts invites China's leadership to act responsibly without leaving any doubts about the consequences of Chinese misdeeds. Our approach is one of targeting specific areas of concern with the appropriate policy instruments to produce the required results. H.R. 2212 would severely handicap U.S. business in China, penalizing American workers and eliminating jobs in this country. Conditional MFN status would severely damage the Western-oriented, modernizing elements in China, weaken Hong Kong, and strengthen opposition to democracy and economic reform.

We are making a difference in China by remaining engaged. Because the Congress has attached conditions to China's MFN renewal that will jeopardize this policy, I am returning H.R. 2212 to the House of Representatives without my approval. Such action is needed to protect the economic and foreign policy interests of the United States.

GEORGE BUSH.

THE WHITE HOUSE, March 2, 1992.

The SPEAKER pro tempore (Mr. MAZZOLI). The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that further consideration of the veto message on the bill, H.R. 2212, be postponed until Wednesday, March 11, 1992.

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

There was no objection.

UNITED STATES SHOULD HELP DEFUSE CONFLICT IN AZERBAIJAN

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

Mr. MOODY. Mr. Speaker, today's New York Times, and Washington Times, and Friday's Washington Post, which I am inserting into the RECORD, carry horrifying eyewitness accounts of the massacre and mutilation of scores, perhaps hundreds, of defenseless Azerbaijani villagers by Armenian forces in the Ngorno-Karabagh enclave in Azerbaijan.

I visited Azerbaijan and Ngorno-Karabagh, probably the only Member of Congress to do so, to learn first hand what U.S. interests are and should be in that troubled, explosive area of the Caucasus.

First, our interests lie in stopping the killings so that peaceful solutions can be found. This powder keg situation could ignite a serious conflict, costing thousands of lives and destabilizing the fragile condition of the

Commonwealth of Independent States—the former Soviet Union. We have a national interest in peace and economic growth in the region.

Second, the United States—and the rest of the West—are in direct competition with Iran for influence in the mostly Muslim and Turkic-speaking former Republics of the Soviet Union. The modern, progressive, and democratic leaders in those Republics look to us and to the Republic of Turkey for leadership.

If we default on our special ability and good offices to defuse the current escalating violence, or worse, side with Armenia simply because they are Christians and the Azeris are Muslim, we will handed Iran a great propaganda victory.

Our democratic and humanitarian traditions, and our future stake in the region, requires even handed United States engagement, not blind sanctions against the frequently victimized Azeris, as some of our colleagues advocate.

[From the New York Times, Mar. 3, 1992]

MASSACRE BY ARMENIANS BEING REPORTED
AGDAM, AZERBAIJAN, March 2 (Reuters)—The last of the former Soviet troops in the Caucasus enclave of Nagorno-Karabakh began pulling out today as fresh evidence emerged of a massacre of civilians by Armenian militants.

The Itar-Tass press agency said the 366th Motorized Infantry Regiment had started its withdrawal, in effect removing the last frail buffer separating the region's two warring ethnic groups, Armenians and Azerbaijanis.

The two sides made no attempt to interfere, it added.

Nagorno-Karabakh is within the republic of Azerbaijan, but most of its population is Armenian.

SHELLING OF TOWN REPORTED

The Azerbaijani press agency Azerinform reported fresh Armenian missile fire on the Azerbaijani-populated town of Shusha in Nagorno-Karabakh on Sunday night. It said several people had been wounded in another attack, on the settlement of Venjali, early today.

The republic of Armenia reiterated denials that its militants had killed 1,000 people in the Azerbaijani-populated town of Khojaly last week and had massacred men, women and children fleeing the carnage across snow-covered mountain passes.

But dozens of bodies scattered over the area lent credence to Azerbaijani reports of a massacre.

Azerbaijani officials and journalists who flew briefly to the region by helicopter brought back three dead children with the backs of their heads blown off. They said shooting by Armenians had prevented them from retrieving more bodies.

"Women and children had been scalped," said Assad Faradzev, an aide to Nagorno-Karabakh's Azerbaijani Governor. "When we began to pick up bodies, they began firing at us."

The Azerbaijani militia chief in Agdam, Rashid Mamedov, said: "The bodies are lying there like flocks of sheep. Even the fascists did nothing like this."

TWO TRUCKS FILLED WITH BODIES

Near Agdam on the outskirts of Nagorno-Karabakh, a Reuters photographer,

Frédérique Lengaigne, said she had seen two trucks filled with Azerbaijani bodies.

"In the first one I counted 35, and it looked as though there were almost as many in the second," she said. "Some had their heads cut off, and many had been burned. They were all men, and a few had been wearing khaki uniforms."

Ethnic violence and economic crisis threaten to tear apart the Commonwealth of Independent States, created by 11 former Soviet republics in December. The commonwealth has been powerless in the face of the ethnic hatred rekindled in the age-old dispute between Christian Armenia and Muslim Azerbaijan, which are members.

Four years of fighting in Nagorno-Karabakh have killed 1,500 to 2,000 people. The last week's fighting has been the most savage yet.

The 366th Regiment, based in Stepanakert, the capital of Nagorno-Karabakh, has been caught at the center of fighting in which at least three of its soldiers were killed late last month.

Speaking to his Parliament in Yerevan, the Armenian capital, President Levon Ter-Petrosyan criticized the withdrawal from the enclave of the commonwealth's last troops.

"This regiment, though not involved in military operations, was a stabilizing factor," Mr. Ter-Petrosyan said.

[From the Washington Post, Feb. 28, 1992]

NAGORNO-KARABAKH VICTIMS BURIED IN AZERBAIJANI TOWN—REFUGEES CLAIM HUNDREDS DIED IN ARMENIAN ATTACK

(By Thomas Goltz)

AGDAM, AZERBAIJAN, February 27.—Officials of the main mosque in this town just east of the embattled enclave of Nagorno-Karabakh said they buried 27 bodies today, brought from an Azerbaijani town inside the enclave that was captured Wednesday by Armenian militiamen.

Refugees fleeing the fighting in Khojaly, a town of 6,000 northeast of the enclave's capital, Stepanakert, claimed that up to 500 people, including women and children, were killed in the attack. No independent estimate of deaths was available here. The Agdam mosque's director, Said Sadikov Muan, said refugees from Khojaly had registered the names of 477 victims with his mosque since Wednesday.

Officials in Baku, the capital of Azerbaijan, estimated the deaths in Khojaly at 100, while Armenian officials in their capital, Yerevan, said only two Azerbaijanis were killed in the attack. An official from Baku said here that his government fears Azerbaijanis would turn against it if they knew how many had been killed.

Of seven bodies seen here today, two were children and three were women, one shot through the chest at what appeared to be close range. Another 120 refugees being treated at Agdam's hospital include many with multiple stab wounds.

The Armenians who attacked Khojaly Tuesday night "were shooting, shooting, shooting," said Raisa Aslanova, who reached Agdam Wednesday night. She said her husband and a son-in-law were killed and her daughter was missing.

Armenian officials in Yerevan said Azerbaijani soldiers, backed by tanks and several helicopters, launched an attack this morning on Askeran, an Armenian-populated town just inside Nagorno-Karabakh on the road between Khojaly and Agdam.

A cease-fire negotiated Wednesday night by visiting Iranian Foreign Minister Ali Akbar Velayati never took effect. Velayati

called off a planned visit today to Nagorno-Karabakh and headed instead for Yerevan.

More than 1,000 persons have been killed in four years of fighting touched off by Armenian demands that predominantly Armenian Nagorno-Karabakh, an enclave surrounded and controlled by Azerbaijan, should become part of Armenia.

Among the refugees who fled here over the mountains from Nagorno-Karabakh were two Turkmen soldiers from former Soviet Interior Ministry forces who had taken refuge in Khojaly after deserting from their unit last Friday because, they said, Armenian non-commissioned officers had beaten them "for being Muslims."

The two deserters claimed their former unit, the 366th Division, was supporting the Armenian militiamen who captured Khojaly. They said they tried to help women and children escape. "We were bringing a group through the mountains when the Armenians found us and opened fire," said Agamehmet Mutif, one of the deserters. "Twelve were killed."

[From the Washington Times, March 3, 1992]

ATROCITY REPORTS HORRIFY AZERBAIJAN
(By Brian Killen)

AGDAM, AZERBAIJAN.—Dozens of bodies lay scattered around the killing fields of Nagorno-Karabakh yesterday, evidence of the worst massacre in four years of fighting over the disputed territory.

Azeri officials who returned from the scene to this town about nine miles away brought back three dead children, the backs of their heads blown off.

At the local mosque, six other bodies lay stretched out, fully clothed, with their limbs frozen in the positions in which they were killed. Their faces were black from the cold. "Telman!" screamed one woman, beating her breast furiously over the body of her dead father, who lay on his back with his stiff right arm jutting into the air.

Those who returned from a brief visit by helicopter to Khojaly, captured by the Armenians last week, said they had seen similar sights—only more. One Russian journalist said he had counted about 30 bodies within a radius of 50 yards from where the helicopter landed.

Armenia has denied atrocities or mass killings of Azeris after its well-armed irregulars captured Khojaly, the second-biggest Azeri town in Nagorno-Karabakh, last Wednesday. Azerbaijan says 1,000 people were killed.

"Women and children had been scalped," said Assad Faradzhev, an aide to Karabakh's Azeri governor.

Mr. Faradzhev said the helicopter, bearing Red Cross markings and escorted by two MI-24 helicopters of the former Soviet army, succeeded in picking up only the three children before Armenian militants opened fire. "When we began to pick up bodies, they started firing at us," he said.

Mr. Faradzhev said they were on the ground for only 15 minutes.

"The combat helicopters fired red flares to signal that Armenians were approaching and it was time to leave. I was ready to blow myself up if we were captured," he said pointing to a grenade in his coat pocket.

Reuters photographer Frederique Lengaigne saw two trucks full of Azeri corpses near Agdam.

"In the first one, I counted 35, and it looked as though there were almost as many in the second. Some had their heads cut off and many had been burned. They were all men, and a few had been wearing khaki uniforms," she said.

In Agdam's mosque, the dead bodies lay on mattresses under a naked light bulb. People screamed insults at Azerbaijan's president, Ayaz Mutalibov, saying he had not done enough to protect Karabakh's Azeri population.

Hundreds of people crowded outside chanting Islamic prayers. Some wept uncontrollably and collapsed near their dead relatives, brought to the town by truck only minutes earlier.

Chilling film of dozens of stiffened corpses scattered over a snowy hillside backed accounts of the slaughter of women and children sobbed out by refugees who made it safely out of the disputed Caucasus enclave.

Azerbaijani television showed pictures of one truckload of bodies brought to the Azeri town of Agdam, some with their faces apparently scratched with knives or their eyes gouged out. One little girl had her arms stretched out as if crying for help.

"The bodies are lying there like flocks of sheep. Even the fascists did nothing like this," said Agdam militia commander Rashid Mamedov, referring to the Nazi invaders in World War II.

"Give us help to bring back the bodies and show people what happened," Karabakh Gov. Musa Mamedov pleaded by telephone to the Soviet army base in Gyandzha, Azerbaijan's second-largest city.

A helicopter pilot who took cameramen and Western correspondents over the area reported seeing some corpses lying around Khojaly and dozens more near the Askeran Gap, a mountain pass only a few miles from Agdam.

INTRODUCTION OF LEGISLATION
TO AMEND BANKRUPTCY CODE
WITH REGARD TO OIL AND GAS
BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Speaker, today I am introducing legislation to amend the Bankruptcy Code to cure a problem which is arising far too often in the oil and gas business.

Farmout agreements are a traditional and standard practice in the oil business and are essential to financing the drilling of productive wells. Very simply, an owner of mineral rights may seek to transfer a portion of his interest in the wells to those who assist in developing the lease. Thus, a driller may transfer a portion of the oil and gas interest to an engineer or geologist in payment for services provided in sinking the well.

Under current application of the provisions of the Bankruptcy Code, such farmout agreements are not recognized as having transferred these interests from the estate of the developer, and consequently can be trapped in a bankruptcy proceeding should financial problems ensue. The effect of this action is to inhibit necessary drilling and development of oil and gas wells throughout the country. That is surely not the way to cut down on this country's growing dependence on foreign oil.

The legislation I am sponsoring today is a narrow and specific response to this critical problem. It would simply amend section 541(b) of the Bankruptcy Code by clarifying that farmout agreements in which interests are transferred in conjunction with the develop-

ment of an oil and gas lease are not included in the debtor's estate in a subsequent bankruptcy proceeding. This straightforward amendment will go a long way to foster the continued development of our Nation's rich oil and gas resources.

I urge all Members to join in this effort.

GOVERNMENT OVERREGULATION
HURTING AMERICAN CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. INHOFE] is recognized for 5 minutes.

Mr. INHOFE. Mr. Speaker, all too often we in this Chamber want to enact regulations to regulate the lives of people who could do it a lot better on their own.

I take no responsibility for the passage of the OSHA legislation, the Occupational Safety and Health Administration, or the EPA (the Environmental Protection Agency). In these pieces of legislation we have created more problems for the frail businesses in America than we have solutions.

It has been very frustrating to me to find as a Member of Congress that I spend better than 50 percent of my time helping people fight the bureaucracy that we set up in the first place to help individuals.

I have many times in talking to business groups, chambers of commerce throughout America, held up the manual that is used in the field by the OSHA inspectors and said that I can take this manual and shut down any business in existence in this room. They have taken me to task many times and I have been able to do that, because we have given to unelected bureaucracies the power of life and death over many of the businesses and industries throughout America.

We are particularly concerned about this right now because this is a time when we have a frail economy, not just in my State of Oklahoma, but throughout America. Here we are in Congress trying to do things and pass laws that are going to correct that situation.

Mr. Speaker, I had a call just a few days before this past Christmas from a young man named Keith Carter in Skiatook, OK. I recognize most of my colleagues do not know where Skiatook is. It is in the northern part of my district, a very small community.

Keith Carter developed a spray several years ago that you spray on horses. I do not know what it does, but obviously it is something you have a market for. He called me up right before Christmas and said the EPA had come in and put him out of business. Keith Carter had six employees. Those employees were planning for a very happy Christmas at that time, until they got the notice that their jobs would be terminated.

I asked him why he was put out of business. He said:

It is because they claim in Washington in the EPA office that I failed to notify them when I moved my office 5 years ago within the same State. I did not give the proper notice.

I asked him if they had no knowledge that he had moved. He said:

Oh, yes, on a regular basis I have been communicating and sending my reports to the EPA, but I have been sending them to the regional office in Dallas, TX.

So here we had a bureaucracy that closed down a business a week or so before Christmas that employed six people because supposedly 5 years before they failed to give proper notice of changing the address of the business.

We checked into it and found in fact that is what had happened. He had been in communication with the district office or another regional office in Dallas, but not the Washington office.

We finally got that corrected after numerous conference telephone calls. Shortly after that he called me back and said:

Congressman Inhofe, I have got another problem. I appreciate what you have done for me, but now I have another problem.

I said:

What is that?

He said:

Well, since they shut me down and reinstated me, they gave me a different registration number.

And since we have a different registration number now, I can't use the 55,000 bottles that I had already silk-screened because they have the wrong registration number on it.

□ 1440

After a while we were able to correct that. Those bottles incidentally cost him 50 cents apiece. That is over \$25,000 worth of inventory he had to destroy as a result of that one bureaucracy making a mistake.

If he had not called me, of course he would be out of business today.

I bring this up at this time because there is a bill that has been introduced that is H.R. 3642, that would start treating drugs or the FDA treating drugs or food as if they were drugs. The FDA would be in a position to recall products, to embargo products, to issue subpoenas, and to assess civil penalties against individuals.

I can only say that what this country does not need is another Gestapo bureaucracy like the EPA and OSHA. And we do not want that to happen to the FDA.

I urge my colleagues to oppose this and any other legislation that gives unelected bureaucrats the power of life and death over Americans and American business.

CHEAP HANDGUNS KILL, TOO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Florida. Mr. Speaker, while Congress has been concentrating on the Brady bill and legislation to control assault weapons, cheap, short-barreled, concealable, inaccurate handguns continue to be used in senseless killing after senseless killing.

In an excellent February 28 report on the comings and goings of George Jennings, the head of the first family of the "Saturday Night Special," Wall Street Journal reporter Alix M. Freedman adds more information to the volumes that justify legislation to ban cheap, easily concealable handguns.

Three companies control the cheap handgun industry. Three brands—the Raven .25, the Jennings .22, and the Davis .380—dominate this deadly market.

As Ms. Freedman wrote:

The three companies that make the Raven, Jennings and Davis guns are all owned by members of the Jennings family. Every year, they churn out some 400,000 cheaply made Saturday Night Specials. While high-power weapons like the Tec 9, the AK-47 and the Mac 10 dominate the headlines in fleeting moments of mass murder, the Jennings family's small-caliber pistols are far more lethal by dint of their sheer numbers, rock-bottom prices and easy availability.

BEGINNER'S WEAPON

Selling for as little as \$35, versus \$600 for higher-quality weapons, these are the starter guns for the fearful, the criminal and, increasingly, the very young. To a startling degree, they also figure disproportionately in robberies and murders, piling up an alarming toll of casualties and an unending litany of violence.

A five-month investigation by this newspaper followed these handguns from the factory to the middleman and ultimately to the street. The picture that emerges is of a volatile family empire that built itself on the mundane details of low-cost manufacturing and high-volume distribution and thrives on the advantages of government protectionism and de facto oligopoly. In many ways, this is such a typical business that it's easy to lose sight of the product's main feature: It kills.

After discussing the internal machinations within the oligopoly that dominates this part of the business, the article notes:

For years the family companies operated as a friendly and informal cartel. But more recently, riven by internal feuds, they have begun invading one another's turf with new guns and cutthroat pricing. They also are expanding into higher-power weapons, 9-millimeter pistols that will sell in huge volumes at some of the lowest prices on the market.

MOUNTING TOLL

One likely result: a further escalation of the carnage and killing on the nation's meanest streets. The family's pistols sell in all sorts of neighborhoods throughout the U.S., but they exact their highest tolls in urban centers. "We have a fire burning, and these companies are throwing gasoline on it," says Josh Sugarman of the Violence Policy Center, which studies violence prevention. "These people know what the inner-city gun buyer wants."

The Jennings interests offer no apology. Dave Brazeau, general manager of Raven Arms, says that, for those customers who use the pistols illegally, "if it wasn't a gun, it would just be something else—a rock, a bow and arrow or a baseball bat."

But it isn't a rock or a bat that kids on the street prefer these days. Recently, in a graf-

fiti-stained stairwell at the Martin Luther King housing project in Harlem, a pudgy boy with a baseball cap shoved down over his round, smooth face embarked on a mission of revenge. A few days earlier someone had slapped his girlfriend. Now he was here to buy a gun—a Davis .380, which is deceptively powerful and easy to conceal in his pants pocket.

He hands \$70 in crumpled cash to a lanky, 16-year-old dealer and grabs a brown paper bag, heavy with the weight of black metal. "I got to go do something," the pudgy youth says. He spins on his heels, bolts down the stairs and is gone.

"He's gonna shoot someone who smacked his girl," the teen-age dealer says. It is business as usual. In just a year the dealer, who calls himself Jerry and peddles only the Jennings family lines, says he has made \$4,000 selling 50 small-caliber handguns—including seven to students at West Side High School, where he is an 11th-grader.

"Here where I live, every young kid has a .22 or a .25," Jerry says. "It's like their first Pampers."

The guns that leave the family's factories are first bought by wholesalers, who in turn sell the weapons to gun stores and pawnshops for legitimate trade. Often, though, the pistols are bought in bulk at retail by illegal dealers—particularly in states where gun laws are lax—and smuggled by bus or train to urban centers for resale on the street.

Clearly, the criminals who use the guns are the ultimate abusers in this market. But the thriving trade has nonetheless redounded to the benefit of the Jennings family, helping its guns snap up market share and gain cachet with the young, turning some neighborhoods into virtual free-fire zones. For example:

In December, police say, 15-year-old Mack Moton used a Raven to rob and murder three cocaine dealers in Brooklyn, N.Y., shooting each once in the temple. Mack, who awaits trial, says an accomplice pulled the trigger. Less than three years before, the boy used a .25-caliber to kill a man who had stabbed his grandfather.

In Long Beach, Calif., 14-year-old Danny Jones stands outside a pawnshop and tells how he was just suspended from school after a Jennings .22 was found in his locker. Among his pals, Ravens and Jenningses "with pearly handles" are hot.

On Jan. 21, 15-year-old Rasheen Smith stood on a rooftop of a New York housing project and allegedly aimed his Raven .25 at a cop and fired, hitting him in the ankle. "Damn! I wanted to bust him in the cabbage," Rasheen said, according to bystanders. Rasheen is awaiting trial. "In this neighborhood, they distribute guns like food stamps," says the wounded officer in an interview at the hospital.

In 1990, in the Bronx section of New York, a five-year-old carried a Raven to kindergarten in his pocket. It was loaded.

For years, gun control opponents have argued that "Saturday Night Specials" are not a criminal problem. But information obtained by the Wall Street Journal indicates otherwise.

The annual combined sales of Raven, Jennings and Davis may barely hit \$20 million, a fraction of the size of the nation's No. 1 gun maker, Smith & Wesson Co. Yet the trio accounted for 22 percent of all handguns produced in 1990 in the U.S. and an even higher proportion of handguns used in crime. In the past two years the U.S. Bureau of Alcohol, Tobacco and Firearms has traced some 24,000

handguns sold after 1986 and used in murders and other offenses. The family's three brands accounted for about 27 percent of those traces, compared to roughly 11 percent for the much larger Smith & Wesson. Among the top 10 brands traced, Davis ranked first, Raven second and Jennings sixth.

In Houston last year, police seized almost 1,000 guns used in crimes, and the Raven .25, the Davis .380 and the Davis .32 were the top three guns. In Cleveland, police took in more than 2,000 handguns, and 154 of them were Ravens, making it the No. 2 brand.

Paradoxically, the ubiquitous Raven and the Jennings gun dynasty were born of a federal law meant to curb small-caliber weapons. After the assassinating of Robert F. Kennedy and Martin Luther King, Congress passed the Gun Control Act of 1968. The measure sought to reduce the availability of Saturday Night Specials, which then were largely imports, by cutting imports in half. Instead, it encouraged U.S. makers to jump into the market.

So, these guns are being produced because of a loophole in the 1968 Gun Control Act that encouraged the domestic manufacturing of handguns that Congress barred from entering this country.

Fortunately, a vehicle to close this loophole is before us: H.R. 1770, the Handgun Violence Prevention Act. My bill makes it unlawful to manufacture, assemble, transfer, or acquire any handgun that cannot be imported into this country.

One reason my bill is needed is the simple fact that "Saturday Night Specials" are inherently unsafe. The article notes:

All three of the firms, whose low-tech plants are located in nondescript industrial parks scattered outside Los Angeles, use the same spartan approach. Low costs and high production are key. For the big U.S. handgun merchants like Smith & Wesson and Sturm, Ruger, producing guns is a labor-intensive process that yields small quantities, one reason their average price is \$600 a gun. Constructing just one Colt .45 requires about half an hour. It takes a mere three minutes to completely assemble a Raven, rivals of the company say.

"You can't become any more efficient than us," says Bruce Jennings.

Raven Arms, Jennings and Davis Industries use many of the same suppliers, and often the internal parts of their guns are similar. Unlike standard guns, which use stainless steel, the Raven and its offshoots are made from cheap materials, notably die-cast zinc alloy. Molds form the Raven's key components, the frame and slide. And because the gun is virtually complete when it comes out of those molds, Raven need employ only 20 or so workers.

The zinc alloy used by all three has a low melting point—it begins to distort at 700 degrees Fahrenheit, compared with 2,400 degrees for the stainless steel in quality guns, says a competitor who also uses the alloy. As a result, the Jennings family's wares typically won't withstand much use compared with better-quality guns.

While Davis, Jennings and Raven all have minimal safety devices that block the trigger from being pulled the pistols don't have other features, such as firing-pin blocks, that help prevent accidental discharge and that often appear on high-quality guns. Lance Martini, a firearms consultant who owns the Accuracy Gun Shop in San Diego, says he once took a tour of the Raven plant with George Jennings, who he says told him

the only reason Raven takes the extra step of rifling the barrel on its pistols—a process that stabilizes the bullet path for accuracy—is to avoid federal restrictions on the sale of unrifled handguns.

Officials at the Bureau of Alcohol, Tobacco and Firearms say the Raven .25 fails the "drop test" and can discharge if it is loaded and dropped to the floor. But that isn't a violation of any law, since, under the Gun Control Act of 1968, the test applies only to imported revolvers, not U.S.-made pistols. In fact, there are no safety requirements for U.S.-made guns, giving them the status of one of the least-regulated hazardous products in America.

Let me reiterate that last statement: There are no safety requirements for U.S.-made guns. Imported handguns must pass the criteria established in 1968. Under H.R. 1770, domestically produced handguns that do not meet the import criteria could not be manufactured in the United States.

The article continues:

"On these guns," says Edward Owen, chief of the bureau's technology branch, "they don't do any more to them than they have to to make them work." The family has faced little legal fallout from product liability cases; it has vigorously fought those actions brought against it.

Despite periodic calls for gun control, actual restrictions are few, and are at the state level. Only a few states ban sales of models made by the Jennings companies. Maryland determined the Jennings .22 and .25 were "unreliable as to safety"; it also banned the family's other brands because of insufficient data. Furthermore, South Carolina and Illinois say the three brands can't be sold there because their zinc-alloy frames melt at less than 800 degrees.

Many gun store owners have decided on their own not to sell the cheap pistols, saying the quality is too poor, replacement parts are too hard to get and the dollar profit per gun is too small. In Los Angeles, at Turner's Hunting and Fishing, clerk Donald Bush nods toward the \$79.99 Jennings .22 and says the store discourages sales of the pocket-pistols. "They tend to jam," he says. "We try to move people up to better quality and higher stopping power. This is a last-defense gun."

Rivals estimate that, all told, the Raven costs \$13 to make but sells to wholesalers for \$29.75—an enviable 100%-plus gross margin. The margins are estimated to be even better for Jennings and Davis, which sell at higher prices. Bruce Jennings won't comment on the estimates but says that when overhead and other costs are added, "all of a sudden the \$12 to \$13 gun is up to \$30 to \$35.

That is what you call cheap death.

Because of "family squabbles," other companies have been formed to build even more "Saturday Night Specials." Their purpose: sell more handguns for less. As Ms. Freedman wrote:

The internecine combat started when a nephew of George Jennings formed Sundance Industries in 1989 and began selling a clone of the Raven .25. The same year, Jim Waldorf, a buddy of Bruce's when they were in high school, started up Lorcin Engineering Co. in Mira Loma, Calif., setting his sights on Raven, too. Lorcin's plant manager: John Davis.

Sundance turns out only small volumes, but Lorcin is a bigger threat. It has brought uncharacteristic marketing flair to an indus-

try that remains all but untouched by Madison Avenue. While Raven and Jennings avoid advertising, Lorcin heavily touts its .25-caliber pistol as "the world's most affordable handgun." It has introduced eye-catching innovations like neon-pink grips and camouflage guns.

It has also aggressively targeted the pawnshop trade. At a Cash America pawnshop, located across the street from the J.C. Napier housing project in Nashville, manager David Buck says he does a brisk business in Lorcin's. Pointing to a display of the guns, priced at \$45 each, he says simply: "They're low-dollar guns for poor folks."

Lorcin's sales have soared, apparently clipping Raven's wings. Raven's production, which peaked at about 15,000 pistols a month a few years ago, according to government statistics, later fell to about 8,000 a month, Mr. Waldorf estimates. Today, Lorcin begins shipping its new .380 pistol and is expected to introduce a .22-caliber in July. "The Jennings family has controlled the market for 20 years," declares Mr. Waldorf. "They're ripe to get picked."

In the face of their first serious competition in 20 years, the relatives that used to play—and price—together are bent on taking aim at one another.

Jim Davis is soon expected to introduce a .22 that will compete head-on with Bruce Jennings's best-seller. Bruce has just cut prices by 14% on his .380 to match the Davis price. Even George Jennings, who hasn't introduced a new product in two decades, considered coming in with a .22 that would have nudged up against his son's turf.

"This end of the market is collapsing," says a distressed Bruce Jennings. "We're just going to have a bunch of unprofitable companies."

"Now," says Lorcin's Mr. Waldorf, "it's a no-holds-barred free-for all." A simple truth motivates this flurry of activity, he says. "There are more poor people than rich people.

Cheap is synonymous with volume."

I now want to include two items that show the top pistol makers in the United States and the top crime handguns:

Top pistol makers

[Ranked by share of total pistol production in 1990 of 1.36 million units]

	Percent
Smith & Wesson	16.6
Sturm, Ruger	15.4
Davis	10.5
Jennings/Bryco	1.05
Beretta	9.2
Raven	8.7
Colt	6.9
Firearms Imp. & Exp	2.4
Arms Technology	2.3
Lorcin	2.2

Source: Bureau of Alcohol, Tobacco, and Firearms.

Top crime handguns

[Leading handguns used in crimes 1990-91. Data are based on completed traces of handguns sold after 1986]

Davis	2,676
Raven	2,671
Smith & Wesson	2,523
Taurus	1,717
Sturm, Ruger	1,199
Jennings/Bryco	1,164
Intratec	1,158
SWD	894
Beretta	879
Glock	860

Source: Bureau of Alcohol, Tobacco, and Firearms.

Finally, Mr. President, I encourage my colleagues to obtain a copy of the entire article

and to read it in full. I hope that they will come to the same conclusion that I reached years ago.

Twenty-four years ago, Congress recognized that certain imported handguns served no legitimate purpose and enacted legislation that permitted the banning of these firearms. Even the Bush administration recognized that certain imported assault weapons served no legitimate purpose. If we recognize the unsuitability of imported handguns and imported assault weapons, it is time that we recognize the unsuitability of domestically produced counterparts.

My bill covers unsuitable domestically produced handguns. I urge my colleagues to take a look at H.R. 1770 and to cosponsor this important legislation.

TRANSIT TEMPORARY MATCHING FUND WAIVER ACT OF 1992

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

Mrs. COLLINS of Michigan. Mr. Speaker, today I am introducing the Transit Temporary Matching Fund Waiver Act of 1992. This legislation compliments the Intermodal Surface Transportation Efficiency Act of 1991, which was signed into law by President Bush in December 1991 Public Law 102-240.

Public Law 102-204 provides for an 80 percent Federal share for all major programs while States are required to match the projects with 20 percent. In order to stimulate the economy, provide jobs for Americans, and assist those many States that are financially strapped, the bill permits States to temporarily waive the match for highway projects.

This provision is commendable and indeed necessary for those States that cannot immediately meet their 20 percent match for highway projects. However, the law inadvertently omits to give waivers for the mass transit category of projects included in the legislation.

Mass transportation is the cornerstone for rebuilding our cities. It provides alternatives and options for people who live and work in cities. The decay of our urban infrastructure makes many residents prisoners of their own community.

My bill simply puts equity into the law by giving jurisdictions with mass transit projects the same options afforded to highway projects. If this option is not allowed, jurisdictions that cannot meet the match for mass transit projects will have to return the Federal funds. This would be a travesty.

Please join me in giving Americans an option and provide an even more efficient movement of people in the communities as well as give them access to jobs outside of major cities.

STRENGTHENING THE ECONOMY AND PROVIDING OPPORTUNITIES FOR AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I appreciate the opportunity to discuss just briefly some of the things that we have been talking about here for a good long time and talking about them because they need to be talked about. And that of course is the area of strengthening the economy, of providing more jobs, of providing a stronger opportunity for people in this country to work and be gainfully employed in good jobs.

So that is the problem that we have talked about here for some time and with great intensity for the last several months, and I suspect we will continue to do so in the future. We will continue to do so because I think the real basic problem is a long-term problem, not a short-term jump start, although we would like to have that, too.

I suspect the problem involves more a matter of having a reduction in productivity in this country over a period of about 15 years, and that has been the case. We have for various reasons had a reduction in productivity. So it will take some time to recover that. I think there are two or three really long-term basic issues that we need to deal with.

One of them has to do with investments. Unfortunately, this country has had one of the lowest investments of any industrialized country in terms of savings. The savings has not been good. And certainly the Federal Government has not been a good example in terms of savings for financial responsibility. It takes increased savings because it takes more and more dollars to invest in a good job, thousands of dollars to provide one.

The second, of course, is an educational background so that we have an educated workforce that can in fact operate in the hightechnology industrial area that we need to compete.

And third, of course, an increase in our R&D, our research and development, to keep us as leaders in the world. These are the problems that we deal with. I have been disappointed, frankly, in the Congress, in that we seem to have dealt with a reaction to a poor economy or to a recession and to sort of have safety nets strung out all over the place instead of dealing with the real issue and that is providing jobs.

The best safety net, of course, is a job. There is need to have temporary safety nets, but the long-term problem requires that we have jobs.

□ 1450

I think we ought to be looking for solutions, not discussing issues. People in America want leaders in politics to

have solutions, and that is what we ought to be talking about.

We have long been recognized, of course, as the most powerful country in the world. We still are. We need to continue to be in that position. Our people are the most successful. We have had the highest standard of living. We have had more things for more people and more personal freedom than any other country in the world.

One of the greatest shows of evidence of that is that practically all the world is changing from a centralized, controlled economy to a market economy such as ours, changing from totalitarian governments to democracies such as ours. We ought to be very proud, I think, of that, that we have in over 200 years developed a system that nearly everyone else in the world is beginning to follow.

So what do we do? It seems to me that we need to take a look at the elements that have allowed us to be the strongest nation in the world, the elements that have allowed us in 200 years to have more things for more people with more personal freedom at the same time. I think there are a number of things. Let me just talk about a couple of them.

One of them, I believe, is our vision of government in terms of how it applies to the private sector. It seems to me that less government is better than more. It seems to me the role of government is to provide an environment in which the private sector can prosper. The private sector, after all, is the only place where we can develop wealth, where we can develop long-term jobs and have enough of an engine to drive an economic apparatus so we then have the resources to do the social and cultural things we want to do.

Our Government, on the other hand, has gotten increasingly large and made it increasingly difficult, in my opinion, for the private sector to function. We have overregulation, we have overtaxation, and we have made it very difficult, particularly, for small businesses to prosper.

In my State of Wyoming, by far the largest employers in the aggregate are small businesses that employ less than 15. These are the kinds of businesses that we need to talk about, that we need to provide an environment in which they can prosper, not make it more and more difficult for them to do that. But we do not talk about that very much. We talk about additional regulations, and we talk about additional costs that we will have to shoulder in the private sector, when in fact we ought to be saying to ourselves, "What is our vision of government? What is it that we think government ought to do?"

I appreciate very much the opportunity to talk about that one segment of our economy.

CUSTOMS AUDIT OF HONDA

The SPEAKER pro tempore (Mr. BACHUS). Under a previous order of the House, the gentleman from Texas [Mr. PICKLE] is recognized for 5 minutes.

Mr. PICKLE. Mr. Speaker, October 16, 1991, the Subcommittee on Oversight of the Committee on Ways and Means examined the U.S. Customs Service audit of Honda. Honda had imported thousands of Honda Civics from Canada—during a 15-month period in 1989 and early 1990—without paying \$1 in duty. Honda claimed that the Civics imported from Canada were duty free under the United States-Canada Free Trade Agreement because more than 50 percent of the Civics' components originated in either Canada or the United States. Customs did not agree with this position and challenged Honda. The Honda audit is very important because it is the first Customs audit under the FTA.

Part of the dispute between Customs and Honda involves, for example, the Civics' engine assembly. Honda purchased engine parts from hundreds of foreign and domestic sources. They also manufactured some of the parts themselves and then assembled the engines at their plant in Ohio. The engines were then shipped to Canada where they are installed in Honda Civics, which were then imported to the United States. Honda claimed that the engine was of U.S. origin. Customs took the position that it was not, because the engine was made up of mostly foreign parts.

The Customs audit went along fine until the press reported the leak of a confidential internal Customs memorandum indicating that the audit was complete and Honda owed the U.S. Treasury \$17 million in duties. At the subcommittee's hearing, Customs and Treasury stated that the audit was not complete; that the media reports were inaccurate; and, in fact, the international document signed by the Customs Commissioner was wrong.

What is going on here? The public and Congress wonder.

Months passed while Treasury and Customs sorted out their position, and Honda hired everyone in town to make sure that if Treasury came out in their favor, Treasury was smart; if Treasury came out against Honda, then Treasury was wrong and ignoring congressional intent. Of course, now that Customs has come out against Honda, Honda says that this whole process has been politically motivated.

Yesterday, Customs announced the results of its audit of Honda. According to Customs, the Honda Civics did not qualify for duty-free treatment under the free trade agreement.

I commend the hard work done by the Customs and Treasury officials involved in this audit and the timeliness of their effort. Who knows how many more transplanted automobile manu-

facturers—or other manufacturers—are cheating on the duty they owe the United States?

Unfortunately, Customs' war with Honda is not over yet. By just looking at the number of people who have called, written, or personally met with me, committee members, and staff, I know Customs has a hard road ahead of them. Between the amount of attorney and lobbyist fees Honda has paid to date and their plan to drag this process out in the courts for years, I bet Honda will end up spending close to another \$17 million.

I think that we all realize that the \$17 million isn't the issue to Honda: It's that they end up with a good public relations spin on the case. I think they should stop the squawking and pay what they owe.

Two years ago, the Subcommittee on Oversight investigated tax noncompliance by foreign-owned/U.S. subsidiaries in the automobile and electronics industries. We did not find a pretty picture there either. The Internal Revenue Service [IRS] was badly outmanned and outgunned. Most of the foreign-owned corporations that we looked at paid little or no taxes. We managed to enact legislation that year amending section 482 of the Tax Code to give IRS a few more weapons to fight with. However, much more needs to be done.

The same issue is raised by the Honda case. How can we expect to compete with foreign producers if we let them import and sell their products in the United States without paying their fair share of duties and taxes?

Our committee will do everything within our power to ensure that our trade and tax laws are enforced to their fullest and that foreign-owned U.S. corporations do pay their fair share. The United States doesn't need to be a patsy any longer.

PRESIDENT'S VETO OF LEGISLATION IMPOSING CONDITIONS ON MOST-FAVORED-NATION STATUS FOR PEOPLE'S REPUBLIC OF CHINA

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

Mr. SKAGGS. Mr. Speaker, I am concerned and wish to address the House this afternoon with respect to the President's veto yesterday of H.R. 2212, legislation with respect to the objectives which the People's Republic of China must meet in order to qualify for nondiscrimination treatment under the trade laws of the United States. I disagree with the President's veto, strongly oppose the sentiment that informed that veto, and urge my colleagues in the House, when we have the opportunity next week, to vote to override that veto.

We take pride in this body in being representatives of the people of the United States, representatives that are probably in closer touch with the beliefs and feelings of the people of this country than any other entity in this capital. After the despicable and tragic events of June 3, 1989, known as the Tiananmen Square massacre, I was honored to participate with many other Members of this body in a march, I think unprecedented, from the Capitol of the United States to the Embassy of the People's Republic of China to protest what had occurred in Beijing a few days earlier. In 3 months we will mark the third anniversary of that tragedy, and I do not believe that the depth of feeling that moved us to make that march almost 3 years ago is any lessened across this land.

We have always had a kind of unique tension in this country between our ideals and the practicalities of government, especially in the areas of foreign policy, and that is certainly true in this instance as well, ideals reflecting ideas, the ideas of freedom and democracy and respect for individual rights that are the foundation of our form of government.

What do we learn from the last few years of the dramatic developments that have taken place around the world? I believe that they should have taught us of the power of the ideas and the ideals that this democracy of ours has stood for for more than 200 years, the revolutions in the countries of Eastern Europe that have so wonderfully transformed what used to be the appendage of the old Soviet Union into a new and wonderfully varied mix of new democracies and new, free economies; the vote in Nicaragua to embrace again a free political and economic system, and most remarkably of all, the changes that have occurred in the old Soviet Union as the constituent republics there have asserted a new mandate for freedom and democracy and open economics.

□ 1505

Those are remarkable developments in their own right. I think they are all the more remarkable, because the people in those countries over and over and over again have pointed to the inspiration that they have derived from the United States of America, from the founding documents of this country, our Declaration of Independence and our Constitution, as beacons that they looked to to inspire reform and change in their countries.

Now, we are called upon by the President of the United States in the context of our relationship, our trade relationship, with the People's Republic of China to be practical, not to give vent and form to those ideals that we hold so dear in this country, not to clamp down even prospectively on the awful human-rights practices and the im-

moral trade practices of the People's Republic, because it would be, according to the administration, counterproductive to our ends of liberalization and reform in the long haul. I think not.

I am caused to recall an incident that occurred in the spring of 1977 when I was traveling through the old Eastern Europe and was in Prague, Czechoslovakia, and I was approached one afternoon, and I was there as a tourist, I was approached one afternoon by a greying distinguished-looking gentleman, well dressed, if a little shabbily, who initially asked me if I wanted to exchange some money. I had the good judgment to decline that offer, which was more dangerous in those days, but we then became engaged briefly in conversation about his country and his concerns about his country.

That, as you may recall, was a time when President Carter had imposed very strict human-rights policies on United States international affairs, ones that were directed in part at the regime in Czechoslovakia.

This man spoke almost flawless English, was clearly well educated, and also clearly suffering in the current circumstances in Czechoslovakia. I asked him, "What do you think the United States should do under these circumstances? Should we pursue this policy of strict human-rights requirements in our relationship with your country even though, in doing so, it will cause suffering for your people, perhaps yourself, and have results that we can only hope may occur in the longer term?" And he paused for a moment. We were standing in the great open square near Wenceslas, and he said, "I would suggest to you that you recall your Presidents Washington and Jefferson, and especially your President Lincoln," and he proceeded to quote to me, a Czech citizen who I stumbled upon in downtown Prague, proceeded to quote to me the words of Lincoln's Gettysburg address, and he finished by saying, "Your country must, above all, stand true to your principles and your ideals. That is what will move the other peoples of the world to continue to look to the United States for inspiration, for moral support, for the wherewithal to continue their struggle," in regimes such as the one that then existed in Czechoslovakia to achieve freedom and democracy for themselves.

So I got a very clear and, I think, instructive message from that individual about the importance of this country remaining true to its own principles even when, as was the case then in Czechoslovakia, it would carry some short-term discomfort for the citizens of the country involved.

That is much the same situation that we also faced in dealing with sanctions against South Africa which have resulted now in enormous change in that regime. We hope that will continue.

It is argued in these circumstances that we ought to defer to the President's wisdom, especially in this aspect of policy that has serious foreign policy implications, but the problem is that I simply do not discern wisdom in the President's position and his rationale in this case.

Let us examine what this legislation that he has vetoed is about. What were the problems that we were trying to address? What are the remedies that this legislation uses to try to make the situation in China better?

It has been clear on the occasion of Tiananmen almost 3 years ago and subsequently that the current regime in China is fundamentally disrespectful of the rights of its citizens, fundamentally unconcerned with the conventions of human decency in the dealings of that government with its own people. Since the Tiananmen crackdown there have been secret trials of those that participated in the human rights demonstrations of that time resulting in the sentencing of many Chinese, in some cases, to years in prison and not to mention the executions that occurred after the Tiananmen Square massacre itself.

Living conditions that these individuals are suffering through in China are reported to be absolutely awful and degrading. There are also credible reports that the Chinese regime exploits prisoners to produce goods for export that are coming into this country.

I just came from hearings involving the head of the Customs Service of the United States who confirmed again the difficulty that we are having in excluding what we believe to be prison labor manufactured goods from being imported into the United States, notwithstanding that it is in violation of our law.

Chinese leaders since Tiananmen have continued to suppress free expression and the exercise of any kind of civil rights. They have continued to sell missiles and other armaments to countries in the Middle East and South Asia, and to quote from the committee report, if I may, Mr. Speaker, "The purpose of H.R. 2212 is to get at this whole complexion of behaviors and misdeeds by the current regime in the People's Republic of China," and it is, and I quote, "To send a strong message to the hard-line leaders of China that this behavior toward their own people and certain of their actions on the international front will not be tolerated by the United States."

The particular points in this legislation that has been vetoed by the President would require, in order for most-favored-nation status to be continued, an accounting by the Chinese Government of the citizens detained, accused, or sentenced as a result of their non-violent expression of political beliefs during the events of 1989 and the release of citizens imprisoned for that

conduct. It would require the Chinese Government to adhere to the joint declaration with respect to the future status and devolution of Hong Kong in 1997. It would require the Chinese Government to refrain from supporting or administering coercive abortions or involuntary sterilization. It would require that that Government not assist nonnuclear states in acquiring nuclear explosive capability, and to refrain from contributing to the proliferation of missile technology particularly in the Middle East and South Asia. It would require that Government to take steps to prevent prison-labor exports and to permit international inspection of places of detention to ensure against that practice.

□ 1515

And it would require the Chinese Government to moderate its position with respect to Taiwanese participation in GATT.

In addition, this legislation requires that China make significant progress in dealing with its human rights behavior, both in China proper and in Tibet.

The bill calls for progress in these areas, preventing gross violations of internationally recognized human rights, ending religious persecution, removing restrictions on freedom of the press and access to Voice of America broadcasts, terminating harassment of Chinese citizens resident in the United States, insuring access of international human rights monitoring organizations, insuring freedom from torture, and terminating bans on peaceful assembly and demonstration. That is what this legislation is about. It is eminently reasonable, clearly consistent with the best interests of the United States, particularly in light of the changes that have occurred around the world and the reasons that so many of the repressive regimes that we for so long have seen in our adversaries have now changed their forms of government, their forms of economics and have every reason now to be treated as our friends.

I would be absolutely baffling and dismaying if at the time that we commemorate the third anniversary of the Tiananmen Square massacre that we stand by as this country nearly ignores what the Chinese Government has been doing over these last several years and willy-nilly extends most-favored-nation trade status for another year.

I pray that Congress will act appropriately and decisively to override the President's veto. We must stand firmly with the Chinese people in behalf of the ideals and interests that we share with them, namely, economic and political freedom and reform.

It is really hard to fathom how we could seriously consider action on China trade that so glibly ignores that Government's human rights record and so casually forfeits the influence that

we can bring to bear on behalf of reform.

Does anyone really believe that we gain effective leverage in these circumstances by being kinder and gentler?

A regime that so callously represses its own people with executions and prison is unlikely to respond intelligently to that kind of finesse.

Why should Americans care? First, for the last several years it has been demonstrated, as I have mentioned already, that it is important for us in this country to make common cause with reform movements around the world that promise more access for their people to their governmental institutions and success in reforming closed societies into open ones.

Second, we must act unequivocally to show the Chinese Government that we do not tolerate this kind of cynical policy of destabilizing the Third World with its sales of advanced weapons.

Finally, the American people do not want to play the fool by acquiescing in China's blatant violation of law in exploiting prison labor to make export goods or in pirating the intellectual property covered by United States patents and copyrights. Resorting to tactics like that, it is not surprising that the People's Republic has built up a trade surplus with the United States approaching \$15 billion a year.

I do not know who the President believes he is kidding. I hope it is not this House. I hope that we will act next week to override the President's veto.

Mr. Speaker, I am pleased at this time to yield to my colleague, the gentleman from the great State of Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman very much for yielding to me.

Most often, Mr. Speaker, when we come to this floor we take some delight in being able to say to fellow Members that we take pleasure in responding to them and with them on an issue, but I am sure the distinguished gentleman from Colorado would agree that we take no pleasure at all today in the subject matter we have to address. On the contrary, what we find is an opportunity, yes, but an opportunity to discuss an issue which should have been laid to rest sometime ago, which should have stood as a beacon, if you will, and a measure of what this country stands for.

I am always interested to see the sound bites which occasionally crop up on television in which the President states with a great deal of vigor, at least verbal vigor, "This will not stand" with respect to human rights, with respect to a country invading another country, with respect to international law and provisions that need to be made by freedom-loving people on behalf of those who are oppressed and suffering injustice.

In this particular instance, we have an ironic phrase at best in the context within which we are discussing this issue about China, most favored nation. Most favored nation, indeed. One would think that most favored nation would refer at a minimum to a shared set of principles, not only in trade, but in relations with one another. We do not find that to be the case, Mr. Speaker, in this instance. The horrifying sight of armed troops slaughtering hundreds of peaceful students in Tiananmen Square was a turning point in Sino-American relations.

No American who witnessed the televised massacre can be comfortable with a China policy that fails to register our outrage clearly and meaningfully. With scenes of the dead and dying being brought into our living rooms, it is no longer possible to do business as usual with the tyrants responsible for the massacre.

This does not seem to have occurred to the President. I find it extraordinary and astounding that he can be so blind to this particular issue and that he can be so casual in his references to his ability to work diplomacy.

I assure you, Mr. Speaker, that I will outline what has taken place since the passage of this bill from the House to indicate the further deterioration and disrespect not only for the Presidency of the United States, but for the people of this country and those values that we espouse; yet business as usual is precisely the course taken by President Bush. With a proprietary air toward United States-China policy, the President has vetoed legislation that places conditions on the extension of most-favored-nation trade status to China. Most-favored-nation status grants a foreign nation the privilege of exporting its products to the United States on terms as generous as those accorded to any other nation. Just think of that.

These are not abstractions, Mr. Speaker. We are talking about the literal lives and deaths, literal quality of life of vast numbers of people, into the millions, and we are saying that we equate the trade policies of that country with those of our own as being founded, as resting upon those values similar to our own. Those trade privileges as accorded to any other nation, and if I can make an analogy, as to driving an automobile, this favored nation status is not a right. You are not entitled to have it as a matter of course. It is not a diplomatic nicety that is accorded to anyone who happens to enter the room. Like any other privilege, it is subject to conditions, to suspensions and to revocation.

I think it is especially important that we understand this. The Chinese Government is not entitled to a most-favored-nation trade status. It is something that has to be earned. It is something that has to be acknowledged as

being reciprocal, mutually beneficial, and it is subject to conditions. It is subject to suspension and it is subject to revocation.

The strongest argument to be made against most-favored-nation condition is that the foreign trade brings economic development that benefits the people of China, that it provides leverage for the United States to persuade the Chinese Government to liberalize its policy and that it creates social and economic conditions which strengthen that democracy and the democratic movement within China.

□ 1525

On the surface these arguments sound reasonable. But they rest on the assumption that Chinese export goods are produced in much the same way as other nations' products.

I want to go over that very briefly again. The President maintains that foreign trade brings economic development that benefits the people of China, that it liberalizes its policies with respect to political dissidence within China, that it creates social and economic conditions which strengthen the democracy movement.

Information uncovered by Asia Watch last year revealed in painful detail that China's export drive is fueled by slave labor performed by prisoners, many of them pro-democracy activists and Tibetan patriots in Chinese gulag prisons.

May I say parenthetically, Mr. Speaker, that I attended the rally this past Saturday, in freezing weather conditions, across from the White House, as Tibetans and supporters of Tibetan freedom gathered from all over the Nation to make clear our commitment to the freedom, the territorial freedom under the Universal Declaration of Human Rights in the United Nations, make clear our support for that declaration and the resolution on human rights that is now before the world.

The invasion of Tibet is a perfect example of what happens when the Chinese Government understands that, with impunity, it can ignore the minimal conditions that are set for most-favored-nation trade status.

Since the House overwhelmingly supported the conference report, H.R. 2212, last November, the Chinese Government has undertaken the following actions. I want to point out, Mr. Speaker, this has taken place within the time that the President could have utilized for diplomatic negotiations. They have stepped up persecution of religious believers; they have further imprisoned pro-democracy activists; they have sold \$250 million in missiles and dangerous nuclear technology to Middle Eastern countries, including Iran.

Although China has periodically agreed to stop such sales, it has not done so, and, Mr. Speaker, I maintain it will not do so so long as it under-

stands that President Bush will do nothing to stop it, will do nothing to stop the trade status. There is no reason for them to live up to their word. Our trade deficit has nearly tripled, reaching \$13 billion in 1991.

Chinese democracy leaders have told me explicitly that most-favored-nation status is by far the most effective means of bringing American influence to bear on human rights issues. If we can deny this trade status, it denies to the Chinese Government the capacity to say to its own people that it has world approval.

I also had the honor of meeting the Dalai Lama, the spiritual leader of Tibet's people. He made it clear that the Chinese government wants most-favored-nation status very badly and that it is the strongest lever in our hands to secure progress in the area of human rights.

Mr. Speaker, international trade can be a powerful tool for peace, prosperity, and mutual understanding. Where it serves those purposes, it should be encouraged and fostered; where it serves to strengthen the hands of tyrants, it should be curbed.

On every factual ground of factual history that has taken place since this House passed our resolution, Mr. Speaker, there is failure on the part of the administration to be able to carry through in any meaningful way on what it says it could do with most-favored-nation status as the basis for its diplomatic negotiations. There is one way and one way only that we can get this message through to the Chinese Government, and that is for us to overwhelmingly defeat the President's veto.

If there is anything that we can do to show that the United States is indeed serious about human rights and serious about our own domestic proposals with respect to trade, with respect to jobs, with respect to those conditions which will provide for a prosperous economy not only for ourselves but with our trading partners throughout the world, it is to see to it that this Presidential veto is overridden.

Mr. Speaker, I again thank the gentleman for yielding.

Mr. SKAGGS. I thank and congratulate the gentleman from Hawaii [Mr. ABERCROMBIE] for his fine remarks and his insight into the challenges that faces us in overriding the veto.

Mr. Speaker, no Member of this body has been a finer leader, nor more resolute in insisting that we do the right and proper thing in this circumstance than the gentlewoman from California [Ms. PELOSI]. This is her bill. All of us are grateful to her for the leadership she has demonstrated in the House and in this country on this issue.

Mr. Speaker, it is my privilege to yield to the gentlewoman at this time.

Ms. PELOSI. I thank the gentleman from Colorado [Mr. SKAGGS] for his

kind words and, more importantly, I thank him for his leadership on this issue, which is fundamental to our country, to our very foundation.

I thank the gentleman for taking this special order today on a day that I think is a very sad veto by the President of the United States. I also wish to commend the gentleman from Hawaii [Mr. ABERCROMBIE] for his commitment and his grasp of this issue and the time that he took to help us educate the public as to why this is important to every American, whether it is on the basis of our principles and our democracy, whether it is on the basis of jobs, whether it is on the basis of nonproliferation, the safety of the world or the security of their own jobs.

It is particularly difficult for the gentleman from Colorado [Mr. SKAGGS] and the gentleman from Hawaii [Mr. ABERCROMBIE] to support this legislation, because they, like I, represent areas which benefit from the trade with China. But we do not benefit from trade with China that results in a very strong imbalance with China having a huge surplus while other parts of the country suffer from that United States deficit.

Mr. Speaker, yesterday, when the President vetoed the legislation—and, by the way, it was a bill that was very, very modest in its conditions—is it too much to ask that the Chinese rulers free the prisoners arrested at Tiananmen Square in order for them to have a \$12 billion trade surplus for 1 year? Is it too much to ask the Chinese authorities not to sell M-9 and M-11 missiles to Syria and Iran?

If the administration is convinced that they are not doing this, making these sales of weapons, then this condition should be very easy for the Chinese Government to meet.

However, the President saw fit not to sign this bill, as I say, with its very modest objective conditions and with some further subjective conditions about significant progress that he would be in a position to make judgment about.

With his veto statement, President Bush has once again acceded to the wishes of the Chinese Communist leaders over the appeals of the pro-democratic advocates. President Bush is attempting to mislead the American people. He says that supporters of this bill wish to isolate China and will slow down reform there.

How can the President make such an outrageous statement when the bill has the support of leading dissidents, such as Fang Lizhi; Chai Ling, the young woman who was a leader in Tiananmen Square; Liu Binyan, called the Thomas Paine of Chinese letters; Shen Tong, author of the book "Almost a Revolution," about the springtime in China, the time of the demonstrations; and Li Lu, a leading advocate, who started as one of the leaders of the hunger strike in Tiananmen Square that spring.

The list goes on and on and on. Do they not know about prodemocratic reform in China? Do they not know about repression in China?

The last thing they want to do is for the United States to isolate China.

Frankly, none of us wants most-favored-nation status to be revoked; we just want to use our leverage with it. Why can this President of the United States not join this Congress and this House in overwhelming numbers, 401 to 21, in sending a message to the Chinese regime that we are united in our call for an improvement in human rights, freeing of the prisoners, cessation of the sales of weapons to the Middle East and other unsafeguarded countries and stopping unfair trade practices as far as American workers are concerned?

It has never been the goal of this Congress to isolate China, and the President knows that.

President Bush says the bill calls for a long list of conditions. He knows there are only the two objective conditions I mentioned: free the prisoners; and do not sell M-9 and M-11 missiles to Syria and Iran.

With this veto message, President Bush is saying it is too much to ask the Chinese Government to do these two things.

Since the takeover of China by the Communists, there has been a debate in our country over who lost China. Now, faced with this opportunity to support reformers in the leadership struggle in China, President Bush has chosen instead to strengthen the hands of the hard-liners instead of the reformers in China.

□ 1535

Mr. Speaker, I have said on the floor before that the Chinese Communist Congress will be coming up soon, in March and April. At that time there will be a struggle between the reformers and hard-liners. A signature by the President on this legislation would have sent the message very clearly in support of prodemocratic reform.

For a moment I would like to address some of the contentions made by the President in his veto statement. He says, for example, that he agrees with us on upholding the sanctity of human rights, and controlling the spread of weapons of mass destruction, of free and fair trade. He may agree with our priorities that we have set forth, but he is not willing to stand by us to make it happen. We are the leaders of this country. We have to make these decisions. If we do not make them, they will not be made, and this President was in a position to be great. Again he missed an opportunity. The President's policy, as far as China is concerned, has been a failure.

I remind the Speaker that it is nearly 3 years since the Tiananmen Square massacre. Students and others who

spoke out for democracy there are still in jail nearly 3 years later. The very day of the Senate vote in the other body the Chinese Government, instead of releasing prisoners, as was our hope, tried and sentenced more dissidents for their activities in Tiananmen Square. The arrogance of this Government knows no end. It is only matched by the intransigence of our own President to respond to an opportunity to send a message.

The President says in his message that there is no doubt in his mind that, if we present China's leaders with an ultimatum most favored nation, the result will be weakened ties to the West and further repression. I mentioned this earlier. Mr. Speaker, and, as I said then, does he think that all of the prodemocracy advocates who support this legislation want repression to continue to increase in China and want ties to be cut off from the West? They do not, and to prove it I want to read a brief statement by Dr. Fang Lizhi, Shen Tong, Li Lu, Liu Binyan, Yu Dahai, Chai Ling Chen Yizi, Haiching Zhao, the president of the Independent Federation of Chinese Students, and Wan Runnan, president of the Federation for a Democratic China. They say that this was a letter that was written regarding the vote.

We ask you to join your House colleagues and vote yes on the Conference Report on H.R. 2212 which places reasonable, flexible conditions on continued renewal of China's MFN status.

We have intimate knowledge of China's repressive policies. Because of our convictions and our demands for respect for human rights and the rule of law in China, we have been forced to flee our homeland or face persecution. We know first-hand the scars of the intellectuals, embittered by years of suppression; feel ourselves the deep reservoir of discontent that seethes among Chinese students and workers; and cannot forget the friends that remain behind braving the rotten prisons, forced into the countryside, prevented from carrying out their work or constantly harassed.

Every Senator is aware of the magnitude of continuing human rights abuses in China. Since 1989, these travesties have been widely covered by the media in every corner of this country. We have been overwhelmed by the response of the American people to the plight of people in our country and we ask that you reflect upon their sentiments when casting your vote on the Conference Report.

President Bush's China policy has had little effect on the human rights situation in China. Rather than improving the situation, it has emboldened and strengthened the hardliners in the leadership. The President's meeting with Chinese Premier Li Peng capped the hardliners; bid for a comeback as they go into an important policy meeting next month. In the internal debates, the hardliners are bragging that even the person responsible for the massacre and continuing repression in China is acceptable to the U.S. government.

We ask that you send a different signal to the Chinese people and to freedom-seeking people everywhere. Placing conditions on China's MFN status is the strongest and most important signal you can send both to the leadership and to the people of China.

As I said, Mr. Speaker, it was signed by the leading dissidents in the United States who have had to flee for their safety to the United States from China because of their well-founded fear of persecution.

I would like to also add one more thing. In our meeting this morning with Secretary Baker in the Committee on Appropriations he mentioned two things that I think bear mentioning. He said, "You all want to cut off MFN." Some of us do; some of us do not. What most of us would like to see is a thriving political, cultural, and diplomatic relationship with China based on principle and for us to step forward and use our leverage now to cut off MFN. He also said, and the President says in his statement, that he believes that recent agreements by the Chinese to protect intellectual property rights are attributable to the President's policy. Wrong again. The President's policy had little to do with that. What we had learned from the insiders that we have in China is that the message to those negotiators was compromise, compromise, compromise. I believe and say without any hesitation that it was the action of the Congress of the United States in both the House and the Senate to give overwhelming majorities in the vote for continuing MFN that put the pressure on China to compromise at the table and not to leave that table on the discussion of copyright and intellectual property laws without some agreement. They knew that, if they did not agree, their MFN was doomed.

Mr. Speaker, MFN means money to them. It means hard currency which enables them to continue their arrogant, repressive policies with independence. MFN means also recent actions of the President to sell satellite and computer technology to China means that they get more technology, hard currency and technology. That is what enables them to maintain their position of hard-line strength and repressive tactics in China.

So, Mr. Speaker, it is with regret that I have to say that the President vetoed this bill. I think his veto was wrong. I think his veto message is out of touch. Either he does not know, or—but he certainly should—what the truth is, but, if he does not know, it is up to us to tell the American people why it is important for them.

For every billion dollars it is about 10,000 jobs, at least, of American workers that are lost. So, we are talking about at least \$12 billion in a trade surplus that China enjoys, 12 times 10, 120,000 jobs that we are giving to the Chinese leadership for their intransigence.

It is also the question of the hard currency in addition to American workers, so our constituents need to care about this because it is jobs, it is hard currency, it is our technological

edge, our superiority that will slip away if we continue to put in the hands of the Chinese hard-liners. It is about our democratic principles, and it is about a safer world in which nuclear proliferation is not tolerated by any country no matter how large it is.

We went to war last year. The Secretary of State said it was for jobs. The President said it was for human rights and nuclear proliferation. All three of these issues weigh in on this bill. If it was important then when the issue had run away with us, why is it not important now when we can intervene at an early enough stage to make a difference for a safer, freer, and fairer world?

Mr. Speaker, I will conclude my remarks by thanking the gentleman from Colorado [Mr. SKAGGS] again for his leadership in taking this special order. I commend him for his courage because I know it is not easy coming from the district he represents. He has always stood on principle, and, once again, he has come to the floor on this issue, and I am grateful to him for it.

□ 1545

Mr. SKAGGS. Mr. Speaker, I thank the gentlewoman from California [Ms. PELOSI], and I commend her on her fine statement. It again demonstrates her understanding of the subject and her insight into what ought to be the underpinning of the United States policy here.

The gentleman from New York [Mr. SCHEUER] has requested time, and in yielding to him I would recognize the many years that he has stood strongly for human rights around the world in many difficult circumstances in his work as a Member of this body.

It is my privilege to yield to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, I think the President, in vetoing this bill, demeaned himself, demeaned the House and the Senate, and demeaned the American people.

What are we? What kind of people are we? We are the kind of people that cherish freedom. We have laid the lives of young men and women in America on the line to preserve freedom, not just for ourselves but freedom for others around the world. We have stuck to our last. We have not compromised on the basic principles of freedom and decency.

Mr. Speaker, for 45 years our country was engaged in a contest between two superpowers for hegemony in the world. We could have compromised with the Soviets. We could have protected their sphere of influence, with an unwritten, unspoken deal that they could carry out their horrendous practices toward their own people in their own country, but we did not do that. We stuck to our last.

Ultimately the Soviet Union collapsed. It disappeared into thin air.

Why? Because of internal weaknesses within the Soviet Union, because of lack of confidence and esteem that their own people had for their repressive government, and finally, the Soviet Union disappeared. The fact that it did and the fact that the Soviets over the period of a year or two moved swiftly toward democracy and human rights is an enormous tribute to Mr. Gorbachev. He may not have hacked it in the field of economic sanity, but he did stand as a beacon for human rights, decency, and the ability of people to live decent lives.

Since the Soviet Union in effect disappeared, the entire Warsaw Pact, people who have known nothing but repression and intimidation and the most awful, repulsive behavior from their own governments, they have not just moved toward democracy, they have rushed toward democracy.

What reason do we have to think on this floor that the Chinese people do not have the same driving urge toward human rights and democracy that people around the world do? The arrogant, ruthless dictatorships of the world are a shrinking population. It is perfectly clear that people, when they have the choice, opt for democracy and freedom and individual rights.

I am positive in my soul that the Chinese people have deep yearnings for individual rights and freedom, and the right to live their own lives out from under the fear of persecution, repression, imprisonment, torture, and death.

There is nothing in the history of the Chinese people or any other people on Earth that indicates that some people are unlike us and that they do not have a predilection for the kinds of rights and civilized standards of conduct by governments that have been generally accepted in the West.

I have been to China quite a few times. I have enjoyed my trips there. I have enormous respect for the Chinese people, all 1.2 billion of them, who have made extraordinary progress; who have been the leaders of the civilized world for the last 5,000 years, excelling in the arts and sciences and humanities and poetry, long before the West achieved those levels of creativity.

I do not admire the leaders of China who have brought the infliction of widespread imprisonment, torture, death, and suffering to the Chinese people. I cannot accept the results of June 2 a couple of years ago in Tiananmen Square. That is anathema to me, and there is not one iota of evidence that the Chinese leadership, the elderly gentlemen who now control China, that they have ever had any sober second thoughts as to the rightness of their course.

I believe President Bush's views and sensitivities on foreign policy, certainly as applied to China, are as inadequate and as insensitive and as uncaring as his total lack of under-

standing of the suffering that the American people are going through. It is not on the same order of magnitude, of course, as the Chinese, but there is hurt and there is pain in this country out there and the President does not seem to have the remotest understanding of what his indifference to the plight of average Americans means to their lives.

I think he has little understanding as to what motivates the Chinese leadership. We have caviled to them, we have closed our eyes to their awful, unacceptable patterns of conduct toward their own people. We have gone above and beyond the call of duty in giving them respect when they do not deserve respect. We are condoning slave labor. We are condoning child labor. We are condoning the exceptionally offensive practices of the Chinese to export nuclear technology to developing countries that may be rich in oil but are not rich in compassion and understanding and a sense of democracy.

The administration has talked to them. We sent a Secretary of State over there to talk to them. He came back empty-handed. Our overly tolerant posture toward the Chinese has met with no response whatsoever. They have not ameliorated any of these despicable practices that degrade the human spirit and torture the human body, and I think it was a painful thing to the conscience of America to see the President veto this bill.

I hope that this body and the Senate will send a message loud and clear, and I hope that message will be understood by the Chinese people as one of deep sympathetic understanding for their plight and an emotional commitment that we are going to help them, come what may, toward the inevitable day when they break out in freedom, as the Russians have done and as the Warsaw Pact countries have done and as the Baltic countries have done. Love of freedom is an unradicable component of the human condition.

□ 1555

I respect and revere those in China who have stood up for the rights of the Chinese people to live their lives in freedom and tolerance and decency, as human beings all over this planet have come to do.

Mr. Speaker, I want to congratulate my colleague from Colorado [Mr. SKAGGS] for having shown the initiative to have brought this special order. I join with the gentleman, and only wish that we will, by whatever means available, advance and accelerate the day when the great country of China, 1.2 billion strong, joins the rest of the civilized world in adopting those standards of government those standards of living together and respecting each other, that will see these despicable practices of torture, of death, and of imprisonment without trial, banished

from the mainland of China and banished from the Earth.

Mr. Speaker, I thank the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentleman from New York [Mr. SCHEUER] for his fine statement.

Mr. Speaker, in closing let me just ask the working people of this country to stop and think about this: We are going through some difficult economic times here at home, and I have a difficult time with that in mind of seeing how any person in this country who may be fearing for their own job security or is out there looking for work in this economy, could possibly tolerate an action by the President of the United States that for all practical purposes may well jeopardize thousands of jobs in this country in order to maintain a preferred trading status that sacrifices those jobs for goods made with prison labor in the People's Republic of China.

We have a choice in this case between foreign policy based on personalities, the President's personal relationship with the repressive and aging regime in China, or a foreign policy based on principles. America's principles are people's principles.

This legislation reflects an eminently reasoned and reasonable and moderate effort to right an enormous wrong, a blight on human rights and decent government on this planet.

Mr. Speaker, I hope that this House will stand for its beliefs for the Nation's best instincts, reject the President's expediency and reject the President's veto.

Mr. FAZIO. Mr. Speaker, I rise today to express my deep dismay over President Bush's decision to veto H.R. 2212, which lays out conditions for granting most-favored-nation trade status to China. Last summer, Congress went on record to send a clear message to China that the United States will not ignore its abhorrent human rights record, advanced weapons sales to countries around the world, and unfair trading practices with the United States.

The Chinese Government's brutal suppression of political dissidents is undisputed. We all recall the graphic violence and blatant disrespect for human life that took place during the government's massacre in Tiananmen Square. China has also refused to become a responsible member of the world community with regard to trade and arms control. Granting China unconditional most-favored-nation [MFN] status will only continue to reward China for its refusal to address these issues.

To those who say that cutting off MFN benefits to China will hurt United States economic interests, I ask: Are we really hurting ourselves by conditioning special trade benefits to a country that uses prison labor to produce products for international markets, and which has virtually no respect for United States copyrights and patents?

China has exploited these factors to accumulate a massive trade surplus with the United States and amass huge foreign currency

reserves which effectively protect it from outside pressures. One analysis suggest that if the United States were to demand fair and balanced trade with China, our economy would have grown by as much as \$25 billion in 1990 and created an additional 400,000 jobs. Yet, despite the unfair trade practices and human rights abuses that have been documented in China over the last several years, the President is only too willing to grant to China the same trade status that we give our best trading partners. Not only is unconditional MFN status for China a slap in the face to the American principle of respect for human rights, it is a slap in the face to American workers and businesses as well.

In adopting H.R. 2212, we give China an opportunity to take corrective action before MFN is revoked. The conditions outlined in this bill place China's MFN status in its own hands. If China makes progress on human rights, trade, and weapons proliferation, then it will be able to retain MFN status. If not, then MFN is automatically revoked. Unfortunately, the President has declined to do the right thing. Using MFN as leverage only works if the Chinese Government knows we are serious about taking this privilege away.

Mr. Speaker, I strongly urge my colleagues to join me in voting to override the President's veto of H.R. 2212 when the time comes. It is time to put some muscle behind our policies with China by conditioning MFN status on real improvements in China's trade and abusive human rights practices.

Mr. SKAGGS. Mr. Speaker, I would yield to the gentleman from Ohio [Mr. KASICH].

STATUS REPORT ON SERGEANT AT ARMS

Mr. KASICH. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I just wanted to take a few minutes to let the House know that I have had the opportunity to talk to our Sergeant at Arms Jack Russ just a few minutes ago.

As you all know, Jack was robbed and assaulted—shot with a gun—on Sunday night.

In a nutshell, what happened was Jack was approached from behind. He had a gun put to his head as the robbers took a watch and a wallet from him. They then put the gun in Jack's mouth, and, as one robber referred, said to the other one, "Let's waste this guy."

By the grace of God, Jack fortunately turned his head and the bullet went through his cheek. As he said to me just a few minutes ago, while it is going to be a difficult time for him and his wife Susan and their sons, Jack expects to have a full recovery from this assault.

I just want to take a second to say something about Jack Russ, who has been a close friend of mine for a number of years. I think it has been unfortunate at times that Jack has been the target of some criticism in this House, because frankly I think Jack kind of lives in a time warp in a way.

You see, Jack was brought up working in the House of Representatives at a time when Members respected one another, at a time that whenever Members had difficulty or got out of line, a powerful committee chairman could call the Members in and rebuke him privately, at a time when the Congress was able to discipline itself.

Jack was brought up under the school of respecting Members, when Members respected one another. We did not spend so much of our time trashing one another, at times out of legitimate concern, and at times though for political reasons.

Jack was here and is here presently to serve the House. He is a courageous man, he is an honest man, a decent man. To those who have had an opportunity to have a personal friendship with him, they stand tall behind Jack.

I know that Jack got calls ranging all the way from the President of the United States, who expressed his deep concern to Jack and wanted to know the details of the incident, all the way to Arnold Schwarzenegger, who called Jack wanting to know how he was feeling.

The bottom line is Jack represents a tradition in this House that I think the House has to move toward in order for us to respect ourselves and to respect this institution, and that is what Jack has been trying to do for so many years. He has been frustrated in many of his efforts, but he is truly a courageous guy.

Mr. Speaker, I know that all of his friends, last night and throughout today, have said their prayers of thanks to God for sparing the life of our dear friend. We wish him and his family the best. We wish Jack a very speedy recovery, and we anticipate that.

Mr. Speaker, I know that Jack would like to hear from all of his friends in the House and across the country. But he also wants them to know that he is going to have this full recovery, and that he will be back coming down this center aisle again with the President of the United States and being able to escort him to the podium and continue to serve Members as he has so well throughout his career.

PROBLEM WITH MUNICIPAL LIABILITY UNDER SUPERFUND

The SPEAKER pro tempore (Mr. BACHUS). Under a previous order of the House, the gentleman from California [Mr. MARTINEZ] will be recognized for 5 minutes.

Mr. MARTINEZ. Mr. Speaker, before I cover the issue that I am going to talk about today, I would like to join in the comments just made by the gentleman from Ohio [Mr. KASICH] about Jack Russ.

Mr. Speaker, I do not think there is anyone in this House that does not un-

derstand that Jack has a most dedicated commitment to this House and to this institution, and it was sorely felt by all of us that such an incident had occurred. We were all concerned about how extensive his hurt was and how soon he would recover.

It is encouraging to hear by the words from the gentleman from Ohio [Mr. KASICH] that Jack will be all right. We have all said prayers for Jack, and our prayers go out to his family, too.

With that, Mr. Speaker, I would like to talk about a situation that is occurring across this country with a great number of cities.

Many years ago, when we moved from burning to burying our municipal waste, no one would have never thought that the cities, who at that time had the responsibility of making sure the waste was properly disposed of in a safe manner, would now be facing third-party lawsuits to the tune of millions of dollars. These cities, from Connecticut to New Jersey to California, performed their duty in what was considered to be a safe manner.

Let me tell you today of just one of these sites in my district, which is now referred to by the EPA as the operating industries site. In 1948, a sanitary landfill opened, operated by the Monterey Park Disposal Co., for the purpose of providing a site for the city of Monterey Park to dispose of their municipal garbage. This was the technology of the day—sanitary landfills.

The Environmental Protection Agency has sought to force industrial polluters to pay for the cleanup of hazardous wastesites like operating industries. But increasingly, these corporations are suing cities, towns, and small businesses in an attempt to make them pay a share of the cleanup costs—just because they contributed municipal trash to the site that in and of itself was not hazardous.

Now a conglomeration of companies, who have been sued by the EPA for cleanup costs at the operating industries site, have initiated third-party lawsuits against 29 cities in the Los Angeles area because they used that site for municipal waste. Most of that municipal waste was household refuse and was not of a hazardous nature. It only developed that characteristic after millions of gallons of liquid, some of it was illegally dumped, and the rest of it dumped by that conglomeration of companies, that are now trying to recover a great fraction of their cost at the expense of taxpayers.

Currently, a couple of cities in my district are being forced to accept settlements because they cannot afford to go to court. These settlements are for outrageous amounts—amounts that will basically bankrupt these cities. For instance, a city in my district, Monterey Park, is faced with a multi-million dollar settlement. As we all

know, our local cities do not have budgets that can cover this large of a settlement. This means that valuable city services such as police and fire protection will be reduced.

We cannot afford to let our cities go bankrupt. Not at a time when we are forcing them to take on additional responsibilities through congressional mandates.

I joined several of my colleagues in introducing legislation that would address this problem. H.R. 3026, the Toxic Cleanup Equity and Acceleration Act, will fine tune the superfund law to speed cleanups by blocking these third-party suits over the generation and transportation of municipal solid waste.

But as is the custom in Congress, when the fight gets tough and somebody feels the constituent pressure is not that great, we do nothing.

There was an identical bill introduced in the Senate by Senators LAUTENBERG and WIRTH, and the Senate Environment Superfund Subcommittee held a hearing on this last summer. However, that was the last action taken on either the House or the Senate legislation to correct this problem.

There are those who are afraid to open up this law for amendments because they believe that mischief-makers will take this opportunity to offer unsatisfactory amendments. But we must not be afraid of these amendments. We must work to oppose them, while we simultaneously take the opportunity to correct the municipal liability problem.

There are some in Congress that do not want to open up the Superfund law to correct this situation because they believe that the administration will correct the situation.

Clearly this has not happened. Although the EPA established an interim municipal settlement policy in 1989 stipulating that the Federal Government will not sue municipalities or others who merely generated or transported municipal solid waste or sewage sludge under most conditions, they have not successfully addressed the problem of third-party lawsuits.

Moreover, when cities indicated they would like to settle with EPA, EPA has taken a couple of different stands. On one hand, they are reluctant to upset the companies who are now paying for cleanup costs. On the other hand EPA has taken the stance that they can't settle because they didn't think they should sue the city in the first place.

Of course, the EPA claims that local governments could protect themselves from these suits by reaching a settlement with EPA on cleanup costs at a site. The Superfund law exempts parties that settle with EPA from liability suits by other parties that may be liable.

But they have not yet aggressively pursued this relief for cities. Last Au-

gust I attempted to rally support for this legislation by providing the citizens of the affected communities with information on H.R. 3026.

Many of them followed through with my suggestion to write to President Bush in support of H.R. 3026. It is my understanding that those of you who received a response, got a letter from EPA expounding on the way they were going to handle the situation without the need of legislation.

Well, in December, EPA Assistant Administrator Don Clay suggested a trial formula for how EPA would allocate costs at Superfund sites that included municipal disposal. This formula would have resulted in shifting billions of dollars of the cleanup costs to the cities and towns because it would have been based on volume. Sure it was the volume of waste but it was the liquid and commercial waste that caused this problem.

I again joined with a number of my colleagues in Congress in writing to the EPA Administrator, William Reilly, in opposition to this formula. Since that time, I understand that the EPA has met with members of ACCE [American Communities for Cleanup Equity] and other interested groups in an attempt to draft a new formula.

EPA has still not decided precisely what to do about the formula. They are expected to come out with a preferred option sometime this month, but they have dragged their heels on this for a long time, and I question whether their "guidance" will be published this month. I am even more doubtful that it will adequately address the problems that the cities have been facing with these lawsuits.

Since the President and the EPA do not seem to see the impact that these lawsuits have had on the cities, and the problems that the cities will face if they are forced to pay for a substantial portion of the cleanup cost, I believe that it is up to Congress to pass legislation that will assist our communities and citizens in their fight against these unfair lawsuits.

Now no one, not me and not the cities are saying that cities should exempt from paying for the cleanups if they dumped hazardous waste at the sites.

But it is a fact that municipal wastes are typically of minimal toxicity—around 0.002 to 1 percent. For that small percentage, should our cities and towns be forced to pay large amounts for cleaning up the site. I do not think so. In fact, some groups have stated that by placing hazardous wastes from the corporations in with the municipal waste, the municipal waste was able to cushion the hazardous wastes from spreading more quickly into our ground. The corporations probably do not want to acknowledge this possibility, because it would lessen the impact of their lawsuits.

This year Congress is expected to work extensively on revising the Resource Conservation and Recovery Act, commonly referred to as RCRA. This is the Nation's solid and hazardous waste management law. While the primary focus of this will be on promoting recycling, reducing toxins in the waste stream, ensuring safe disposal of various solid wastes, and regulating recycling of hazardous materials, I am hopeful that the members of the responsible committees are not blind to the problems that exist in the Superfund statute.

Whereas we must address the problems that exist in our environment, we must simultaneously not allow our local government to go bankrupt. I hope that my colleagues on the Energy and Commerce Committee are listening, and that they realize the importance of this legislation so that action will be taken to address the Superfund loophole that allows third-party lawsuits against local governments at a cost to the local taxpayer.

□ 1605

THE BUDGET SUMMIT AGREEMENT

The SPEAKER pro tempore (Mr. BACCHUS). Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, I take the well of this House to try and emphasize what is going on in this House as it relates to tax policy and budget policy and economic policy for the Nation.

We are seeing a repeat of 1990. We are seeing a repeat of what has been going on in this Chamber for so many years.

I think the American people need to realize and take a hard look at what is happening here.

If we go back to 1990, the so-called budget agreement of 1990, where we were promised spending reforms, if we would just raise \$185 billion in taxes. We were promised a 5-year plan that would start us on a path of deficit reduction to maybe not a balanced budget in 5 years and by 1995, but certainly the deficit would be down to a controllable level.

And the whole reason for the budget summit that led to the budget agreement was that the real discipline that we had in this government under the name of Gramm-Rudman was about to impact the ability of this Congress to spend outrageous amounts of money. We were going to see across-the-board cuts happen because Gramm-Rudman dictated certain goals that we had to reach in spending. And if we did not reach those goals, there would be across-the-board cuts in spending by this Congress.

Yet no one wanted to approach that disaster, as they called it, of actually doing something and cutting spending by the Government. So we went into

the budget summit. We came out with increased taxes, a promise of a 5-year plan whereby we would get the level of the deficit to a reasonable level.

Those of us that stood in this well time and time again, day in and day out, week in and week out, warning the President and this Congress that what they were doing was disastrous in the face of the recession, that one cannot raise taxes, one cannot increase spending in the face of a recession or one would lengthen the time of the recession and the depth of the recession. It would be disastrous.

We were a little wrong in our projections. We felt like that the budget agreement would get us to around \$300 billion, maybe \$350 billion in deficits. We were wrong. They are at \$400 billion in deficits. Spending is going through the roof and what do we see happening?

Last week, once again, this Congress controlled by the Democrats raised over \$90 billion in taxes and we are not even out of this recession yet. And what is going to happen this week? They are actually going to increase spending. They will come running down to the floor and say, "No, we are not increasing spending."

But what they are going to do is they are going to abrogate or they are going to bring down to this floor a proposal to abrogate the budget agreement and the spending restraints that were in the budget agreement by eliminating the firewalls to cut defense by even more than what the President wants to cut defense and use that money to shift over into domestic spending.

□ 1615

How does that increase spending? That increases spending because that raises the baseline. The baseline, basically, in everyday language, what we do here is we look at last year's spending and increase it from last year. Last year's spending is basically the baseline from which we work. So if you take domestic programs and increase the baseline, then you are indeed increasing spending and you are making the caps on spending that were set by the budget agreement floors. They are not floors. They are supposed to be ceilings, and we can reduce spending under those ceilings.

The Republicans have time and time again come to the floor, and unfortunately we are in a minority, and we have told the American people that in the face of a recession you have to create a climate for job creation. The way you create a climate for that is you leave more money in the pockets of the American family. You do not tax productivity, you do not punish those who want to risk their money by starting a new business or investing in stocks that allows corporations to raise capital to reinvest, or you do not penalize people for saving their money so that their capital can move in the market

and be invested in efficient ways. We do that by cutting spending, not by a sham of taking from one group of Americans and giving to another group of Americans for every short period of time.

I would like to get into some of the details of that, Mr. Speaker. For years the Democrats in Congress have lamented the demise of the middle class. According to their version of the 1980's, working Americans were victimized by the inequitable tax policies of Ronald Reagan and George Bush.

This week, House Democrats passed their long awaited proposal to provide tax relief to the beleaguered middle class, a temporary, 2-year tax credit. Apparently the decade of trickle down economics was not as bad as the Democrats claim if the damage to the middle class can be repaired in just 2 years.

While the Democrats' tax credit is temporary, their method of financing is not. In exchange for a 2-year tax credit, the Democrats increase the top income tax rate from 31 percent to 35 percent. They increase the alternative minimum tax from 24 percent to 25 percent. They impose a 10-percent surtax on millionaires. They extend the phase-out of personal exemptions and itemized reductions, and prohibit businesses from deducting executive salaries over \$1 million. If the Democrats are successful in stopping businesses from paying their executives over \$1 million, who is going to pay the millionaire's tax?

The Democrats' proposal would provide an income tax credit totaling about \$46 billion in exchange for a \$78 billion tax increase on the rich. Then, according to the Joint Committee on Taxation, raising taxes on the rich will bring in the revenue necessary to pay for the Democrats' tax credit. However, there is a growing body of evidence which suggests that the estimates by the Joint Committee on Taxation are inherently flawed.

The Tax Reform Act of 1986 reduced the top income tax rate from 50 percent to 28 percent. But what has been forgotten is that this law provided a transition year in 1987, during which the top income tax rate was 38½ percent. According to the projections by the Joint Committee on Taxation, this higher rate would result in the rich paying more taxes in 1987. In fact, the tax return data from the IRS shows exactly the opposite. The rich paid fewer taxes in 1987. While the tax rate on taxpayers with incomes over \$100,000 rose by 11.4 percent from 1986 to 1987, their tax payments decreased by ¼ of a percent. For taxpayers with incomes over \$1 million, the change was even more dramatic. The tax rate rose 25 percent, but tax payments fell by 31 percent.

When the lower tax rates of the Tax Reform Act of 1986 finally took effect in 1988, the amount of taxes paid by taxpayers making over \$100,000 rose by

28 percent, while the amount of taxes paid by taxpayers making over \$1 million rose by 72 percent.

As Larry Lindsey points out in his book, "The Growth Experiment," upper income taxpayers have enormous discretion over how and when they receive income, and over whether it will be exposed to taxation. Tax cuts that prompt them to take more income in taxable form will improve Government revenues. Tax increases will have the opposite effect.

The inherent flaws of the Joint Committee on Taxation's estimates were further revealed in 1989, when Senator BOB PACKWOOD asked the Joint Committee to estimate the revenue effect of a 100-percent tax on individuals that make over \$200,000. The Joint Committee on Taxation said such a tax would raise \$104 billion in the first year, and \$299 billion by the fifth year. As Senator PACKWOOD noted, the Joint Committee on Taxation assumes people will work if they have to pay all of their money to the Government, they will work forever and pay all the money to the Government, when clearly anyone in their right mind will not.

Another problem with the Joint Committee on Taxation's revenue estimates stems from their reliance on data from the Congressional Budget Office. When preparing revenue estimates, they use the baseline economic forecasts prepared by CBO. However, CBO has seriously overestimated capital gains realizations every year since the passage of the Tax Reform Act of 1986. As the gentleman from Texas [Mr. ARMEY] recently noted, CBO overestimated capital gains realizations by over 100 percent, over about \$130 billion in 1990 alone. Thus, revenue estimates prepared by the Joint Committee on Taxation have overstated capital gains tax revenue by as much as \$20 billion to \$30 billion a year. Ironically, their annual error is greater than the entire 6-year cost they attribute to the President's capital gains proposal.

While the Democrats have tried to frame the political debate in terms of tax fairness, the facts prove that the income tax code is already fair. In 1977, the year generally chosen by the Democrats as a basis of comparison, the top 20 percent of families paid 68 percent of all income taxes. The bottom 20 percent of families paid a minus three-tenths of 1 percent of all income taxes. In other words, they actually got money back from the government, largely as a result of the refund amount earned income tax credit. By comparison, in 1992 the top 20 percent of families are projected to pay 75 percent of all of the income taxes while the bottom 20 percent will pay a minus 1 percent of all income taxes.

Of course, rather than looking at the share of taxes paid by the rich, the Democrats like to focus in on the tax rates of the rich. They argue that while

the rich may be paying more taxes, they are paying less as a percentage of their incomes. However, again the facts prove otherwise.

In 1977, the top 20 percent of families paid an effective income tax rate of 16 percent. In 1992 they will pay an effective income tax rate of 16.3 percent. In fact, they are the only group of families who have had an increase in their effective income tax rate.

So if the Democrats are wrong about the income tax burden, why do middle-income families feel so squeezed? The answer is Social Security taxes. While income taxes rose from 1977 to 1981, they have since declined almost back to their 1977 level.

□ 1625

Social Security taxes, however, have risen steadily from 5½ percent of gross domestic product in 1977 to 7 percent in 1992. That is an increase of almost 30 percent. Social insurance taxes have gone up by 30 to 40 percent for all families. Social insurance taxes are comprised of Social Security taxes, Medicare taxes, railroad retirement taxes, unemployment insurance tax, and Federal employee retirement contributions. By far, the largest component of these taxes is the Social Security payroll tax, representing over 70 percent of total. In 1977 the Social Security payroll tax was 9.9 percent on the first \$16,500 in wages. In 1992, the tax rate is 12.4 percent on the first \$55,500 in wages. That represents a 25-percent increase in tax rate and a 236-percent in the taxable wage base.

This year, 71 percent of all families will pay more Social Security taxes than income taxes. I want to repeat that: This year, 71 percent of all families will pay more Social Security taxes than their income taxes.

For the bottom 20 percent of families, that rate is 97 percent; 97 percent of the poorest Americans will pay more Social Security taxes than income tax, and despite the overwhelming evidence that Social Security payroll taxes are almost solely responsible for the rising tax burden on the middle class, the majority of this Congress is unwilling to address this issue directly.

Each party fears the other will accuse them of cutting Social Security benefits and, as a result, they engage in Social Security tax cuts by proxy.

As the Congressional Research Service has noted, increases in Social Security taxes were passed in 1977, but the following year income taxes were reduced to offset the impact of these hikes on individual taxpayers. Similarly, the earned income tax credit was enacted to offset the Social Security tax bite on low-income workers with children.

By linking their refundable income tax credit to the amount of Social Security and Medicare taxes an individual pays, the Democrats' proposal is

designed to give the appearance of cutting the Social Security payroll tax. However, by capping that tax credit at \$200 for individuals and \$400 for couples, the potential economic benefit is reduced by 75 percent.

Thus, the Democrats' proposal is only a pale imitation of a real Social Security payroll tax cut. The belief that the income tax changes of the 1980's resulted in an inequitable distribution of the tax burden is a myth, a myth perpetuated not to justify cutting taxes on the middle class but as an excuse to raise taxes on the rich. This fact is clearly demonstrated by the House Democrats' cynical proposal to provide a temporary 2-year tax credit in exchange for a permanent tax increase.

The Democrats have, once again, revealed their true agenda, raising taxes, not providing tax relief for the beleaguered middle class that they profess to be concerned about.

As I opened my special order, I mentioned that they raised taxes last week. This week they are going to increase spending, but it is an interesting story.

I would like the gentleman from Ohio [Mr. KASICH] to relate to us what has been going on in the Committee on the Budget and what kind of proposal the Democrats are bringing to the floor of this House which is a nonbudget budget proposal in that we are getting all kinds of options.

If the gentleman would, I yield to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. First of all, I want to commend the gentleman from Texas, and I do not want to commend him like people come to the floor to commend people in these patting-each-other-on-the-back types of deals. I want to commend him for his great work on the Republican Study Committee, and the gentleman from Texas [Mr. DELAY], in the bottom line, has guts and should be recognized for his actions and his courage. He has been that way since he got here, and when he makes people mad just because they do not agree with him, and they get mad at him, he says, "That is life." He is not up here to get a gold watch for serving. He is up here to try to make a difference, and I believe the gentleman is making a difference. I very much prize my friendship with him as well.

The gentleman does know what happened in the Committee on the Budget. We now have a concept called the budget de jour and defense de jour.

The chairman of the Committee on Armed Services came to the Committee on the Budget with four different alternatives that he said should be included in the overall budget for our country, and then what the Committee on the Budget did is they passed two different budget numbers, plan A and plan B, so you have four different possible defense-number alternatives com-

bined with two different Budget Committee alternatives, and it truly is a very bizarre way to operate.

The reason why I say this, and I want to be clear on this, is I think the American people are very, very frustrated with the lack of leadership. They do not want us to tell them what they want to hear, and they also do not want to be confused about the direction that we ought to go. What we have emerging from the Committee on the Budget is a two-direction budget, with a four-possible-direction defense plan, and at a time when people are crying for leadership, "Please, make some strong statements, tell us what direction we ought to go, do something about the massive Federal deficit."

Unfortunately, the Committee on the Budget, because of difficulties within the Democratic conference, is trying to accommodate everyone, and it just does not send the right signal and the right message.

Now, I want to make it clear that this is not an effort on my part to trash the chairman of the committee. I believe I knew where the heart of the chairman really is, and I think the chairman of the committee, in fact, does want to control Federal spending. I think it is the schizophrenic nature of the Democrat conference that has put the chairman, the gentleman from California [Mr. PANETTA], in this position as well as the schizophrenic nature of the Democratic conference that put the gentleman from Wisconsin [Mr. ASPIN] in a position where he had to propose four different plans.

But I must say to the gentleman from Texas that if the President sent up two separate budgets, four different tax proposals, in fact, as I watched the C-SPAN debate on the Committee on Ways and Means, the President had a package that the Democrats sent up here. I think the gentleman from Missouri [Mr. GEPHARDT] proposed the President's tax program. It was not accurately presented, but he presented what he thought was the President's version.

The Republicans in the House took a look at it. We made some modifications to that proposal, and for about 3 days we heard nothing about the fact that the President could not make up his mind which tax bill he wanted, while at the same time they delivered to us a historic budget de jour document where we really do not know what the position of the Committee on the Budget is, and it just, you know, what this does, this leaves people throughout the country who watch the Committee on the Budget debate of which I do not think there are many that would have stayed tuned for a very long period of time, just shake their heads and say, "You know, this place, this Congress, is just incapable of making any hard choices and doing what is in the best interests of the country."

Let me say one word on behalf of the President's budget. The gentleman from Texas [Mr. DELAY] and the gentleman from Pennsylvania [Mr. SANTORUM] and the gentleman from Washington State [Mr. MILLER] and I put together a budget document, and we shared this budget document with the administration before the beginning of this year.

I must say, to the credit of Mr. Darman, he came to Capitol Hill, he met with us, and while he did not adopt all of the proposals that we had in our document, the administration did, in fact, incorporate a number of the proposals that the so-called Gang of Four had put together.

We are pleased with the fact that they are trying to freeze discretionary spending authority, although the gentleman from Texas and I would certainly like to see the outlay problem reined in. We must compliment the administration for at least adopting an idea that the gentleman from Texas and I offered last year, which was to freeze budget authority.

In the area of defense, the administration has made some hard choices on weapons systems, something they had not done before, and I think have put the defense numbers in a realistic posture, and, you know what is interesting, I must say to the gentleman from Texas, is the difference between what the administration proposes on defense cuts and where the administration are not significantly different in this first year.

□ 1635

So all this campaigning about this giant Defense Department slush fund out there that is going to be used to solve all our problems, the Democrats themselves have come to realize that if we cut too deep in defense, we will not only undermine national security at a time when we are making already dramatic cutbacks in defense, but beyond that we would be throwing massive amounts of people out of work in order to recognize the priorities of some liberals who would like to spend defense money on more social programs.

The interesting thing about that, I say to the gentleman, is that we could find ourselves in a position where we are cutting defense to provide more money for Head Start, while at the same time the kids who are in the Head Start Program are seeing their parents thrown out of work just for political reasons; but the administration moved in our direction on defense and also moved in our direction on entitlements where they are trying to means test Medicare part B in lower numbers that we have suggested and have adopted a number of other concepts, including doing away with the waivers on workfare programs instituted for performance-based budgeting.

But let me say clearly that we are not really fully happy with this pro-

posal. We would have done more in the area of foreign aid and we would have had more comprehensive reform; but I think it is fair to say that we have gotten the attention of the administration in the area of foreign aid reform, and I believe that the gentleman would agree with me that the administration has made a commitment to take a look at the reform package that we have. We took it to the committee, all the Republicans in the Budget Committee supported it.

To make a long story short, for the first time since I have been in Congress and during this administration, four guys have been able to make an impact on the administration.

I think we ought to give the President great credit and I think we ought to give the Budget Director credit for having listened to us and giving us an opportunity to impact on making a better budget.

But let me make it clear, we have got a long way to go. We have a \$400 billion deficit. As the gentleman from Texas knows, we are facing bankruptcy in this country if we do not get our act together.

I know the gentleman has agreed with me that we need to start almost immediately in fashioning a bold innovative plan for next year. The thinking at this point is what I think is a bold plan that we put together was listened to, but we need to go a lot longer.

I talked to the Budget Director today and told him as much and he said that he agreed that we needed to be more bold in terms of reducing deficits, and I believe him when he says he is concerned about it.

The gentleman from Pennsylvania [Mr. SANTORUM] and the gentleman from Texas [Mr. DELAY] and the gentleman from Washington [Mr. MILLER] will be retiring, which is a tragedy, but he will be here in spirit, and the gentleman from Ohio [Mr. KASICH] will come next year with an even more bold and innovative approach and with even less reason to compromise.

At this point, though, I think we have made great progress, I say to the gentleman from Texas. It is not perfect, but you have got to start somewhere. At least we have the attention of some people.

When we debate this whole budget business, Republicans ought to be able—nobody should be supporting this budget de jure policy. This is an absolute terrible way to be budgeting in this House, but the signal it sends is just business as usual and more of the same, more confusion, more catering to different interest groups and more politics, and it is terrible.

Mr. Speaker, I appreciate the gentleman taking this special order. I appreciate him being patient with my remarks, and again I want to commend him for his leadership.

Mr. DeLAY. Well, Mr. Speaker, at the risk of sounding like a mutual ad-

miration society, I have to tell, through the Speaker, the constituents of the gentleman from Ohio that if it were not for the gentleman from Ohio, we would not be progressing toward a budget that actually would freeze domestic spending, cut defense spending, and bring reforms to the entitlements of this country, where the real spending is happening.

The gentleman from Ohio [Mr. KASICH] on his own by himself fashioned several budgets over the years.

Last year he got more votes than anybody else except for the budget that actually passed.

The gentleman has stood up to criticism, not only from Democrats, but criticism by his own colleagues on the Republican side of the aisle and he stood up for what he believed and he is starting to see the fruits of those labors.

The gentleman has real courage and the man, Mr. Speaker, is driving to force the Congress as well as the administration toward a meaningful reduction in the deficit and hopefully creating a future for our children and our grandchildren.

Mr. KASICH. Mr. Speaker, will the gentleman yield further?

Mr. DELAY. I am glad to yield to the gentleman from Ohio.

Mr. KASICH. I do, of course, appreciate the gentleman's comments, but let me say that the gentleman mentions the entitlement programs which are the big cost driver in the budget, not that the other items are not cost drivers as well, but if we are ever going to solve the problems of entitlements, we have got to control those factors that dramatically increase the cost of entitlements, and those are generally located in the area of medical reform.

We got about 30 bills that the Democrats have introduced, including pay-or-play and their national health insurance Canadian system and all that.

We have the President's document as well as the task force.

I must tell the gentleman that while I think the President's bill is a step in the right direction, much more cost containment must be done.

I want to say to the gentleman that this year we kind of put off our work in the area of medical care reform.

We have, as the gentleman knows, our own IRA plan, what we call the Medisave plan, to try to bring down the costs of medical care, but I will tell the gentleman, I personally believe that we have got to take on physicians, insurance companies, lawyers, and we have got to demand more out of patience in terms of copayments and their own ability to keep themselves happy.

We have got to tackle this problem, I say to the gentleman, because if we do not tackle the problems of the dramatically increasing costs of medical care, we cannot solve the problem of dramatically increasing Medicare and

Medicaid and the tremendous problems that we are all experiencing with the rising costs of medical care.

But let me say to the gentleman, it is going to take guts and I think we are going to have to provide that leadership and introduce our own package, if we do not see more in the area of cost containment.

It means that everybody is going to have to bite the bullet a little bit, but I think everybody is willing to as long as it is a fair package. That is ultimately the way we are going to get at the problem of dramatically increasing entitlement programs is to remove those cost drivers. It is going to take guts, but I cannot think of a better man to do it than the gentleman from Texas to get a handle on this problem.

Mr. DELAY. Well, Mr. Speaker, this gentleman is committed to follow the gentleman from Ohio in making those tough decisions and trying to provide the leadership, leadership that is totally absent in this House and over in the Senate.

I mean, the very idea, and I think it is the first time, I cannot remember, I have not been here very long, this is my eighth budget debate that I will be going through, I cannot remember the Budget Committee not coming down with one product, one budget to debate on this floor. Now, there have been substitutes, but as a product of the leadership of the Democrat side of this House to be a hodgepodge, as the gentleman says, the budget de jure, of coming with two different plans to pick from and four different plans for defense posturing of this country, is just outrageous. It is a perfect example of the lack of leadership in this House. This House is being led by consensus. It is amazing to me how they hold a Democrat caucus meeting and they come out with two different proposals, or they hold a Budget Committee hearing and they come out with two different proposals.

Where is the Speaker of the House? Where is the majority leader of the House? Where is the chairman of the Rules Committee? Where is the chairman of the Budget Committee? Those are the people who are supposed to be leading the majority party of this House, yet before they leave they always check the temperature of certain groups within their caucus. That is not the way to lead. The way to lead is to stand up for something and then follow through with that proposal. That is not what we are getting out of the budget.

I cannot wait for them to bring down this plan A and plan B budget that they passed out of the Budget Committee. I cannot wait for the American people, Mr. Speaker, to see what is going to happen in this Chamber this week, the majority of the House bringing down two plans saying, "We don't know. We don't know what we need to be doing in 1993. We don't know how we

should be spending all the taxes that we are increasing and raising on the American people."

□ 1645

"We are just going to give you several options. It will be the 'cafeteria of budgets,' and we will give you several options and see what will happen."

I will tell you what will happen, probably: No budget will pass. And I hope one does not pass, so that the American people will see the lack of leadership in this House. But what is the ultimate outcome of this incredible lack of leadership? The American people are going to be hurt by the lack of leadership of this Congress. I hate to sound like a doomsday sayer, but you have got to look at the facts.

Mr. Speaker, the debt of this country is almost \$4 trillion, and if you add all the liabilities of this Federal Government, pension plans and so forth, it amounts to almost \$12 trillion.

Now, I read an illustration the other day by Larry Burkett of what \$1 trillion is. I do not think the American people understand what \$1 trillion is. But this is so illustrative of what \$1 trillion is: If you take \$1 million of thousand-dollar bills and tightly pack them together, they measure 4 inches high. If you take \$1 billion of thousand-dollar bills tightly packed together, it measures 300 feet high. If you take \$1 trillion of thousand-dollar bills tightly packed together, it measures 60 miles high, \$1 trillion.

And we are \$12 trillion in debt.

In fact, it takes all the taxes raised from all the Americans living west of the Mississippi just to pay the interest on our debt today, today. If we continue down this route that we are going, by 1995 it will take all the taxes collected from all the Americans in the United States just to pay the interest on the debt of the United States.

Now, what is the result of that? What can we do about it? We have, in my opinion, a window of 2 years that we have got to show some political stability and backbone in this Congress and out of the administration to come.

We have got to realize that the future of my daughter, who is going to college right now and who will be getting out by the that time, 1995, as it comes around, and she—and if she gets married—she and her husband will be looking for a job, and there will be no jobs because by that time the only way that the U.S. Government will be able to pay off the debts and pay the interest on the debt, and then we are looking in a very short period of time to the baby-boomers retiring and we are going to have to come up with an incredible amount of Social Security taxes, the only way we can pay those debts is to print more money—monetizing the debt they call it.

If you print more money to monetize the debt, what do you get? You get

hyperinflation. When you get inflation in the realms of 20 percent, 30 percent, and it could go as high as 100 percent inflation, there are no jobs out there, friends. Your children will not be able to find a job. Your grandchildren will be paying the debts of this generation.

I think it is terribly immoral, and that is what we are talking about, that there does not seem to be a change in direction, for the climate to change so that jobs can be created, so people can keep more of their money in their own accounts rather than send it to an inefficient Government to spend on inefficient programs that have a very low success rate.

We are in the position today this year and next year to make a real difference if we can find some real leadership. We have got to cut spending. We do not need to raise taxes. We cannot raise taxes. It does not matter if it is on the richest of the rich or the poorest of the poor, you cannot take more money out of the private sector for inefficient government and expect things to change.

We have got to stop raising taxes, we have got to cut spending and bring more efficiency to Government so that we are not wasting good taxpayer dollars. We have got to put this country on the road to lower deficits and less spending and less taxing so that the American people can realize their dreams, they can get their job, they can make money, they can invest it, they can save it, they can provide for their own retirement, and they will not have to rely on Medicare or Medicaid or Social Security for their retirement.

These people that live in this country deserve better than what they are getting out of this House, and the only way they are going to be able to change things is to bring about a peaceful revolution and send a real message, not just a message to George Bush—that is all we hear about—the elected officials of this House of Representatives in a message from the American people. I hope they will get it.

Mr. Speaker, I was getting really overwhelmed here. But I just want to thank the gentleman from Ohio [Mr. KASICH] for coming down and helping me with this special order, and I hope the American people will finally realize what is going on in this Chamber, and I hope the American people understand that we cannot continue business as usual, we cannot continue to raise taxes, increase spending, and increase the debt on the children of America.

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.

THOUGHTS ON THE POSSIBLE TURNOVER OF LIBYAN TERRORISTS TO THE AFFECTED COUNTRIES

The SPEAKER pro tempore (Mr. BACCHUS). Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. I thank the Speaker.

Mr. Speaker, I do not intend to take the whole 5 minutes. This is something that I have been wanting to talk about since before we got out of session.

Basically, it revolves around the actions of the country of Egypt. I was dismayed today to read in the paper the controversy that now has cropped up with regard to the Libyan situation versus the British and the United States, our position on the terrorists, the turning over of these killers to the countries that are affected. I hope that the Egyptians will be consistent, with the courage they have shown in the past, as they work through this issue.

The purpose of my comments, though, is to step back just a little bit in time and to take just a moment to praise the country of Egypt, which has been a great ally of the United States. I would like to refer to two specific incidents in particular.

One was the courage of President Mubarak and the country of Egypt as they rallied with the United States in the gulf war behind the great actions of our President in an effort to stop Saddam Hussein.

President Mubarak exercised great courage and great commitment to his friendship with the United States in his efforts to support us.

Furthermore, the Egyptians also showed very great leadership in regard to the Arab-Israeli negotiations, the ongoing negotiations.

You might recall, at the beginning of those negotiations there were a number of stumbling blocks that had to be crossed. It was because of the actions of President Mubarak and the Egyptian Government that we were able to overcome those obstacles and to get what is going to be a very delicate, very difficult peace process under way.

Mr. Speaker, I look forward to the Egyptians continuing to play a role as a country interested in the long-term solution. I would hope they can in fact find the will to be able to work with us on resolving this most difficult problem regarding the Libyans and the terrorists who were responsible for the killing of innocent people. I hope they will work with us on that.

There is no reason that they will not ultimately support us, because the actions of President Mubarak and his Government have been beyond reproach. The President deserves to be praised. The Egyptian people deserve to be praised because of very difficult times when we reached forks in the road about where the world was going to go, whether they were going to fol-

low the leadership of President Bush and the United States or whether they would run, hide in the weeds, follow the, what I think is, terrible policies of King Hussein of Jordan and basically walk away from responsibility. They did not do that.

□ 1655

They stood up strong and have provided great leadership, and I want to let it be known that I greatly appreciate the help of the Egyptian Government in being able to resolve many of the problems that the world has faced in very difficult times in a region that requires great patience and great courage.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore (Mr. BACCHUS). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Yesterday, Mr. Speaker, I reported on the Commodity Credit Corporation export promotion program that inured to the benefit of Iraq, and its arms buildup and its ability to wage war in the Middle East. I also illustrated, and I placed in the RECORD, which was printed and delivered to the Members, or accessible to the Members, today, the documentation that reflects these transactions and illustrated how the Bush administration used the CCC Program as a foreign policy tool, as well as the Export-Import Bank. I showed how the Banco Nazionale della Vordo, the Italian bank agency in Georgia, or, for brevity's sake, and BNL scandal, affected that program and, as well, the United States national policy, at least under this administration, toward Iraq. I also shed light on Secretary Baker and Deputy Secretary Eagleburger; that is, Deputy Secretary of State Eagleburger, in his role in prodding the National Advisory Council to approve the \$1 billion in CCC Programs for Iraq in November 1989, and I revealed that, prior to the NAC decision, Secretary Baker met with the Iraqi Ambassador, Tariq Aziz, in October of that year to discuss the BNL scandal and the BCC Program.

Now we talk here about budget imbalances and the like. How in the world can we justify the parsimony with which the same administration and a good segment of the Congress, I must admit quite regrettably, deals with the domestic needs and our own ability to endure as a viable nation, let alone as a leader of the world when, so cavalierly, not thousands, or hundreds of thousands, or millions, but billions of dollars are paid for by the taxpayers, because all of these credit guarantees mean that, guaranteed by whom—the U.S. Government.

Well, what does that mean, the U.S. Government? The taxpayers. There is

only one source of money for any government, and that is taxes, taxpayers.

So, Mr. Speaker, today I want to follow through and report on some of the events that occurred immediately after the NAC decision of November 6, 1989.

I also mentioned yesterday that we have learned nothing, apparently, through the years. As I said last week, we are like the old Bourbon kings. We learn nothing and forget nothing. But we are supposed to be a democracy, and the fact is that we have not learned anything because even today as I am speaking, not only on a Middle East level, but in far distant regions of the world, in the Far East, we are getting involved in the same kind of transaction in which directly and indirectly we are funding nations and activities that can very well imperil our national security tomorrow. Not next year, but tomorrow.

Now, as I said in yesterday's report, in November 1989, after intense lobbying by the State Department—and I have those documentations in today's RECORD—the NAC decided to approve a \$1 billion CCC Program for Iraq.

It was decided at that time to offer the Iraqis in two tranches of \$500 million each these guarantees, and under the protest this is the reason why Secretary Baker met with the ambassador, Aziz, who was saying, "Hey, look. We thought we were friends. What do you mean you're just going to let us have \$500 million? We thought the deal was for a billion."

Actually it was more than that. The total amount of guaranteed credits just through the CCC alone, not including the Export-Import Bank, the RECORD will show amounted to \$5 billion, of which the taxpayer has ended up holding the bag for over \$2 billion. That is incredible, and yet it is true.

Now one reason is that our banking laws are of such a nature, and have been, that the national interest is not protected. The people, as in other areas, for instance interest rates, and I will not go into that now, but I am just using that as an illustration of how the American people are stripped naked from any defense in the very basic things such as the allocation of credit. Allocation of credit has been from the beginning of our nationhood the prime issue. It was the issue in the First Continental Congress, in the Second Continental Congress, and then after the adoption of the Constitution in 1789, and under the impulse of the Secretary of the Treasury, Alexander Hamilton, the formation of the first U.S. bank, that was a big issue.

Mr. Speaker, I say to my colleagues, "If you think mean things are being said about bankers as a class today, you ought to read what Thomas Jefferson said and a few of the other leaders of that day," and what was the issue? It was exactly that. Who is going to wield the power of allocation of credit

to the Nation, to the people? And of course all through mankind's history that has been decided in a diverse manner and way.

But if we are talking about the greatest national interest, the greatest interest of the greatest number, then we have to go back to our roots, and we have to see how men like Jefferson did not capitulate as tragically as other leaders in the 20th century have particularly, and certainly since the adoption of the Federal Reserve Act of 1913, and more certainly in the latter two or three decades and when we emerged from the hot-shooting phase of World War II.

Mr. Speaker, I used to say, and we at the end of World War II used to say, "Well, there is no peace treaty," and there still is not, but we had other things happen. We had the emergence of some of the defeated and conquered nations who today financially are in positions of tremendous strength.

□ 1705

All through history when an individual, as well as the collective body known as a nation, forsakes its beginnings, forgets its hard beginnings, and it then sells or trades its inheritance "for a mess of pottage" in the words of the Scriptures, there is only one thing happening, and that is to the detriment of that nation's interest.

When we add to that the lack of vision, and again, in the words of the Testament, where a nation has no vision or where there is no vision, "a nation perishes."

We have gone down a dangerous road to the point where at this particular time, and with little incidents such as these Iraqi transactions, guaranteed by taxpayers, incredibly, and still going on, in fact, more than ever.

Let us look at the commitments the Export-Import Bank has made just within the last 6 or 7 months with Kuwait, with the tremendous wealth that Kuwait is supposed to have, and we will see that we have learned nothing.

But the banking laws, who would think, as so many of my citizens did not want to think just a few years ago, when they would ask me and say, "How come we have prime interest rates of 20 percent and 21 percent? We thought there was a law against usury." I would say, "No, there is not. On the national level, the limitation we had from the beginning of the Nation was done away with in 1865 with the National Currency Act of that year."

That was right after Lincoln died. When Lincoln died, that problem was the one that was uppermost in his mind, because he knew what the forces were and what was shaping up.

Nevertheless, be that as it might, it surprised many of my fellow citizens to discover that there was no such thing. In fact, it is the other way around. The States that had anti-usury or interest

rate controls have, all with the exception of about two or three at the most, have been done in because of the Federal Government and its policies in removing any kind of interest rates.

Going back to the origins, and that big, big argument, who allocates credit, today who does allocate credit? Is it the Congress? Is it the President or the elected people who are supposed to be the agents of the people en masse? No, not at all. Those forces are now what they call, in fancy parlance, exogenous. They are not within the control of the people. Therefore, we do not have to be prophets to know we are in deep trouble.

To continue with this specific case, because it is revelatory of the malaise and of the illness, and at the bottom of it, the failure of the Congress, and rightly or wrongly, of the committees, such as the Committee on Banking, Finance and Urban Affairs that I have the honor to chair. It has been an anguishing at least 30 years that I have been here in the Congress, that I have belonged to the committee, and I cannot begin to tell the anguish over the almost demoralizing things that I could see palpably happening.

Fortunately, I had the sense of accountability to record that over the years in the record known as our CONGRESSIONAL RECORD. What I say now is in hindsight. It is what was obvious to anybody sitting on this committee charged with the sense of trust.

In law, down through the years in the American corpus of law we have the phrase known as "Cestui que trust." That is considered as the trust that one who has the power of making and manufacturing money, which under our fractional system the bankers do. A bank can manufacture through the issuance of credit 10 times the amount of money it actually has in deposits. It always has, through our fractional currency system or reserve system, fractional reserve system.

In our tradition that is known as a trust. It used to be, and the law is still there and that phrase is still there, that banks were chartered. If one wanted to form a national bank, one then applied to the Comptroller of the Currency, who incidentally is not appropriated for by the Congress. The Comptroller of the Currency operates on the fees and monies he derived from the examination of the banks under his jurisdiction, so they have tended to be quite independent all through the years. I have had a series of Comptrollers come before the committee. If we lose the control, it is not there. The reason I am particularly sensitive to the need for adequate legislation is that despite the amendments we tacked onto the banking bill last November in this area known as the international banking law area, the reason I am continuing this is because I do not think it is still sufficient to provide that oversight and

that accountability that ought to be on the part of our regulatory authorities acting in the name of the national interest of over \$800 billion of this kind of international moneys in our country, high-velocity money.

As I said yesterday, just a small chunk of it has high leverage, and it is at the bottom of the substantial drug money laundering, noxious and abominable that our country is flagellated with, and which sooner or later is going to have to be plugged if we want to have any real control on that kind of crime.

In fact, it was this type of a bank that was able to get its charters in an area that, as a result of the first International Banking Act in 1978, which followed the hearings in my city and my district in 1975 that I caused. In fact, they were the only ones. They were so regulatory in the practices then, which incidentally, now, have been so much publicized in the last 2 or 3 years, that were evident with this high-velocity money coming across the border at will, with no accountability or anything.

It took 3 years. It was not until 1978, 3 years after the 1975 hearings in San Antonio, that we finally got the first smithereen of an international banking law.

□ 1715

Can you believe that? It was not until 1978. Then I wanted to amend the law further. Because when we finally got it in 1978, I was not chairman, and I was not chairman of the subcommittee that had jurisdiction. I had a hard time persuading them to go to hearings in San Antonio, so I did not have much of what they call around here clout in shaping the final outcome, which was a watered down version of what I had first proposed.

Through the years since 1978, I have been bringing to the attention of the subsequent chairmen of the committees we need to reinforce that act. The only reason we got the modicum of amendments last year was because of in November the BCCI scandals. I doubt seriously if we could have gotten anything absent BCCI scandals.

But has it been adequately addressed? No. You still have agency banks like this Atlanta BNL. What is an agency bank? An agency bank is really a branch of an otherwise foreign headquartered bank. In this case, the BNL, the headquarters for the U.S. operation was in New York, where they had been operating for a few years. But then they obtained agency charters from the States of Georgia, Florida, Illinois, and California.

In the meanwhile, I was focusing on trying to get the Federal Reserve Board to give me some statistics on the flow of cash transactions, because I knew they were tied in to the illicit narcotics business. I could not get any-

thing as an individual member of the Banking Committee.

It was not until the chairman in 1981, that finally, in the name of the committee, we got some information. And it was highly revelatory. Even though it was fragmentary, it was not as complete as it should have been, it was very revealing.

But even then we could not get the law amended to take care of what was obviously an intimate transaction between banking activities and particularly those that were not supervised by either the Federal Reserve, which is supposed to have prime responsibility, or the State chartering commissions.

In the case of the BNL in Georgia, the State commissioner, after the scandal, came to us and said, "Well, we did what we could, but we had no idea because they cooked the books."

When I said, "Well, what responsibility do you have toward dovetailing your auditing and examination with the Federal Reserve Board?"

"Well, it all depends," was the answer. And I get the same answer from the Federal Reserve Board.

But the net result is that even today there is no agency, State or Federal, that can give the American people the accounting that they ought to have, much less the committees that are charged with the responsibility of either the substantive legislative responsibility, such as the Banking Committee of the House of Representatives, and the one in the Senate. It is a responsibility that is inescapable, because in our case it is our *cestui que trust*.

It is a trust. It is not a job, it is a trust we hold in trust temporarily during the period of time in which our constituents say we choose you to represent us, and that is all.

Of course, we are going to rise and we are going to speak forth. I say with a great deal of sadness have we been helped? No. We started 2 years ago almost and could not get much attention, even on the committee level.

Then when the thing got hot after the newspaper started getting on the scandal, and then the Italian Government, because the other thing I brought out consistently, and what is ignored even here in our country, and that is these banks known as foreign banks, the overwhelming majority of them are owned by their respective governments. They are not like theirs. So the BNL is really owned by the Italian Government.

It was not until it hit home in Rome that the Italian Government was going to be exposed to an equal loss of around \$2 billion, like the taxpayer in the United States, that then the Senate, to its glory in Italy, the Italian National Senate, with the distinguished chairman, Senator Carta, then contacted me.

But in the meanwhile, the Committee on Banking, which to its great

honor and sense of responsibility acceded to my request and issued over 100 subpoenas, to the Federal Reserve Board, the State Department, MX Bank, the Agriculture Department, CIA, and what do we get? We get a letter, after I refused to meet privately with the Attorney General of the United States, saying, "Stop your investigation. We don't think you ought to continue these investigatory hearings."

I wrote him a letter and set forth the constitutional applicability in this case. This is our Attorney General. Thornburgh. Were we helped? No. Are we still obstructed? Yes. We still cannot get some of the subpoenaed documents.

Now, some of us, this great independent Federal Reserve Board, independent from everybody, from Congress, the President, all of a sudden says, as meek as a moaning kitten, "Oh, we cannot give you these documents, because the Attorney General says we shouldn't."

Well, to his everlasting glory, Senator Carta gave them to us. But we still have some that have been denied the Italians and been denied us, right now, as I speak.

So where are we? After all this great publicity, and outcry, and scandal, what? We still have the challenge of doing something about it.

I am proud to say that the Committee on Banking, Finance and Urban Affairs of the U.S. House of Representatives is committed to doing that, and will persist, and will continue. This is, of course, with the help and union of the majority, overwhelmingly, of the committee. In fact, the votes were unanimous. We got the required majority to issue the subpoenas with no dissent. So that is our big comforting ray of hope.

But it seems to me that there should be no resistance, whether it is out of fear of embarrassment because of what happened 2 years ago. We understand that 2 years ago you had a different diplomatic format. We do not understand why anybody—Iraq or anybody else—would have the taxpayer exposed to billions of dollars worth of tax responsibility. That I do not understand now or at any time.

But I do understand the diplomatic dilemmas then. But what about now? You have the same dilemmas in other countries.

We are doing the same thing now with Iran, that just recently released the last hostages. The reason they did was again based on a banking matter, which was at the bottom of the whole trouble when the first hostages were taken in 1979. That was the \$10 billion involving one of our biggest banks in our country, where the former Secretary of State went back on a stipend as a consultant, and naturally it involved the moneys that Iran and the revolutionary government of Iran felt was theirs and ought to go back.

So they did something that had not happened since the Middle Ages, they took hostages.

But has the American people ever been told? No. I did my best to get the chairman then to have an investigating committee. In fact, I was the first one after the hostage taking to recommend such things as a freezing of assets.

But even that was done through con-
niving on the part of that large bank that had this \$10 billion exposure, even though that \$10 billion exposure was really a syndicated exposure. That is a financial word meaning they had partners, foreign banks, all the way from Britain to France and everywhere else that were involved.

□ 1725

But the freezing of those assets was done in such a way that it was done to perpetuate not only the hostage difficulties but everything else going with it. And it was not until one of the last payments was made just recently and other yet to be determined goodies, such as arms, that the last hostages were released, but not until then.

As I said, at the bottom of everything is banking and finance, everything. So we had Secretary Baker hearing this Ambassador from Iraq saying, "How dare you do this to your buddies." And the Secretary said, "No, no, no, you are going to get this whole billion dollars this time."

Of course, the exposure turned out to be twice, over twice that amount. But on that particular occasion, the Iraqis were afraid of the revelations that were beginning to come out and which caused our attention.

How do my colleagues think I started the interest of the committee staff to look into this? Because in 1989, in the Wall Street Journal there was a little article saying about a letter of credit, \$2 billion, Atlanta Bank. And I said, \$2 billion, Atlanta. And I could not get any answers. But shortly after that the FBI suddenly decides that something has gone wrong and amiss in that Atlanta branch. And that is why I want to kind of regurgitate that a bit.

All we know is that we had high-ranking Iraqi officials making repeated trips to the U.S. Embassy in Baghdad and even to the United States to visit key administration policymakers. We had, once President Reagan took Iraq off of the list of terrorist nations in 1983, the sluice gates were open for what, American interests trade promotion with Iraq. And then with the very agile help of Mr. Kissinger and associates, we had over 80 of our leading corporations doing substantial business, forgetting that again, as in the case of government ownership of these banks, in these countries the minister of trade, or foment, or the economy, is also the minister of our equivalent of defense. In one particular instance there, for a couple of years, that hap-

pened to be Saddam Hussein's son-in-law. So that the credit base of the CCC and Eximbank credit guarantees were used to promote everything else, including the acquisition of chemicals used for atomic weaponry, nuclear weaponry, the Big Gun—the giant gun—the fellow that was developing that was assassinated in Belgium. He had gone a long way in assembling it, and a lot of that money came from the association of banks and consortiums that resulted from these guarantees of the BNL.

Lobbying by the U.S. agriculture community was also very intense. With a \$500 million tranche in U.S. agricultural sales at stake, the members of the Committee on Agriculture bombarded the administration policymakers to ensure the release of the second installment of the \$500 million of the CCC programs.

As the documents obtained by the committee indicate, and I include those in this day's speech, the Iraqis had a powerful ally in the State Department. At the end of 1989 and into 1990, indications that Saddam Hussein was becoming increasingly unstable were growing stronger. Among some of the other complaints, Saddam feared that Israel, the United States and several of the Arab emirates were engaged in a scheme to cripple Iraq financially.

Now, there is another thing we must keep in mind, sort of an overarching fact behind this whole thing. Iran, which at the time was at war with Iraq, is a non-Arabic country. Israel has been in a state of war with Iraq since before 1950, and is still in a state of war. These things should have made a difference while all of this scurrying and running about was going on, but it did not.

But Saddam Hussein says, "Wait a while, I think I am getting ganged up on."

Most of the major industrial nations had suspended their credit programs with Iraq, some of them because of Iraq's questionable ability to pay. Our law governing the Export-Import Bank, which our Committee on Banking, Finance and Urban Affairs had jurisdiction of, mandates that that is the key feature in extending these guarantees, the ability of that nation to repay. Unlike the Commodity Credit Corporation dictates a program, and this is the only thing that halfway saved the Export-Import Bank from getting a greater exposure.

As it was, even there on that level the taxpayers will be out, because of these guarantees to Iraq, on the Export-Import level, about \$200 million.

Now, \$200 million, some people do not think that is much. Well, I am old-fashioned enough to think it is a tremendous amount, horrendous amount. I still find it very difficult to accept the concept of a trillion dollars.

I used to think it was kind of mind-boggling to think of a billion dollars,

but today it seems like, well, \$200 million, more or less.

But I am chairman of the subcommittee on Housing and Community Development, and how do my colleagues think I feel when we cannot get this administration or even the leadership of our Congress to say, all right, we will provide what we should have provided in 1980, a reasonable modicum of help, which would be less than the taxpayers' exposures on the letter of credit to Iraq. For what? For community development. To once again pay attention to our crumbling infrastructures, our water systems, sewage systems.

The city of New York, for instance—alone—cannot attend the fact that it loses and wastes more water each day than it consumes because it has a delivery system that dates back 110 to 115 years ago, wooden pipes.

Now, the city of New York—and even with the help of the State of New York—does not have the resources. This is a national dilemma. We have taken this committee, in the name of the committee and the subcommittee this year, beginning on January 7, we started in Bridgeport, CT, where last year an effort was made by the city governors then to declare bankruptcy.

Can my colleagues imagine that? Today over 65 percent of our cities are in financial distress. And is this where the administration, the President and the Congress is targeting? No. We are having to fight, as if we are asking for the blood money that was so easily shed for countries like Iraq. Not to mention others, like believe it or not, China.

What are we going to do there, where the Chinese have just thumbed their nose at our distinguished leaders who go there. Secretary Baker was there just last November saying,

Now, boys, you are not supposed to be selling those arms that we licensed you to make like the Silkworm missile, which was the one that Iraq and Iran got.

□ 1735

And incidentally, now that Syria is supposed to be a reformed nation, as of about 6 or 7 months ago Syria got 300 new, improved Scuds. From whom? North Korea. North Korea or China?

What about the Silkworm? How could China produce that? We gave them the license. We have had three Secretaries of Defense and three different Presidents go over there. I think what Secretary Baker thinks is that maybe they can get a more gentler and kinder Communist out of China.

I think it is tragic. I think it is a terrible travesty. I think it is almost criminal negligence, as I think these loan guarantees to Iraq should be considered. Just look where it has ended us up, in the loss of lives, war, an affront that is still there. We have not withdrawn totally from those sands,

treacherous as they have been through the centuries. We still have considerable armament and personnel.

In Panama. We have forgotten about that. We have two-thirds of the troops in Panama that we had at the height of the invasion, and we had better not remove them. Drugs, we have had twice the volume of illicit drug trading through Panama than when old General Noriega was in charge. Why? Because we installed the President, and the First Vice President, and the Second Vice president, all of whom have been bankers in Panama involved in drug money laundering. We put them in charge of those people. We installed that government, and the reason we have over 15,000 soldiers there is that the moment we remove them, they are gone, and also no American life will be safe.

What about the Middle East? How much armament do we still have there in those sands? I ask my colleagues, if they want to know, call the research service and they will tell you. Substantial. How many forces do we still have there, active duty? I think quite a bit. Compared to the 540,000, more or less that we had at the peak, maybe not. But what does that mean? It means we are embedded in that dry quicksand of the Middle East, and at a cost to us. All of this cavalier nonsense that these other countries have saved and defrayed the cost is nonsense. I will remind my colleagues that in the last dire supplemental appropriation, emergency supplemental appropriation you voted for \$300 billion plus for Desert Storm. That is just an installment. That is American taxpayers. That did not come from Germany and Japan and the other countries that are supposed to have contributed.

We are still mired. This time it is not wet quicksand, it is dry quicksand. But it is those sands that have buried empires before, hundreds, and hundreds of years through, and will likely bury us if we do not stop.

At the end of 1989 and late 1990 indications that Saddam Hussein had become increasingly unstable, because he was shaky there, were clear. Iraq's financial condition had deteriorated to the point where it started to accumulate arrears in its paybacks, and in particular the CCC program. The Eximbank, to its credit, suspended at that point in late 1989 for a temporary default on its obligations at the bank. But Iraq was also in arrears with other creditor nations, some of whom we had involved in helping Iraq. Iraq had driven itself to the brink of bankruptcy, and the second \$500 million installment of the CCC program offered Iraq a financial oasis in that desert of angered creditors.

As the United States-Iraq relations deteriorated in 1990, remember that finally on August 2, I do not see how we could ever have thought that Saddam

Hussein would not think that his long protested claim to especially those areas in Kuwait were not going to be exerted if we had done everything to show that we are for him. The bad part is that on the other hand President Reagan was also lending assistance to its enemy, Iran. Remember Iran-Contra? And the TOW missiles we sent over? What cupidity could have governed the minds of our leaders to think either one of these contestants would not be cynical and knowledgeable of the fact we were aiding both sides?

The State Department and White House zeal to assist Saddam Hussein was clearly being accelerated during 1990. That is before August 2. I will report more on this at a later time because there is more documentation that needs to be placed in the RECORD, as I have done all along.

I would like to now discuss the important issue of the pending \$350 million CCC payment to BNL and whether or not the taxpayer should be stuck with this bill. BNL was the largest participant in the CCC program, because for letters of credit you need your bank. Everybody needs a bank. As I pointed out, even at the beginning of our country, the first Continental Congress they had to charter the North American banks. The big issue was that the bankers did not want to come into Philadelphia unless they could charge interest rates that Jefferson said you are not going to get, and it was not until Jefferson said you are not going to get any more than 6 percent that they finally said all right, we will come in.

There is another, modern day sequel to that. All during World War II Franklin Roosevelt, waging world war, utilizing over 46 percent of our total gross national product for the conduct and the waging of the war and the winning of it, on the Federal level never paid more than 2 percent interest. How could that be done? Why is it the Government pays as much as, and it has reached the point where it was paying as much as 17 percent on long-term bills and notes? Preposterous. But why? There is a reason. It was not accidental, it was not happenstance. It is because at least Franklin Roosevelt had the leadership ability to surround himself with a Secretary of the Treasury who knew what to do. So when the first borrowing started with the bonds and the bankers said no, we are not going to get into that, you do not pay enough, what did Morgenthau do? The President got excited and worried and said, "Secretary, what do we do?" He said that the Federal Reserve Board Act at that time provided what it said at the beginning of the Federal Reserve Board Act, which says that the Federal Reserve Board is to be the fiscal agent of the U.S. Treasury. Of course, it is no longer the fiscal agent of the U.S. Treasury. It is the other way around.

Take any dollar you have got, or \$5, or \$10 and see what it says. It says, "Federal Reserve note." It used to be, "U.S. Treasury note." There is a big difference in that, and this is why we are now sunk in what a predecessor speaker said earlier today was this monstrous interest payback. Of course, our Government is paying compound interest.

In our history we had more noble, dedicated and truly loyal to the public interest leaders like Franklin Roosevelt. And I just want to make this note for my colleagues who will see in the RECORD what was said here previously about this egregious interest burden, that all during World War II in fact it did not even average 2 percent, it was below 2 percent, and there were reasons. That is they stood up to those who no matter how much they had will always want more.

□ 1745

Because the name of the game is always power, and when you deposit power to allocate credit to a certain segment of the country and that segment has to be the one that is in that business of making money, and then turn over the manufacturing of the money to them, because the Federal Reserve Board is not a Federal agency, it is not a Federal agency, I repeat, it is the creature of the commercial banking system of the United States. That is what it is pure and simple. That is the one that is making the decisions directly and indirectly.

So here we have BNL, the bank, through its agency. And what is an agency? An agency bank, unlike the definition of a branch, is that it does not do regular banking business. It does not take any deposits, thank God it does not. The Federal Reserve Board did not give full banking facilities to the BCCI. Other less fortunate countries, including England, which incidentally had not had a big, major bank failure in 100 years until BCCI, because once you part with that power and you remove it from the control of the people through its elected representatives and agents who, in a cestui que trust, hold that power.

None of us in our system has a quit-claim deed on our job, thank God. But do the people still remain? Well, I think that is what our big, and it used to be the \$64 question, but that was during the Depression. That was before inflation. But that phrase is still good. That is the question. Well, that will be determined by us, maybe not individually, but certainly the majority here and now, right at the time that we are asked to reaffirm the basis upon which this country was founded 200 years ago.

The answer will be written as we go along, not in the year 2000. Year 2000 is today. What happens in 2000 and anytime after that depends on what we do or do not do now and tomorrow and the day after before 2000.

In February 1991, the Department of Justice, acting through the U.S. attorney's office for the Northern District of Georgia, indicted 10 defendants. Now, for months they were saying, "Look, give us time, but in the meantime, do not do anything. Do not dare have hearings. Do not do this. Do not do that. Above all, stop." And then I had to read Supreme Court decisions after Supreme Court decisions, because the Congress has abdicated its constitutional grants of power except one, maybe two, still remaining, and one of them is the power to know, and so Supreme Court decisions after Supreme Court decisions had hailed that notwithstanding a pending criminal investigation or criminal law procedure or another investigation elsewhere, the Congress has unimpeded and supreme right to know. It is investigatory power, in other words.

But the investigatory power is not unrestrained. We do not have the right, as some tried in the 1950's, to run roughshod just because we have the right to investigate.

We have rules now that we obey rigorously in the Committee on Banking and Urban Affairs to govern that, that we do not abuse anybody's right.

But the power to seek and obtain information is supreme, but information for what purpose, to legislate. You must have a legislative purpose, and that is what we are trying to do.

Mr. Speaker, with that, and noticing the arrival of our distinguished colleague, the ranking member of the Committee on Rules, I am including in the RECORD the documentation in support of the statements made here today, and will announce that these documents are at the end of this special order.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS,
Washington, DC, January 31, 1992.
Hon. EDWARD MADIGAN,
Secretary, Department of Agriculture, Washington, DC.

DEAR MR. SECRETARY: I am writing to you concerning Iraq's participation in the Department of Agriculture's Export Credit Guarantee Program and Intermediate Export Credit Guarantee Program; referred to as the GSM-102 and GSM-103 programs, respectively.

Specifically, I am interested in the status of the payment of the guarantees to the Banca Nazionale Del Lavoro (BNL) or its agency operation in Atlanta known as BNL-Atlanta, by the Agriculture Department's Commodity Credit Corporation (CCC).

Please provide the Committee with the following information:

1. A summary of all claims filed under the CCC guarantee programs for Iraq including the total U.S. exposure;
2. The total amount of all payments that have been made to date on claims that were filed under the CCC program for Iraq;
3. The total amount of all claims filed by BNL under the CCC program, including the original principal amount owed to BNL and the amount of accrued interest and the rate used to calculate the interest;

4. The total amount of all payments that have been made on claims under the CCC program that were filed by BNL; and

5. Any and all additional documents the Department of Agriculture has that are relevant to this matter.

Additionally, it has come to my attention that the Agriculture Department recently solicited opinions from various agencies regarding the payment of these guarantees. Please provide the Committee with all documents, including those generated by the other agencies, related to the Department of Agriculture's consideration of BNL claims.

Finally, please provide the Committee with the Agriculture Department's position concerning the payment of these guarantees.

Thank you for your prompt attention to this matter. If you have any questions, please call Ms. Debra Carr at 225-2924.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

OCT 89.

FM AMEMBASSY ROME.
TO SECSTATE WASHDC. TREAS DEPT
WASHDC.

Subject: Banca Nazionale del Lavoro Con-
cerns re Atlanta Branch.
Ref: Rome.

1. Confidential—entire text.

2. Summary: The chairman and the director general of Banca Nazionale del Lavoro (BNL) called on Ambassador to express their concerns about developments in the BNL-Atlanta affair. They suggested that the matter should be raised to a political level, and indicated their desire to cooperate fully with USG authorities while at the same time making it fairly clear they want to achieve some kind of damage control.

Ambassador said he would pass on their concerns but could not otherwise be helpful with or comment on a matter under criminal investigation. Separately, Treasury minister Carli has blocked an effort by opposition senators to conduct an investigation into the BNL-Atlanta affair. End summary.

3. The chairman of Banca Nazionale del Lavoro, Giampiero Cantoni, and the director general, Paolo Savona, called on the Ambassador on October 19. The meeting was at Cantoni's request, made during the return flight from the U.S. with President Cossiga. Both Cantoni and Savona had been in the U.S. with President Cossiga's delegation.

4. Cantoni expressed concerns about prospective developments in the BNL-Atlanta affair. He said BNL's U.S. lawyers were urging him to raise the issue to a "political" level. He said that his U.S. lawyers thought that charges would be filed under the Rico Act and that BNL and/or Iraqi assets could be frozen. Savona was concerned about losing the CCC guarantee on roughly one billion dollars of BNL Atlanta's three billion dollar exposure. The men alluded to legislation under consideration in Congress providing for USG credits to Iraq being affected by the investigation/charges. Cantoni said FBI agents remained in the Atlanta branch, or had sealed the books. He also maintained that the ex-Atlanta branch manager Drogoul was available and willing to testify to appropriate officials.

5. Cantoni and Savona both made the point that they were willing and anxious to cooperate with USG authorities. They also said their U.S. lawyers would be in Rome on October 25.

6. The Ambassador said he would pass on the concerns of BNL and their willingness to cooperate to Washington, but that he was

unable to comment or otherwise be helpful on a matter under criminal investigation.

7. On a separate note, Treasury Minister Carli responded negatively on October 24 to a request by opposition senators to conduct an investigation into the BNL-Atlanta affair. Carli said that a number of investigations by Italian and U.S. officials were underway. He also noted that bank secrecy laws impeded the bank of Italy from providing information to the Senate.

8. Comment:

The remarks on the need to raise this to a political level are interesting as the case has already become a political issue in Italy. The President has become involved as witnessed by the inclusion of Cantoni and Savona in his party in the U.S. Cantoni and Savona, while new to BNL, have close political connections, Cantoni to Craxi and the Socialists, and Savona to Cossiga (a fellow Sardinian) and to Carli, his mentor at the Bank of Italy and later at confindustria. The Treasury is the majority shareholder of BNL.

BNL is an upstart bank by Italian standards, dating only to 1913 and owing its growth to its role as the key bank for the Government in the 1920s and 30s. It continued to grow in the post-war period, but has been having problems in the past few years. The recently sacked chairman, Nerio Nesi, has been engaged in an effort to pare down the staff of the bank and separate out some functions while at the same time increase the bank's capital. To achieve the latter, he worked out a deal where by the state-owned insurance agency, ANA and the state pension system INPS would take the proceeds from the sale of shares in Credipiop and invest them in BNL. The result will be a capital increase that will reduce the Treasury's ownership from 75 percent to 56 percent. INA's also making a subordinated loan. The capital increase was approved by the BNL board in mid-October, and is to be presented to the shareholders (Treasury, INA, INPS plus a scattering of other, mostly public, institutions) on December 13.

BNL's reputation within the Italian banking community and even among its own staff has been suffering for some time. The BNL-Atlanta affairs, even if contained, will aggravate BNL's problems. Not the least of these are loans to Latin American countries. BNL is said to be one of the two largest lenders to Mexico and has been active in South America as well.

SECCHIA.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS,
Washington, DC, February 25, 1992.

Hon. CHARLES BOWSHER,
Comptroller General, U.S. General Accounting
Office, Washington, DC.

DEAR COMPTROLLER GENERAL BOWSHER: The Committee on Banking, Finance and Urban Affairs is conducting an investigation into the operations of the Banca Nazionale del Lavoro (BNL). Part of this investigation involves BNL participation in the Export-Import Bank (Eximbank) program for Iraq. The Committee requests your assistance with this investigation.

The Banking Committee has obtained numerous documents during its investigation that demonstrate that Iraq was not credit-worthy, yet, was able to obtain Eximbank financing. The Export-Import Bank Act states that all transactions supported by the Bank shall "... in the judgment of the Board of Directors, offer reasonable assurance of repayment. . . . The Committee is concerned

that Eximbank extensions of credit to Iraq were approved in violation of this particular provision of its charter.

Accordingly, the Committee requests that the GAO investigate whether or not Eximbank extensions of credit to Iraq were properly given the above mentioned provision in its charter. Please make sure to examine the decision-making process used by the Eximbank to grant credit to Iraq. In addition, please determine the role the State Department and other "outside factors" played in the decision to grant credit to Iraq.

Thank you for your time and consideration. The Committee looks forward to the results of your investigation.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 287, CONGRESSIONAL BUDGET FOR U.S. GOVERNMENT FOR FISCAL YEARS 1993, 1994, 1995, 1996, AND 1997

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 102-451) on the resolution (H. Res. 386) providing for the consideration of the concurrent resolution (H. Con. Res. 287) setting forth the congressional budget for the U.S. Government for the fiscal years 1993, 1994, 1995, 1996, and 1997, which was referred to the House Calendar and ordered to be printed.

REPORT ON PROHIBITION OF TUNA PRODUCTS SHIPMENTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-198)

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

To the Congress of the United States:

Pursuant to the provisions of subsection (b) of the Pelly Amendment to the Fishermen's Protective Act of 1967, as amended (22 U.S.C. 1978(b)), I am reporting to you that the Secretary of Commerce reported to me that shipments of yellowfin tuna or products derived from yellowfin tuna harvested by Venezuela in the eastern tropical Pacific Ocean (ETP) have been prohibited from the countries of Costa Rica, France, and Italy since June 25, 1991.

The Secretary's letter to me is deemed to be a certification for the purposes of subsection (a) of the Pelly Amendment. Subsection (a) requires that I consider and, at my discretion, order the prohibition of imports into the United States of fish and fish products from Costa Rica, France, and Italy to the extent that such prohibition is consistent with the General Agreement

on Tariffs and Trade. Subsection (b) requires me to report to the Congress within 60 days following certification on the actions taken pursuant to the certification; if all fish imports have not been prohibited, the report must state the reasons for so doing.

After thorough review, I have determined that sanctions against Costa Rica, France, and Italy will not be imposed at this time while we continue to work toward an international dolphin conservation program in the ETP. Costa Rica, France, and Italy will continue to be certified. I will make further reports to you as developments warrant.

GEORGE BUSH.

THE WHITE HOUSE, March 3, 1992.

THE DEFENSE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BATEMAN] is recognized for 5 minutes.

Mr. BATEMAN. Mr. Speaker, that the world is changing is axiomatic, but the changes of the last several years have been monumental in every sense of the word. The bipolar world divided between the democratic West and the Soviet bloc provided a certain sense of stability in international relations and gave people on both sides an identifiable threat against which to shape their national security structures. With the fall of the Berlin Wall, dissolution of the Warsaw Pact and the subsequent transformations in the Soviet Union—especially the aborted coup attempt of August 1991—the world as most of us have known it no longer exists.

Today, the world is no longer composed of two diametrically opposed blocs led respectively by Washington and Moscow. It is a world of crumbling empires and newly formed or independent countries. Relationships among old allies are marked by economic competition rather than the convergence of interests predicated upon a common threat. What this has meant for the United States is the disappearance of an old adversary against which its Armed Forces have been structured. Now we face threats which we cannot readily identify or quantify. These threats range from large-scale conventional conflict similar to last year's war in the Persian Gulf to the ongoing effort to stem the flow of narcotics across our borders. Given the turbulence and instability that are the norm we can safely proceed only on the basis of future threats that are varied and significant.

The Bush administration has responded to changes around the world by proposing to reduce defense spending by 30 percent. The number of soldiers, ships, planes, and tanks would be reduced by roughly this amount and the remaining forces restructured to

better respond to the new world order. Such reductions would take into account changing international conditions and permit the maintenance of forces large and capable enough to respond to the myriad potential dangers that will always exist in a turbulent world.

Unfortunately, many voices in Washington are calling for defense cuts as much as 50 percent. Presidential candidates who have given little or no thought to the issue are reiterating what has become the slogan of the left—cut defense. Such reductions, I believe, would not be in the country's best interest. Defense spending as a percentage of total Federal spending is already decreasing to the lowest level since the 1930's. The notion that our country cannot support a military of 1.6 million is born of the excess of negative thinking about this country that permeates a society which has good reason to take pride in the enormous success it has achieved.

Cuts in defense spending already implemented and the reductions proposed by the administration for fiscal years 1993-97 will reduce active duty personnel from 2.4 million to 1.6 million. There has been a freeze on civilian personnel by the Department of Defense since early 1990, and this plus the reduction planned by the administration will reduce Defense Department civilian personnel by 100,000. The cancellation, reduction, and stretch out of procurement programs because of past and current administration recommendations will cost close to a million jobs in defense industries and endanger the Nation's defense industrial base. The latter has enormous significance for our long-term national security.

Deeper cuts driven by immediate budget considerations implemented immediately will result in the loss of hundreds of thousands of defense related jobs and indirectly to nondefense related jobs. These cuts will decimate our defense industrial base and halt or reverse a recovery from the present recession, which has been significantly worsened by the defense spending reductions already implemented. Any such cuts can be achieved only at the expense of much larger reductions in the number of active duty personnel which will force large-scale, involuntary separations of our superb volunteer career military personnel. This will destroy the opportunity for a career in the military for the hundreds of thousands of young people and deny to minorities the upward mobility that our Armed Forces have made available. The social consequence of this is of major importance.

Clearly, the circumstances affecting our country today indicate an urgent need to focus more attention on domestic matters. This is something we can and should do. However, the degree to which an already reduced defense bud-

et is being advocated as a cash cow to transfer spending but not to reduce it, is poor economic policy and even worse national security policy. Some seem to think that we can close our doors to the world and tend only to problems at home. These neo-isolationists ignore that our security and economic well-being are tied to our relations with other countries. When conflict breaks out abroad, it is likely that U.S. interests may be threatened even if hostile troops are not storming our shores.

Under the administration's proposed defense budget, defense spending will drop to its lowest level since the 1930's, in terms of percentages of Federal spending and gross national product. While a reduction in the size of the military is an appropriate response to changes abroad, I am concerned that a floodgate has been opened that won't be closed until the next crisis catches us unprepared. Defense spending is not the drain on the economy many portray it to be. In fact, the layoffs associated with defense cuts will far surpass those being implemented by General Motors, IBM, and the other consumer-oriented companies experiencing difficulties. I do not contend that defense spending should be used as a jobs program. I am stating that defense spending serves a function unmatched by any other Federal programs. It is the bulwark of our freedom and world peace. It does not deserve the constant denigration it receives by many in Congress.

Certainly, the defense budget should be reduced from its cold war level. That reduction, however, is already proceeding. Defense spending peaked in 1985 and has declined steadily ever since. The price of continuing this decline, I suspect, will be high if and when the next crisis abroad occurs. We are foolish if we act as if there will be none. The price of this folly would be paid in blood and money.

What does this mean for the U.S. defense budget? It means that the United States can and should maintain a military strong enough to respond to crises that threaten our interests. Naval and air forces and the Marine Corps should not be decreased as low as the 50 percenters want to go. They are the forces that are called upon to respond on short notice and in order to be effective must be deployable on a global basis. The quality of training and equipment, the technology of their weapons, and the industrial base essential to sustaining our forces over the long term must be safeguarded. Continued maritime superiority must remain a bedrock of our national security policy. Without the ability to control the seas, this maritime Nation cannot control its destiny. This should be unthinkable.

In conclusion, those who argue for defense reductions as a source of higher levels of spending elsewhere and the

majority of those urging deeper cuts in defense do nothing to reduce the Federal deficit. All they do is guarantee the loss of jobs, cause greater turbulence in our economy, undermine vital elements of our defense industrial base, shatter the morale of our service men and women and destroy the confidence of our friends abroad and encourage those hostile to American interests.

□ 1755

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION 233, ON POW/MIA AFFAIRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CAMP] is recognized for 5 minutes.

Mr. CAMP. Mr. Speaker, I rise today to call upon my colleagues for action on an important resolution. This bill sends to the President, and the American people, the message that Congress believes the POW/MIA issue is of the highest priority. It will display strong congressional support for current U.S. policy which includes the full resolution of the POW/MIA issue as one of the steps toward the suspension of the trade embargo and normalization of diplomatic relations with Vietnam. I am speaking of House Concurrent Resolution 233, a resolution that I introduced in November along with Mr. UPTON, Mr. MILLER of Washington, Mr. GOSS, and Mr. DORNAN.

This resolution makes a simple and reasonable request. It calls upon the President not to lift or modify the United States trade embargo currently in place against Vietnam, nor move toward the normalization of diplomatic relations with Vietnam, until the Select Committee on POW/MIA Affairs of the other body reports its findings. This committee is scheduled to conclude its work at the end of this year.

There are those who believe we should lift the economic embargo against the Socialist Republic of Vietnam before the other body has completed its work. I believe that is unfair to the people who served our Nation, and unfair to their families. We owe it to ourselves to get the answers before we resume a relationship with a nation that has never satisfactorily answered the question about missing Americans.

As the hearings by the committee of the other body have progressed, more allegations have surfaced that present more leads and, most importantly, more questions. Russian Gen. Oleg Kalugin's claims that United States prisoners of war were interrogated by KGB agents inside the Soviet Union years after Hanoi claims all living prisoners were returned is a startling example. Yes, the general's story has questions relating to credibility, but it does warrant careful examination. This is why the Select Committee must be allowed to complete its work.

Although the resolution suggests no direct linkage to human rights issues in Vietnam, we must not forget that the Socialist Republic of Vietnam remains one of the most repressive regimes in the world. There is no freedom of speech, freedom of the press, or freedom of association. The reeducation camps still hold many prisoners, and the vast majority of these are detained because they fought beside the United States during U.S. military involvements in Southeast Asia. It is important that, in accordance to the principles of freedom that our country represents, that we also use leverage to push the Government of Vietnam in the direction of providing greater freedom and human rights for its own people.

For far too long Mr. Speaker, we have been haunted by doubts over the fates of the 2,273 American servicemen who are unaccounted for in Southeast Asia. We owe it to these men who so bravely served their country, as we owe it to their families, to get the answers.

I invite my colleagues to join me, and the additional 70 Members who have already done so, as a cosponsor of House Concurrent Resolution 233. This bill enjoys the support of members of the National Vietnam Veterans Coalition, the American Legion, and the Vietnam Veterans of America. At this time, I would like to thank Tom Burch and Bonny Stilwell from the National Vietnam Veterans Coalition. Their assistance and support regarding this legislation has been invaluable. In closing, I ask that this important resolution be brought before the full House for action as soon as possible—our missing Americans, and their families, deserve nothing less.

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. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. INHOFE, for 5 minutes, today.

Mr. THOMAS of Wyoming, for 5 minutes, today.

(The following Members (at the request of Mr. SKAGGS) to revise and extend their remarks and include extraneous material:)

Mr. PICKLE, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. SMITH of Florida, for 5 minutes, today.

Mr. SKAGGS, for 60 minutes, today.

(The following Member (at the request of Mr. SKAGGS) to revise and extend his remarks and include extraneous material:)

Mr. BROOKS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KASICH, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BATEMAN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CAMP, for 5 minutes, today.

EXTENSION OF REMARKS

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

Mr. HUGHES, on H.R. 2475 in the House today.

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous material:)

Mr. BAKER.

Ms. ROS-LIEHTINEN.

Mr. BROOMFIELD.

Mr. GREEN of New York.

Mr. GINGRICH.

Mr. KOLBE.

Mr. SOLOMON.

Mr. MICHEL.

Mr. MCEWEN.

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

Mr. YATRON.

Mr. NOWAK.

Mr. KILDEE.

Mr. STARK in three instances.

Mr. EDWARDS of California.

Mr. FASCELL in two instances.

Mr. OBERSTAR.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 479. An act to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States; to the Committee on the Judiciary.

S.J. Res. 139. Joint resolution to designate October 1992 as "National Lock-in-Safety Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 214. Joint resolution to designate May 16, 1992, through May 22, 1992 as "National Awareness Week for Life-Saving Techniques"; to the Committee on Post Office and Civil Service.

S.J. Res. 218. Joint resolution designating the calendar year, 1993, as the "Year of American Craft: A Celebration of the Creative Work of the Hand"; to the Committee on Post Office and Civil Service.

S.J. Res. 233. Joint resolution to designate the week beginning April 12, 1992, as "National Public Safety Telecommunicators Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 240. Joint resolution designating March 25, 1992 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on Post Office and Civil Service.

S.J. Res. 244. Joint resolution to recognize and honor the National Conference of Commissioners on Uniform State laws on its centennial for its contribution to a strong Federal system of government; to the Committee on Post Office and Civil Service.

S.J. Res. 246. Joint resolution to designate April 15, 1992 as "National Recycling Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 254. Joint resolution commending the New York Stock Exchange on the occasion of its bicentennial; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. CAMP. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 4, 1992, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

2971. A letter from the Assistant Secretary, Department of Defense, transmitting the National Defense Stockpile Requirements Report for 1992, pursuant to 50 U.S.C. 98h-5; to the Committee on Armed Services.

2972. A letter from the Secretary, Department of Defense, transmitting the Defense Reserve Forces Policy Board's Annual Report for Fiscal Year 1991, pursuant to 10 U.S.C. 115(a); to the Committee on Armed Services.

2973. A letter from the General Counsel, Thrift Depositor Protection Oversight Board, transmitting the Board's report pursuant to section 21A(k)(9) of the Federal Home Loan Bank Act, as added by section 102(a)(3) of the Resolution Trust Corporation Funding Act of 1991; to the Committee on Banking, Finance and Urban Affairs.

2974. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination regarding certification of the 27 major illicit narcotics producing and transit countries, pursuant to 22 U.S.C. 2291; to the Committee on Foreign Affairs.

2975. A letter from the Assistant Legal Adviser 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.

2976. A letter from the Secretary of Health and Human Services, transmitting a report of surplus real property transferred or leased for public health purposes in fiscal year 1991, pursuant to 40 U.S.C. 484(o); to the Committee on Government Operations.

2977. A letter from the Comptroller General, General Accounting Office, transmitting a report entitled "Financial Audit—Pension Benefit Guaranty Corporation's 1991 and 1990 Financial Statement," pursuant to 31 U.S.C. 9105; to the Committee on Government Operations.

2978. A letter from the Director of Public Affairs and Press Secretary, Department of

Agriculture, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

2979. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1991, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2980. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the report under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2981. A letter from the Chairman, Federal Labor Relations Authority, transmitting a report under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2982. A letter from the Chairman, Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1991, pursuant to 5 U.S.C. 552b; to the Committee on Government Operations.

2983. A letter from the Chairman, Federal Reserve System, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

2984. A letter from the National Endowment for the Arts, transmitting a copy of the Endowment's Special Review No. I-A-SR-92-2, results of its consulting services activities during fiscal year 1991; to the Committee on Government Operations.

2985. A letter from the Chairman, National Endowment for the Humanities, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2986. A letter from the Executive Secretary, National Security Council, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2987. A letter from the Railroad Retirement Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2988. A letter from the Secretary, Resolution Trust Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

2989. A letter from the President, Thrift Depositor Protection Oversight Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2990. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2991. A letter from the U.S. Attorney General, transmitting notification of a delay in the effective date of the notice-related provisions contained in subsections (a), (b), (c), and (e)(1) of section 2428 of the Immigration and Nationality Act, as amended (8 U.S.C. 12528); to the Committee on the Judiciary.

2992. A letter from the Acting Secretary of Transportation, transmitting a report on the relative cost of construction or reconditioning of comparable ocean vessels in shipyards in the various coastal districts of the United States, together with recommendation as to how shipyards may compete for work on an equalized basis; to the Committee on Merchant Marine and Fisheries.

2993. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report for fiscal year 1991 listing the number of appeals submitted, the number processed to completion, and the number not completed by the originally announced date, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Post Office and Civil Service.

2994. A letter from the Chairman, Barry Goldwater Scholarship and Excellence in Education Foundation, transmitting the annual report of the activities of the Goldwater Foundation, pursuant to 20 U.S.C. 4711; to the Committee on Science, Space, and Technology.

2995. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled, "Comprehensive Child Welfare Services Amendments of 1992" to the Committee on Ways and Means.

2996. A letter from the Foreign Agricultural Service, Department of Agriculture, transmitting modifications to the Secretary's September 30, 1991, determination of the agricultural commodities and quantities programming during fiscal year 1992; jointly, to the Committees on Agriculture and Foreign Affairs.

2997. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of his determination that Israel is not being denied its right to participate in the activities of the International Atomic Energy Agency, pursuant to Public Law 99-88, chapter V (99 Stat. 323); Public Law 100-461, title I (102 Stat. 2268-3); jointly, to the Committees on Appropriations and Foreign Affairs.

2998. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of waiver and justification by the Secretary of State pursuant to section 502 of Public Law 102-140; jointly, to the Committees on Appropriations and Foreign Affairs.

2999. A letter from the Director, Office of Management and Budget, transmitting the 11th report on U.S. costs in the Persian Gulf conflict and foreign contributions to offset such costs, pursuant to Public Law 102-25, section 401 (105 Stat. 99); jointly, to the Committees on Armed Services and Foreign Affairs.

3000. A letter from the Assistant Secretary for Environmental Restoration and Waste Management, Department of Energy, transmitting notice that the report detailing the expenditure of fiscal year 1991 Environmental Restoration and Waste Management Funds will be delayed until June 10, 1992, pursuant to Public Law 101-189, section 3141(c)(1), (2) (103 Stat. 1680); jointly, to the Committees on Armed Services, Energy and Commerce, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. DERRICK: Committee on Rules. House Resolution 386. A resolution providing for

the consideration of House Concurrent Resolution 287, a concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1993, 1994, 1995, 1996, and 1997 (Rept. 102-451). Referred to the House Calendar.

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 Ms. HORN:

H.R. 4359. A bill to amend title 11 of the United States Code with respect to executory contracts and unexpired leases involving airport terminals, aircraft gates, and related facilities, and to permit governmental units to serve on committees of creditors and equity security holders with respect to certain claims; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself and Mr. DE LA GARZA):

H.R. 4360. A bill to amend the Soil Conservation and Domestic Allotment Act to require the Secretary of Agriculture to carry out a program to help ensure the safe and effective use of sludge to improve soil fertility; and for other purposes; to the Committee on Agriculture.

By Mr. ANDREWS of Texas:

H.R. 4361. A bill to create "Healthy American Schools" where children learn lifelong health and fitness skills vital to developing a smart body and smart mind and to empower every school with the ability to become a healthy school built on a firm foundation of "healthy mind and healthy body" curricula; to the Committee on Education and Labor.

By Mr. BENNETT:

H.R. 4362. A bill to direct the Secretary of the Navy to develop a second homeport on the East Coast of the United States for nuclear-powered aircraft carriers; to the Committee on Armed Services.

By Mr. BROOKS:

H.R. 4363. A bill to amend title 11 of the United States Code to exclude from the estate of the debtor certain interests in liquid and gaseous hydrocarbons; to the Committee on the Judiciary.

By Mr. BROWN (by request):

H.R. 4364. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development; space flight, control and data communications; construction of facilities; research and program management; and inspector general; and for other purposes; to the Committee on Science, Space, and Technology.

By Mrs. COLLINS of Michigan (for herself, Mr. ROE, Mr. TOWNS, Mr. PAYNE of New Jersey, and Mr. LIPINSKI):

H.R. 4365. A bill to provide for a temporary matching fund waiver for certain mass transit projects; to the Committee on Public Works and Transportation.

By Mr. CONYERS:

H.R. 4366. A bill to establish national voter registration procedures for Federal elections, and for other purposes; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. DEFAZIO (for himself, Mr. AUCCOIN, Mr. JONES of North Carolina, Mr. SABO, Mrs. SCHROEDER, Mr. CARDIN, Mr. EDWARDS of California, Mr. TOWNS, Mr. KOSTMAYER, Mr. OWENS of New York, and Mr. LIPINSKI):

H.R. 4367. A bill to amend the Military Selective Service Act to prohibit registration

and to halt the activities of civilian local boards, civilian appeal boards and similar local agencies of the Selective Service System; to the Committee on Armed Services.

By Mr. HARRIS:

H.R. 4368. A bill to amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HUBBARD (for himself, Mr. DELAY, Mr. ARMEY, Mr. ROBERTS, Mr. ROWLAND, Mr. CONDIT, and Mr. CAMPBELL of Colorado):

H.R. 4369. A bill to require the imposition of the death penalty or life imprisonment without parole for individuals convicted of first degree murder in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LEHMAN of California (for himself and Mr. MILLER of California):

H.R. 4370. A bill to provide for the protection of the Bodie Bowl area of the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. MINK:

H.R. 4371. A bill to authorize the National Park Service to undertake the necessary feasibility studies to establish certain new units of the National Park System in the State of Hawaii; to the Committee on Interior and Insular Affairs.

By Mr. MURTHA (for himself, Mr. REGULA, and Mr. SCHULZE):

H.R. 4372. A bill to extend the provisions of the Steel Import Stabilization Act for specialty steel and other purposes; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (by request):

H.R. 4373. A bill to amend the Internal Revenue Code of 1986 to impose a penalty on a trustee of a retirement savings plan which permits trustee-to-trustee transfers of funds to another such plan if the trustee fails to make the transfer within 60 days; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4374. A bill to amend the Internal Revenue Code of 1986 to accelerate the implementation of the existing tax on ozone-depleting chemicals and to provide that such tax shall apply to certain hydrochlorofluorocarbons; to the Committee on Ways and Means.

By Mr. VOLKMER (for himself, Mr. MORRISON, Mr. OLIN, and Mr. MARLENEE):

H.R. 4375. A bill to authorize the Secretary of Agriculture to enter into challenge cost-share agreements, and for other purposes; to the Committee on Agriculture.

By Mr. GLICKMAN (for himself, Mr. MILLER of California, Mr. DURBIN, Mr. WOLPE, Mr. SLATTERY, Mr. HUGHES, Mr. MAZZOLI, and Mr. ENGLISH):

H.Res. 387. Resolution to create an Office of the Administration of the House of Representatives; to the Committee on Rules.

MEMORIALS

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

334. By the SPEAKER: Memorial of the House of Representatives of the State of Maine, relative to honoring women in mili-

tary service; to the Committee on House Administration.

335. Also, memorial of the House of Representatives of the State of Maine, relative to compensation for service-connected disabilities; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

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

H.R. 23: Mr. CONDIT, Mr. LEWIS of Florida, Mr. NOWAK, Mr. RAY, Mr. SPRATT, and Mr. MCMILLAN of North Carolina.

H.R. 78: Mr. ALLEN.

H.R. 187: Mr. NOWAK and Mr. SIKORSKI.

H.R. 461: Mr. PACKARD and Ms. HORN.

H.R. 608: Mr. COLEMAN of Texas, Mr. JENKINS, Mr. UPTON, Mr. BROWDER, Mr. MAUROULES, Mr. HERTEL, Mrs. MINK, Mr. HOYER, Mr. TOWNS, Mr. DYMALLY, and Mr. LIVINGSTON.

H.R. 609: Mr. NEAL of Massachusetts, Mr. GEJDENSON, Mr. FLAKE, Mr. HOCHBRUECKNER, Mr. DE LUGO, Mr. HORTON, Mr. AUCCOIN, Mr. DYMALLY, Ms. SLAUGHTER, and Mr. HAYES of Louisiana.

H.R. 617: Mr. LANCASTER, Mrs. PATTERSON, Mr. LUKEN, and Mr. ENGLISH.

H.R. 786: Mr. HOAGLAND, Mr. ROSE, and Mr. WILLIAMS.

H.R. 793: Mr. MCHUGH, Mr. HAYES of Illinois, Mr. WOLPE, and Mr. MORAN.

H.R. 815: Ms. NORTON.

H.R. 840: Mr. HORTON and Mr. SARPALUIS.

H.R. 1145: Mr. ROYBAL and Mrs. BOXER.

H.R. 1186: Mr. HENRY, Mr. CHAPMAN, Mr. CONYERS, Mr. OXLEY, Mr. HERGER, Mrs. COLLINS of Michigan, Mr. LIGHTFOOT, Mr. PICKETT, and Mr. PASTOR.

H.R. 1348: Mr. DOOLITTLE, Mr. FOGLIETTA, Mr. ROE, Mr. HEFNER, Mr. MORRISON, and Mr. QUILLEN.

H.R. 1411: Mr. GEREN of Texas, Mr. DORNAN of California, Mr. PETERSON of Minnesota, Ms. KAPTUR, Mr. ZELIFF, Mr. CARPER, Mrs. ROUKEMA, and Mr. TAYLOR of North Carolina.

H.R. 1450: Mr. OWENS of Utah.

H.R. 1572: Mr. ALLEN and Mr. TRAFICANT.

H.R. 1652: Mr. MCMILLEN of Maryland.

H.R. 1791: Mr. ROE.

H.R. 2083: Mr. DORGAN of North Dakota.

H.R. 2338: Mr. ROBER.

H.R. 2766: Mr. SIKORSKI.

H.R. 2806: Mr. SWETT, Mr. CAMPBELL of California, Mr. KOLTER, and Mr. JEFFERSON.

H.R. 2808: Mr. LIVINGSTON.

H.R. 2838: Mr. COX of Illinois, Mr. KOLTER, Mr. KOPETSKI, Ms. KAPTUR, Mr. SCHEUER, Mr. AUCCOIN, Mr. SPENCE, and Mr. VOLKMER.

H.R. 2946: Mr. MARLENEE.

H.R. 2966: Mr. PRICE and Mr. ATKINS.

H.R. 3035: Mrs. VUCANOVICH.

H.R. 3042: Mr. BEVILL.

H.R. 3204: Mr. CAMPBELL of California, Mr. HYDE, Mr. SCHUMER, Mr. BEVILL, Mr. CLAY, Mr. DERRICK, Mr. FAZIO, Mr. FORD of Tennessee, Mr. FROST, Mr. HALL of Texas, Mrs. LLOYD, Ms. NORTON, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. SCHAEFER, Mr. SOLARZ, Mr. SPENCE, Mr. UPTON, and Mr. MARTINEZ.

H.R. 3216: Mr. ALLEN and Mr. UPTON.

H.R. 3217: Mr. PACKARD.

H.R. 3236: Mr. ANDREWS of Maine.

H.R. 3253: Mr. MOLLOHAN and Mr. DIXON.

H.R. 3344: Mr. RUSSO.

H.R. 3425: Mr. KILDEE, Mr. STEARNS, Mr. COSTELLO, and Mr. MCGRATH.

H.R. 3438: Mr. RANGEL.

H.R. 3439: Mr. RANGEL.

H.R. 3440: Mr. RANGEL.
 H.R. 3441: Mr. RANGEL.
 H.R. 3442: Mr. RANGEL.
 H.R. 3472: Mr. SANTORUM.
 H.R. 3516: Mr. LIVINGSTON.
 H.R. 3544: Mr. GUARINI, Mr. LIPINSKI, and Mr. LANTOS.
 H.R. 3592: Mr. LIVINGSTON.
 H.R. 3605: Mr. RANGEL.
 H.R. 3636: Mr. VOLKMER.
 H.R. 3662: Mr. GILMAN, Mr. TAYLOR of North Carolina, Mr. OWENS of Utah, and Mr. DUNCAN.
 H.R. 3702: Mrs. BOXER.
 H.R. 3732: Mr. MANTON.
 H.R. 3748: Mr. COLEMAN of Texas and Mr. WALSH.
 H.R. 3781: Mr. PICKETT.
 H.R. 3816: Mr. ROE.
 H.R. 3825: Mr. KLUG, Mr. GINGRICH, Mr. HASTERT, Mr. MOLLOHAN, Mr. SAVAGE, and Mr. KOLBE.
 H.R. 3826: Mr. FROST, Mr. LEHMAN of Florida, Mrs. LOWEY of New York, and Mr. MCDERMOTT.
 H.R. 3849: Mr. COX of Illinois, Mr. LIPINSKI, Mr. DELLUMS, Mr. MCGRATH, and Mr. ROE.
 H.R. 3918: Mr. HOCHBRUECKNER, Mr. SYNAR, and Mr. ANDERSON.
 H.R. 3953: Mr. WOLPE, Mr. KOLTER, Mr. BACCHUS, Mr. OWENS of New York, Mr. MCMILLEN of Maryland, Mr. ATKINS, Mrs. BOXER, Mr. MARKY, Mr. GILMAN, Mr. WELDON, Mr. MARTINEZ, Mr. ANDREWS of Maine, and Mrs. MORELLA.
 H.R. 3961: Mr. HALL of Ohio and Mrs. SCHROEDER.
 H.R. 4013: Mr. CRAMER and Mr. YATRON.
 H.R. 4023: Mr. TORRICELLI and Mr. HAYES of Illinois.
 H.R. 4100: Mr. DEFazio, Mr. OLVER, Mr. EVANS, Mr. ECKART, and Mr. PERKINS.
 H.R. 4127: Mr. DORNAN of California, Mr. MCCANDLESS, and Mr. MOORHEAD.
 H.R. 4130: Mr. LIVINGSTON, Mr. RAMSTAD, and Mr. LAGOMARSINO.
 H.R. 4151: Mr. TOWNS.
 H.R. 4161: Mr. JONTZ and Mr. JEFFERSON.
 H.R. 4169: Mr. HUCKABY and Mr. RAVENEL.

H.R. 4178: Mr. LEVINE of California and Mr. ROE.
 H.R. 4196: Mr. JAMES, Mr. LANTOS, Mr. GORDON, Mr. LAGOMARSINO, Mr. JENKINS, Mr. FROST, Mr. RITTER, Mr. HOCHBRUECKNER, Mr. ROGERS, Mr. HOYER, Mr. NEAL of North Carolina, Mr. TAUZIN, and Mr. ANDREWS of New Jersey.
 H.R. 4207: Mr. BRUCE, Mr. PENNY, Mr. WEBER, Mr. INHOFE, Mr. SWETT, and Mr. KOPETSKI.
 H.R. 4227: Mr. RANGEL, Mr. MATSUI, Mr. STARK, Mr. LEVINE of California, Mr. FAZIO, Ms. PELOSI, Mr. MILLER of California, Mr. BILBRAY, Mr. LANTOS, Mr. TORRES, Mr. DELLUMS, Mrs. MINK, Mr. TOWNS, and Mr. CONDIT.
 H.R. 4271: Mr. MCDERMOTT, Mr. CARDIN, Mr. PASTOR, Mr. LENT, Mr. COLEMAN of Texas, Mr. TRAXLER, and Mr. SANDERS.
 H.R. 4277: Mr. ROEMER, Mr. BROWN, and Mr. BONIOR.
 H.R. 4280: Mr. EWING, Mr. BALLENGER, and Mr. MCCRERY.
 H.R. 4285: Mr. ANDERSON, Mr. GALLEGLY, and Mr. FROST.
 H.R. 4286: Mr. GORDON and Mr. LAFALCE.
 H.R. 4293: Mr. HOCHBRUECKNER, Mr. LENT, Mr. TRAFICANT, Mr. RANGEL, Mr. SCHIFF, and Mr. ROE.
 H.R. 4304: Mr. SABO and Ms. HORN.
 H.R. 4319: Mr. BEREUTER and Mrs. JOHNSON of Connecticut.
 H.J. Res. 143: Mr. BLILEY.
 H.J. Res. 272: Mr. YATRON, Mr. ROGERS, Mr. LEWIS of Florida, Mr. HENRY, Mr. FISH, Mr. MCDADE, Mr. MRAZEK, Mrs. MORELLA, Mr. HORTON, Mr. HAMILTON, Mr. RAVENEL, Mr. NATCHER, Mrs. PATTERSON, Mr. WOLPE, Mr. NICHOLS, Mr. THOMAS of Wyoming, Mr. LIVINGSTON, Mr. MYERS of Indiana, Mr. WEBER, Mr. MURPHY, Mr. LAFALCE, Mr. STOKES, Mr. HUTTO, Mr. TAUZIN, Mr. DE LUGO, Mr. DIXON, Mr. MCCOLLUM, Mr. HYDE, Mr. DOOLEY, Mr. DARDEN, Mr. HUBBARD, Mr. DYMALLY, Mr. KILDEE, Mr. APPEGATE, Mr. BOEHLERT, Mr. SUNDSQUET, Mr. MCDERMOTT, Mr. DICKS, Mrs. UNSOELD, Mr. SWIFT, Mr. TOWNS, Mr. MURTHA, Mr. HOUGHTON, Mr. BONIOR, and Mr. LEWIS of Georgia.

H.J. Res. 357: Mr. RANGEL.
 H.J. Res. 371: Mr. NATCHER, Mr. OWENS of Utah, Mr. PAXON, Mr. TALLON, Mr. TRAFICANT, Mr. TAUZIN, Mr. TRAXLER, and Mr. YOUNG of Alaska.
 H.J. Res. 388: Mrs. UNSOELD, Mr. DORGAN of North Dakota, Mrs. MEYERS of Kansas, and Mr. WEBER.
 H.J. Res. 402: Mr. DOOLITTLE, Mr. MARTINEZ, Mr. BOUCHER, and Mr. SISISKY.
 H.J. Res. 403: Mr. WEISS, Mr. HUGHES, Mr. ATKINS, Mr. TRAFICANT, Mr. BARRETT, Mr. MOORHEAD, Ms. MOLINARI, Mr. SOLOMON, Ms. NORTON, Mr. KLUG, Mr. FROST, Mr. LEWIS of California, Mr. GILMAN, Mr. SCHUMER, Mr. SISISKY, Mr. EVANS, Mr. KOPETSKI, Mr. ESPY, Mr. CAMP, Mr. DWYER of New Jersey, Mrs. VUCANOVICH, Mr. FASCELL, Mr. MCCLOSKEY, Mr. MARTIN, Mr. HOBSON, and Mr. LANTOS.
 H.J. Res. 411: Mr. DWYER of New Jersey, Mr. MCGRATH, Mr. FROST, and Mr. SOLOMON.
 H.J. Res. 423: Mr. MILLER of Washington.
 H. Con. Res. 224: Mr. DINGELL.
 H. Con. Res. 248: Mr. HERTEL and Mr. TAUZIN.
 H. Con. Res. 271: Mr. OWENS of Utah, Mr. KOLTER, Mr. FROST, and Mr. JONTZ.
 H. Con. Res. 277: Mr. WILSON, Mrs. VUCANOVICH, and Mr. MOORHEAD.
 H. Con. Res. 281: Mr. ATKINS, Mr. WEBER, Mr. ACKERMAN, Ms. MOLINARI, Mr. SMITH of Florida, and Mrs. MORELLA.
 H. Res. 234: Mr. DURBIN.
 H. Res. 322: Mr. GORDON, Mr. KYL, and Mr. LAGOMARSINO.
 H. Res. 331: Mr. DURBIN, Ms. HORN, Mrs. PATTERSON, Mr. MARTINEZ, Mrs. LLOYD, Mr. SARPALIUS, Mr. PAYNE of Virginia, Mr. WILSON, Mr. FROST, Mr. OWENS of New York, Mr. LIPINSKI, Mr. EVANS, and Mr. DWYER of New Jersey.
 H. Res. 332: Mr. BEREUTER and Mrs. ROUKEMA.
 H. Res. 376: Mr. GOSS, Mr. BOEHNER, and Mrs. ROUKEMA.
 H. Res. 384: Mr. NUSSLE, Mr. EMERSON, and Mr. SPRATT.

MEMORIALS

Under clause 3 of rule XXII, enacted by the House of Representatives on March 1, 1992, the following memorial was read and referred to the Committee on Education and the Arts:

That the House of Representatives do hereby memorialize the President of the United States to request the Secretary of the Department of Education to conduct a study of the effectiveness of the various programs and activities of the Department of Education in providing for the education of the children of the Nation.